

Fisheries Management (Abalone Take Extension Regime) Order 2021

under the

Fisheries Management Act 1994

I, Sean Sloan, Deputy Director General DPI Fisheries, with the delegated authority of the Minister and Secretary under sections 227 and 228 of the *Fisheries Management Act 1994* (“the Act”), make the following Order under section 37 of the Act.

Dated this 23 day of July 2021



Sean Sloan
Deputy Director General DPI Fisheries
DPI Fisheries
Department of Regional NSW

Part 1 - Preliminary

1. Name of Order

This Order is the *Fisheries Management (Abalone Take Extension Regime) Order 2021*.

2. Commencement and Duration

- (a) This Order commences on 1 August 2021.
- (b) This Order will remain in force until 31 August 2021.

Note: Notice of this Order will be given by publishing it on the Department of Primary Industries website.

3. Definitions

- (1) In this Order:

abalone means the species *Haliotis rubra*.

Abalone fishery is the fishery described in Schedule 1 to the Act.

Abalone fishing business means a fishing business a component of which is shares in the Abalone fishery.

Abalone Plan means the Appendix to Fisheries Management (Abalone Share Management Plan) Regulation 2000.

Abalone take extension amount means the amount of abalone equal to the unused quota which has been allocated to or acquired by a shareholder in an Abalone fishing business.

Abalone extension statement means the place in FishOnline in which shows:

- (a) the Abalone take extension amount allocated to each shareholder on 1 August 2021,
- (b) the use of the Abalone take extension amount by the shareholder, and
- (c) any transfer of the Abalone take extension amount to or from another shareholder.

Supporting Plan means the Appendix to the Fisheries Management (Supporting Plan) Regulation 2006.

the Act means the *Fisheries Management Act 1994 (NSW)*.

unused quota means the quota in the Abalone fishery for the period 1 July 2020 to 30 June 2021 attached to each Abalone fishing business (because it was allocated to the fishing business or acquired by an abalone shareholder as a component of an Abalone fishing business) not taken as at 30 June 2021.

- (2) Words and expressions that occur in this Order have the same meaning as they have in the Abalone Plan, unless otherwise specified in this Order.

Part 2 – Conditions for taking *Abalone take extension amount*

4. Permitted activities

- (1) Despite section 40S of the Act, from 1 August 2021 to 31 August 2021, a shareholder may:
 - (a) take an amount of abalone equal to the amount shown in their Abalone extension statement,
 - (b) transfer to another shareholder an amount of abalone equal to less than the amount shown in their Abalone extension statement,
 - (c) obtain from another shareholder part or all of the other shareholder's Abalone take quota extension amount, and
 - (d) nominate a fisher to take the amount of Abalone shown in the shareholder's Abalone extension statement.

Note: Any nomination must comply with clause 4D of the Abalone Plan and Part 3 of the Supporting Plan.

- (2) Clause 4C of the Supporting Plan applies to the Abalone take extension amount, as if that amount were quota.
- (3) For the purposes of clause 4D of the Supporting Plan, the shareholder must notify their nominated fisher of the amount shown in the shareholder's Abalone extension account, as if the Abalone take extension amount were quota.

Note: When taking abalone under this Order, an endorsement holder must comply with the Abalone Plan and the Fisheries Management (General) Regulation 2019.

5. Real time reporting of catch and Catch reporting

- (1) When taking abalone under this Order, an endorsement holder must comply with clause 30A and clause 30B of the Abalone Plan.
- (2) If on one occasion, the endorsement holder takes abalone under this Order and using quota from the 2021/2022 fishing period, the endorsement holder must make separate catch reports:
 - (a) for abalone taken under this Order – in their Abalone extension statement, and
 - (b) for abalone taken as quota used in the 2021/2022 fishing period – in the quota record for the Abalone fishing business.

- (3) For the purposes of clause 31 of the Abalone Plan, an endorsement holder must show on any documentation – including the NSW DPI Abalone Disposal Record and the daily log sheet – that the abalone was taken under this Order.

Note: The words “Abalone Extension” may be used in all documentation and in FishOnline to show the abalone was taken under this Order.