

Fisheries Management (Mulloway Possession Limit) Order (No. 2) 2023

under the

Fisheries Management Act 1994

I, SEAN SLOAN, Deputy Director General Fisheries, with delegated authority under sections 227 and 228 of the *Fisheries Management Act 1994* (***the Act***), make the following order under section 17C of the Act.

Dated this 12 day of October 2023



SEAN SLOAN

Deputy Director General Fisheries
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of order

This order is the *Fisheries Management (Mulloway Possession Limit) Order (No. 2) 2023*.

2 Commencement and duration

This order commences on the date it is published in the NSW Government Gazette and will remain in force until 31 August 2028.

3 Revocation of Fisheries Management (Mulloway Possession Limit) Order 2023

Under section 43, *Interpretation Act 1987*, the *Fisheries Management (Mulloway Possession Limit) Order 2023* dated 22 August 2023, published in the NSW Government Gazette No. 381 of 25 August 2023, is revoked.

4 Definitions

In this order:

charter fishing activity has the meaning in section 127A of the Act.

charter fishing licence holder means a person who holds a charter fishing licence.

endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in a fishery.

estuary general fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

general ocean hauling endorsement means a general ocean hauling endorsement—regions 1, 2, 3, 4, 5, 6 and 7 as described in clause 6(2) of the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006.

lobster endorsement means an endorsement on a commercial fishing licence that authorises the taking of rock lobster in the lobster fishery.

lobster fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

Mulloway means the species of fish *Argyrosomus japonicus*.

ocean hauling fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

ocean trap and line fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

ocean trawl fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

possession limit has the meaning in section 17A(2) of the Act.

recreational fisher means a fisher who takes fish by any method, otherwise than for sale but does not include an Aboriginal person carrying out Aboriginal cultural fishing.

southern fish trawl endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in the southern fish trawl fishery described in clause 145 of the Fisheries Management (General) Regulation 2019.

Part 2 Possession limits

5 Recreational possession limit

The possession limit for a recreational fisher in all circumstances is 1 Mulloway.

6 Recreational boat limit

- (1) This clause imposes possession limits for Mulloway on a recreational fisher on a boat with other persons, other than a boat being used by a charter fishing licence holder to conduct a charter fishing activity.
- (2) The possession limit for each recreational fisher is determined by the number of Mulloway possessed by other persons on the boat set out in Column 1 of Table 1 and is the number in Column 2 of Table 1.

- (3) The possession limit applies in or adjacent to any waters or when transporting or storing the Mulloway.

Table 1

Column 1	Column 2
Total number of Mulloway in the possession of other persons on the boat	Possession limit
2	0
1	1
0	1

7 Charter boat limit

- (1) This clause imposes possession limits for Mulloway on a person on a boat being operated by a charter fishing licence holder conducting a charter fishing activity.
- (2) The possession limit for each person on a charter fishing boat will be determined by the number of Mulloway possessed by other persons on the boat set out in Column 1 of Table 2 and will be the number in Column 2 of Table 2.
- (3) The possession limit applies in or adjacent to any waters or when transporting or storing the Mulloway.

Table 2

Column 1	Column 2
Total number of Mulloway in the possession of other persons on the boat	Possession limit
3	0
2	1
1	1
0	1

8 Commercial possession limit

- (1) The possession limit for Mulloway for a person holding the class of endorsement specified in Column 1 of Table 3 is the quantity specified in Column 2 of Table 3.
- (2) A general ocean hauling endorsement holder must not possess Mulloway unless the person is assisting another person who holds an endorsement in the ocean hauling fishery, and together, the holder of the general ocean haul endorsement and the other endorsement in the ocean hauling fishery must possess no more than 200 kg whole weight of Mulloway.
- (3) The possession limit applies in or adjacent to any waters or when transporting or storing the Mulloway.

Table 3

Column 1	Column 2
Class of endorsement	Possession limit
Lobster endorsement	0
Lobster endorsement plus one of these endorsements that authorise the taking of Mulloway: (a) estuary general fishery (b) ocean trap and line fishery (c) ocean trawl fishery (d) ocean hauling fishery, except a general ocean hauling endorsement	200 kg (whole weight)
Southern fish trawl endorsement	0
Southern fish trawl endorsement plus plus one of these endorsements that authorise the taking of Mulloway: (a) estuary general fishery (b) ocean trap and line fishery (c) ocean trawl fishery (d) ocean hauling fishery, except a general ocean hauling endorsement	200 kg (whole weight)
Endorsement in: (a) estuary general fishery (b) ocean trap and line fishery (c) ocean trawl fishery (d) ocean hauling fishery, except a general ocean hauling endorsement	200 kg (whole weight)

Note: This order is made in conjunction with the *Fisheries Management (Mulloway Fishing Closure) Notification 2023*.

Fisheries Management (Mulloway Fishing Closure) Notification 2023

under the

Fisheries Management Act 1994

I, SEAN SLOAN, Deputy Director General Fisheries, with delegated authority under sections 227 and 228 of the *Fisheries Management Act 1994* (***the Act***) and pursuant to section 8 of the Act, give notice of the following fishing closure.

Dated this 22nd day of August 2023



SEAN SLOAN

Deputy Director General Fisheries
Department of Primary Industries
Department of Regional NSW

Part 1 Preliminary

1 Name of Notification

This notification is the *Fisheries Management (Mulloway Fishing Closure) Notification 2023*.

2 Commencement and duration

This notification commences on 1 September 2023 and will remain in force for five years.

3 Definitions

In this notification:

endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in a fishery.

estuary general fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

general ocean hauling endorsement means a general ocean hauling endorsement—regions 1, 2, 3, 4, 5, 6 and 7 as described in clause 6(2) of the Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006.***lobster endorsement*** means an endorsement on a commercial fishing licence that authorises the taking of rock lobster in the lobster fishery.

lobster fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

Mulloway means the species of fish *Argyrosomus japonicus*.

ocean hauling fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

ocean trap and line fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

ocean trawl fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

overall length is the length from the point of the snout to the tip of the tail.

recreational fisher means a fisher who takes fish by any method, otherwise than for sale but does not include an Aboriginal person carrying out Aboriginal cultural fishing.

southern fish trawl endorsement means an endorsement on a commercial fishing licence that authorises the taking of fish in the southern fish trawl fishery described in clause 145 of the Fisheries Management (General) Regulation 2019.

Part 2 Fishing closure

4 Prohibited size Mulloway

A person must not take a Mulloway unless the Mulloway has an overall length of 70 cm or greater.

5 Recreational bag limit

A recreational fisher must not take more than 1 Mulloway on any one day.

6 Commercial bag limits

- (1) A holder of a lobster endorsement or a southern fish trawl endorsement must not take Mulloway unless they can lawfully take Mulloway in another fishery, in which case they must take no more than the maximum amount allowed in the other fishery.
- (2) A holder of a general ocean hauling endorsement must not take Mulloway unless they are assisting another person who holds an endorsement in the ocean hauling fishery that is not a general ocean hauling endorsement, and together, the holders of the general ocean hauling endorsement and the other endorsement in the ocean hauling fishery must take no more than 200 kg whole weight of Mulloway on any one day.
- (3) A holder of an endorsement in the estuary general fishery, the ocean trap and line fishery, the ocean trawl fishery, or the ocean hauling fishery (other than a holder of a general ocean hauling endorsement) must not take more than 200 kg whole weight of Mulloway on any one day.

Note: This Notification is made in conjunction with the *Fisheries Management (Mulloway Possession Limit) Order 2023*.