

Fisheries Regulation Amendments – Commercial fishing

January 2016

Summary of amendments relevant to commercial fisheries

The Fisheries Management Legislation Amendment Regulation 2015 makes a number of miscellaneous amendments to various fisheries regulations, including some share management plans. The amendments commence on 18 December 2015.

The changes are not related to the Fisheries Management Amendment Bill 2015.

Amendments relevant to commercial fisheries are set out below.

Fisheries Management (General) Regulation

Change	Reason for change
Apply the bag limit of six Wobbegong to the Southern Fish Trawl Restricted Fishery.	In response to environmental assessments a bag limit of six Wobbegong exists in the Ocean Trawl, Ocean Trap & Line and Lobster share management fisheries. This bag limit now extends to the Southern Fish Trawl Restricted Fishery, consistent with the original intent.
Introduce a \$500 penalty notice for offences under clause 75(1) which deals with the sale of Eastern Rock Lobster without a tag attached.	In certain circumstances the ability to issue a penalty notice will enable a more proportional approach to compliance. Previous compliance options have been limited to a caution, or otherwise commencing prosecution action.

Estuary Prawn Trawl Share Management Plan

Change	Reason for change
Provide for the use of diamond mesh codends up to 200 meshes in circumference in certain waters of the Hawkesbury River.	To facilitate operations where large quantities of free floating kelp are encountered, without the need for the current permit issued under section 37 of the Act which authorised use of this gear on a temporary basis.
Clarify the fitting of a draw string to diamond-shaped mesh codends.	The Plan (Clause 17A) described three methods for attaching a draw string to a codend, however it was not clear whether all three methods applied to diamond mesh codends. This amendment makes it clear that the three methods for attaching a draw string apply to both diamond and square mesh codends.

Ocean Trawl Share Management Plan

Change	Reason for change
Clarify the fitting of a draw string to diamond-shaped mesh codends.	The Plan (Clause 7A) described three methods for attaching a draw string to a codend, however it was not clear whether all three methods applied to diamond mesh codends. This amendment makes it clear that the three methods for attaching a draw string apply to both diamond and square mesh codends.
Correct errors in the description of waters closed to ocean trawling near Tweed Heads.	Small errors in the point of commencement and first coordinate which reflect the border between NSW and QLD waters were identified. This amendment corrects those errors.

The amended description is: *The whole of the waters within the area bounded by a line commencing at the mean high water mark and 28°09.878408'S, then north east to the point 28°08.445075'S and 153°36.360055'E, then south to 28°15.000'S and 153°36.360'E, then west to the mean high water mark, then generally north along the mean high water mark to the point of commencement (references to directions are indicative only).*

Ocean Trap and Line Share Management Plan

Change	Reason for change
The minimum shareholding for the spanner crab northern zone has been reduced to five shares where a shareholder held shares immediately before the commencement of this amendment.	Allows shareholders who acquired spanner crab northern zone shares between February 2007 and 18 December 2015 to obtain an endorsement (provided they continue to hold five shares or more), given that this sector is now quota managed. New shareholders into the fishery after 18 December 2015 will still need to meet a 40 share minimum shareholding level to be eligible for an endorsement.
Increase the number of spanner crab nets that a holder of a spanner crab northern zone endorsement can use from 20 to 30 (whether they use a crew person or not).	Provides additional efficiency for fishers to catch their quota. The previous provisions allowed a maximum of 20 spanner crab nets to be used by a single fisher and 30 by a fisher who also had crew.

More information

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