

Fisheries Management (Allocation Formula for Issuing Quota Shares) Notice 2017

under the

Fisheries Management Act 1994

I, GEOFF ALLAN, Deputy Director General, Fisheries, with the delegated authority of the Secretary of the Department of Industry pursuant to section 228 of the *Fisheries Management Act 1994*, and in pursuance of clause 6B of the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*, clause 6B of the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* and clause 5B of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*, publish the following notice.

Dated this 11th day of October 2017



DR GEOFF ALLAN
Deputy Director General, Fisheries
Department of Primary Industries
(an office within the Department of Industry)

Explanatory note

This notice is made under clause 6B of the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*, clause 6B of the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006* and clause 5B of the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*. The object of this notice is to:

- (a) specify the relevant date on which a person must hold certain existing share classes in the estuary general, ocean hauling and ocean trap and line fisheries to be an eligible shareholder for quota shares; and
- (b) set out the formula for allocating quota shares to eligible shareholders in the estuary general, ocean hauling and ocean trap and line fisheries.

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Part 1 Preliminary

1 Name of notice

This notice is the *Fisheries Management (Allocation Formula for Issuing Quota Shares) Notice 2017*.

2 Commencement

This notice commences on the day on which it is published in the Gazette.

3 Interpretation

(1) In this notice:

access share class means any class of shares described in clause 4, 11 or 14 of this notice.

blue swimmer crab quota shares means estuary general – blue swimmer crab quota shares – see clauses 5(k) and 6A(1)(b) of the EG Plan.

eastern sea garfish quota shares means ocean hauling – eastern sea garfish quota shares – see clauses 5(f) and 6A(1) of the OH Plan.

eel quota shares means estuary general – eel quota shares – see clauses 5(l) and 6A(1)(c) of the EG Plan.

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

mud crab quota shares means estuary general – mud crab quota shares – see clauses 5(j) and 6A(1)(a) of the EG Plan.

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.

spanner crab quota shares means ocean trap and line – spanner crab quota shares – see clauses 4(g) and 5A(1) of the OTL Plan.

the Act means the *Fisheries Management Act 1994*.

the EG Plan means the Appendix to the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*.

the OH Plan means the Appendix to the *Fisheries Management (Ocean Hauling Share Management Plan) Regulation 2006*.

the OTL Plan means the Appendix to the *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*

- (2) Unless otherwise defined in this notice, words and expressions that are defined in the Act have the same meaning in this notice.

Part 2 Estuary general fishery

Division 1 Definitions

4 Definitions

In this Part:

EG category one hauling R1 means estuary general – category one hauling shares – Region 1 – see clause 5(h) of the EG Plan.

EG category one hauling R2 means estuary general – category one hauling shares – Region 2 – see clause 5(h) of the EG Plan.

EG category one hauling R3 means estuary general – category one hauling shares – Region 3 – see clause 5(h) of the EG Plan.

EG category one hauling R4 means estuary general – category one hauling shares – Region 4 – see clause 5(h) of the EG Plan.

EG category one hauling R5 means estuary general – category one hauling shares – Region 5 – see clause 5(h) of the EG Plan.

EG category one hauling R6 means estuary general – category one hauling shares – Region 6 – see clause 5(h) of the EG Plan.

EG category one hauling R7 means estuary general – category one hauling shares – Region 7 – see clause 5(h) of the EG Plan.

EG eel trapping R1 means estuary general – eel trapping shares – Region 1 – see clause 5(e) of the EG Plan.

EG eel trapping R2 means estuary general – eel trapping shares – Region 2 – see clause 5(e) of the EG Plan.

EG eel trapping R3 means estuary general – eel trapping shares – Region 3 – see clause 5(e) of the EG Plan.

EG eel trapping R4 means estuary general – eel trapping shares – Region 4 – see clause 5(e) of the EG Plan.

EG eel trapping R5 means estuary general – eel trapping shares – Region 5 – see clause 5(e) of the EG Plan.

EG eel trapping R6 means estuary general – eel trapping shares – Region 6 – see clause 5(e) of the EG Plan.

EG eel trapping R7 means estuary general – eel trapping shares – Region 7 – see clause 5(e) of the EG Plan.

EG meshing R1 means estuary general – meshing shares – Region 1 – see clause 5(b) of the EG Plan.

EG meshing R2 means estuary general – meshing shares – Region 2 – see clause 5(b) of the EG Plan.

EG meshing R3 means estuary general – meshing shares – Region 3 – see clause 5(b) of the EG Plan.

EG meshing R4 means estuary general – meshing shares – Region 4 – see clause 5(b) of the EG Plan.

EG meshing R5 means estuary general – meshing shares – Region 5 – see clause 5(b) of the EG Plan.

EG meshing R6 means estuary general – meshing shares – Region 6 – see clause 5(b) of the EG Plan.

EG meshing R7 means estuary general – meshing shares – Region 7 – see clause 5(b) of the EG Plan.

EG mud crab trapping R1 means estuary general – mud crab trapping shares – Region 1 – see clause 5(f) of the EG Plan.

EG mud crab trapping R2 means estuary general – mud crab trapping shares – Region 2 – see clause 5(f) of the EG Plan.

EG mud crab trapping R3 means estuary general – mud crab trapping shares – Region 3 – see clause 5(f) of the EG Plan.

EG mud crab trapping R4 means estuary general – mud crab trapping shares – Region 4 – see clause 5(f) of the EG Plan.

EG mud crab trapping R5 means estuary general – mud crab trapping shares – Region 5 – see clause 5(f) of the EG Plan.

EG mud crab trapping R6 means estuary general – mud crab trapping shares – Region 6 – see clause 5(f) of the EG Plan.

EG mud crab trapping R7 means estuary general – mud crab trapping shares – Region 7 – see clause 5(f) of the EG Plan.

EG trapping R1 means estuary general – trapping shares – Region 1 – see clause 5(d) of the EG Plan.

EG trapping R2 means estuary general – trapping shares – Region 2 – see clause 5(d) of the EG Plan.

EG trapping R3 means estuary general – trapping shares – Region 3 – see clause 5(d) of the EG Plan.

EG trapping R4 means estuary general – trapping shares – Region 4 – see clause 5(d) of the EG Plan.

EG trapping R5 means estuary general – trapping shares – Region 5 – see clause 5(d) of the EG Plan.

EG trapping R6 means estuary general – trapping shares – Region 6 – see clause 5(d) of the EG Plan.

EG trapping R7 means estuary general – trapping shares – Region 7 – see clause 5(d) of the EG Plan.

Division 2 Mud crab quota shares

5 Relevant date for eligible shareholders for mud crab quota shares

In accordance with clauses 6B(2) and (6) of the EG Plan, a person is an eligible shareholder for mud crab quota shares if, on 30 September 2017, the person held shares of any of the following access share classes:

EG meshing R1	EG mud crab trapping R1
EG meshing R2	EG mud crab trapping R2
EG meshing R3	EG mud crab trapping R3
EG meshing R4	EG mud crab trapping R4
EG meshing R5	EG mud crab trapping R5
EG meshing R6	EG mud crab trapping R6
EG meshing R7	EG mud crab trapping R7

6 Allocation formula for number of mud crab quota shares to be issued

(1) Pursuant to clause 6B(4) of the EG Plan, the number of mud crab quota shares to be issued to an eligible shareholder for mud crab quota shares will be based on the following allocation formula:

mud crab quota shares = (EG meshing R1 x 0.00721) + (EG meshing R2 x 0.00561) + (EG meshing R3 x 0.01478) + (EG meshing R4 x 0.03094) + (EG meshing R5 x 0.01274) + (EG meshing R6 x 0.03254) + (EG meshing R7 x 0.00983) + (EG mud crab trapping R1 x 1.22998) + (EG mud crab trapping R2 x 0.53556) + (EG mud crab trapping R3 x 1.04790) + (EG mud crab trapping R4 x 0.49057) + (EG mud crab trapping R5 x 0.20670) + (EG mud crab trapping R6 x 0.02104) + (EG mud crab trapping R7 x 0.05016)

- (2) The reference to an access share class in the allocation formula means the number of shares of that access share class held by an eligible shareholder on 30 September 2017.

Note: For example, the reference to EG meshing R1 in the allocation formula means the number of estuary general – meshing shares – Region 1 held by an eligible shareholder on the relevant date.

- (3) In calculating the number of mud crab quota shares to be issued on the basis of the allocation formula, the total number of shares will be rounded up to the nearest whole number.

Note: Each multiplier in the allocation formula has been calculated so as to ensure that eligible shareholders receive at least the catch quota for mud crabs that was forecast by the Government in the Share Class Linkage Decisions published on the website of the Department of Primary Industries in May 2016. More information about how the multipliers were calculated can be found at www.nsw.dpi.gov.au.

Division 3 Blue swimmer crab quota shares

7 Relevant date for eligible shareholders for blue swimmer crab quota shares

In accordance with clauses 6B(2) and (6) of the EG Plan, a person is an eligible shareholder for blue swimmer crab quota shares if, on 30 September 2017, the person held shares of any of the following access share classes:

EG meshing R1	EG trapping R1	EG category one hauling R1
EG meshing R2	EG trapping R2	EG category one hauling R2
EG meshing R3	EG trapping R3	EG category one hauling R3
EG meshing R4	EG trapping R4	EG category one hauling R4
EG meshing R5	EG trapping R5	EG category one hauling R5
EG meshing R6	EG trapping R6	EG category one hauling R6
EG meshing R7	EG trapping R7	EG category one hauling R7

8 Allocation formula for number of blue swimmer crab quota shares to be issued

- (1) Pursuant to clause 6B(4) of the EG Plan, the number of blue swimmer crab quota shares to be issued to an eligible shareholder for blue swimmer crab quota shares will be based on the following allocation formula:

blue swimmer crab quota shares = (EG meshing R1 x 0.00593) + (EG meshing R2 x 0.01796) + (EG meshing R3 x 0.11114) + (EG meshing R4 x 0.23351) + (EG meshing R5 x 0.03192) + (EG meshing R6 x 0.76004) + (EG meshing R7 x 0.05116) + (EG trapping R1 x 0.01540) + (EG trapping R2 x 0.08163) + (EG trapping R3 x 1.12234) + (EG trapping R4 x 2.67642) + (EG trapping R5 x 0.06191) + (EG trapping R6 x 0.45147) + (EG trapping R7 x 0.05774) + (EG category one hauling R1 x 0) + (EG category one hauling R2 x 0.00112) + (EG category one hauling R3 x 0.00225) + (EG category one hauling R4 x 0.08773) + (EG category one hauling R5 x 0.01828) + (EG category one hauling R6 x 0.50664) + (EG category one hauling R7 x 0.00273)

- (2) The reference to an access share class in the allocation formula means the number of shares of that access share class held by an eligible shareholder on 30 September 2017.

Note: For example, the reference to EG meshing R1 in the allocation formula means the number of estuary general – meshing shares – Region 1 held by an eligible shareholder on the relevant date.

- (3) In calculating the number of blue swimmer crab quota shares to be issued on the basis of the allocation formula, the total number of shares will be rounded up to the nearest whole number.

Note: Each multiplier in the allocation formula has been calculated so as to ensure that eligible shareholders receive at least the catch quota for blue swimmer crabs that was forecast by the Government in the Share Class Linkage Decisions published on the website of the Department of Primary Industries in May 2016. More information about how the multipliers were calculated can be found at www.dpi.nsw.gov.au.

Division 4 Eel quota shares

9 Relevant date for eligible shareholders for eel quota shares

In accordance with clauses 6B(2) and (6) of the EG Plan, a person is an eligible shareholder for eel quota shares if, on 30 September 2017, the person held shares of any of the following access share classes:

EG eel trapping R1
 EG eel trapping R2
 EG eel trapping R3
 EG eel trapping R4
 EG eel trapping R5
 EG eel trapping R6
 EG eel trapping R7

10 Allocation formula for number of eel quota shares to be issued

- (1) Pursuant to clause 6B(4) of the EG Plan, the number of eel quota shares to be issued to an eligible shareholder for eel quota shares will be based on the following allocation formula:

$$\text{eel quota shares} = (\text{EG eel trapping R1} + \text{EG eel trapping R2} + \text{EG eel trapping R3} + \text{EG eel trapping R4} + \text{EG eel trapping R5} + \text{EG eel trapping R6} + \text{EG eel trapping R7}) \times 1$$

- (2) The reference to an access share class in the allocation formula means the number of shares of that access share class held by an eligible shareholder on 30 September 2017.

Note: For example, the reference to EG eel trapping R1 in the allocation formula means the number of estuary general – eel trapping shares – Region 1 held by an eligible shareholder on the relevant date.

- (3) In calculating the number of eel quota shares to be issued on the basis of the allocation formula, the total number of shares will be rounded up to the nearest whole number.

Note: The multiplier in the allocation formula has been calculated so as to ensure that eligible shareholders receive at least the catch quota for eels that was forecast by the Government in the Share Class Linkage Decisions published on the website of the Department of Primary Industries in May 2016. More information about how the multipliers were calculated can be found at www.dpi.nsw.gov.au.

Part 3 Ocean hauling fishery

11 Definitions

In this Part:

OH garfish net (hauling) R1 means ocean hauling – garfish net (hauling) shares – Region 1 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R2 means ocean hauling – garfish net (hauling) shares – Region 2 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R3 means ocean hauling – garfish net (hauling) shares – Region 3 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R4 means ocean hauling – garfish net (hauling) shares – Region 4 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R5 means ocean hauling – garfish net (hauling) shares – Region 5 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R6 means ocean hauling – garfish net (hauling) shares – Region 6 – see clause 5(c) of the OH Plan.

OH garfish net (hauling) R7 means ocean hauling – garfish net (hauling) shares – Region 7 – see clause 5(c) of the OH Plan.

12 Relevant date for eligible shareholders for eastern sea garfish quota shares

In accordance with clauses 6B(2) and (6) of the OH Plan, a person is an eligible shareholder for eastern sea garfish quota shares if, on 30 September 2017, the person holds shares of any of the following access share classes:

OH garfish net (hauling) R1
OH garfish net (hauling) R2
OH garfish net (hauling) R3
OH garfish net (hauling) R4
OH garfish net (hauling) R5
OH garfish net (hauling) R6
OH garfish net (hauling) R7

13 Allocation formula for number of eastern sea garfish quota shares to be issued

- (1) Pursuant to clause 6B(4) of the OH Plan, the number of eastern sea garfish quota shares to be issued to an eligible shareholder for eastern sea garfish quota shares will be based on the following allocation formula:

$$\text{eastern sea garfish quota shares} = (\text{OH garfish net (hauling) R1} + \text{OH garfish net (hauling) R2} + \text{OH garfish net (hauling) R3} + \text{OH garfish net (hauling) R4} + \text{OH garfish net (hauling) R5} + \text{OH garfish net (hauling) R6} + \text{OH garfish net (hauling) R7}) \times 1$$

- (2) The reference to an access share class in the allocation formula means the number of shares of that access share class held by an eligible shareholder on 30 September 2017.

Note: For example, the reference to OH garfish net (hauling) R1 in the allocation formula means the number of ocean hauling – garfish net (hauling) shares – Region 1 held by an eligible shareholder on the relevant date.

- (3) In calculating the number of eastern sea garfish quota shares to be issued on the basis of the allocation formula, the total number of shares will be rounded up to the nearest whole number.

Note: The multiplier in the allocation formula has been calculated so as to ensure that eligible shareholders receive at least the catch quota for eastern sea garfish that was forecast by the Government in the Share Class Linkage Decisions published on the website of the Department of Primary Industries in May 2016. More information about how the multipliers were calculated can be found at www.dpi.nsw.gov.au.

Part 4 Ocean trap and line fishery

14 Definitions

In this Part:

OTL SC northern zone means ocean trap and line – spanner crab northern zone shares – see clause 4(e) of the OTL Plan.

OTL SC southern zone means ocean trap and line – spanner crab southern zone shares – see clause 4(f) of the OTL Plan.

15 Relevant date for eligible shareholders for spanner crab quota shares

In accordance with clauses 5B(2) and (6) of the OTL Plan, a person is an eligible shareholder for spanner crab quota shares if, on 30 September 2017, the person holds shares of any of the following access share classes:

OTL SC northern zone
OTL SC southern zone

16 Allocation formula for number of spanner crab quota shares to be issued

- (1) Pursuant to clause 5B(4) of the OTL Plan, the number of spanner crab quota shares to be issued to an eligible shareholder for spanner crab quota shares will be based on the following allocation formula:

$$\text{spanner crab quota shares} = (\text{OTL SC northern zone} \times 1) + (\text{OTL SC southern zone} \times 0.15778)$$

- (2) The reference to an access share class in the allocation formula means the number of shares of that access share class held by an eligible shareholder on 30 September 2017.

Note: For example, the reference to OTL SC northern zone in the allocation formula means the number of ocean trap and line – spanner crab northern zone shares held by an eligible shareholder on the relevant date.

- (3) In calculating the number of spanner crab quota shares to be issued on the basis of the allocation formula, the total number of shares will be rounded up to the nearest whole number.

Note: The multiplier in the allocation formula has been calculated so as to ensure that eligible shareholders receive at least the catch quota for eastern sea garfish that was forecast by the Government in the Share Class Linkage Decisions published on the website of the Department of Primary Industries in May 2016. More information about how the multipliers were calculated can be found at www.dpi.nsw.gov.au.