



New South Wales

Fisheries Management (General) Amendment (Commercial Fishing and Miscellaneous Matters) Regulation 2003

under the

Fisheries Management Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

The principal object of this Regulation is to protect certain waters and certain species of fish from certain types of commercial fishing. It does this by inserting clauses 8A (Prohibition on certain classes of commercial fishing), 208A (Prohibition on certain classes of commercial fishing in estuary general fishery), 216A (Prohibition on commercial fishing in estuary prawn trawl fishery in certain waters) and 256A (Prohibition on commercial fishing in ocean hauling fishery in certain waters) in the *Fisheries Management (General) Regulation 2002*.

This Regulation also makes miscellaneous amendments to that Regulation. These include amendments relating to the following:

- (a) prohibitions on certain classes of commercial fishing,
- (b) the use of fishing gear,
- (c) the implements that may be used to sort certain catches of fish and prawns,
- (d) the identification of recognised fishing grounds,
- (e) the tagging of eastern rock lobsters taken for sale,
- (f) conditions of permits issued under the *Fisheries Management Act 1994*,
- (g) endorsements on commercial fishing licences,
- (h) activities harmful to marine vegetation,
- (i) penalty notice offences.

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Explanatory note

This Regulation is made under the *Fisheries Management Act 1994*, including the new section 20 (Fish and waters protected from commercial fishing) (which was inserted by the *Fisheries Management Amendment Act 2001* and commenced on 1 January 2003) and sections 23 (Regulations relating to fishing gear), 112 (Commercial fishing licence to be endorsed for restricted fishery), 205B (Activities harmful to marine vegetation), 276 (Penalty notices) and 289 (the general regulation-making power).

Fisheries Management (General) Amendment (Commercial Fishing and Miscellaneous Matters) Regulation 2003

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Commercial Fishing and Miscellaneous Matters) Regulation 2003*.

2 Commencement

This Regulation commences on 17 January 2003.

3 Amendment of Fisheries Management (General) Regulation 2002

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit “section 20” from the definition of *fish protected from commercial fishing*.

Insert instead “section 20 (1)”.

[2] Part 2, heading

Insert “**protected waters,**” after “**Protected fish,**”.

[3] Clause 7 Fish protected from commercial fishing

Omit “section 20”. Insert instead “section 20 (1)”.

[4] Clause 8 Defence—striped marlin

Omit “section 20 (3)”. Insert instead “section 20 (3) (b)”.

[5] Part 2, Division 1A

Insert after clause 8:

Division 1A Protected waters

8A Prohibition on certain classes of commercial fishing

Pursuant to section 20 (2) of the Act, it is declared that:

- (a) all ocean and estuarine waters are waters in which the class of commercial fishing that consists of any commercial fishing activity other than the following is prohibited:
 - (i) a fishing activity referred to in Schedule 1 to the Act,
 - (ii) the taking of sea urchin or turban shell,
 - (iii) the taking of scallops in Jervis Bay,
 - (iv) the taking of jellyfish, and
- (b) all inland waters are waters in which the class of commercial fishing that consists of any commercial fishing activity other than the following is prohibited:
 - (i) the taking of yabbies,

- (ii) the taking of carp, and
- (c) all waters specified in the column headed “Waters” in the Table to this clause are waters in which the classes of commercial fishing specified in the column headed “Class of commercial fishing prohibited” in relation to those waters in that Table are prohibited.

Table Waters protected from certain commercial fishing

Waters	Class of commercial fishing prohibited
<p>Back Lake (also known as Back Lagoon):</p> <p>the whole of the waters of Back Lake, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.</p>	All commercial fishing.
<p>Bega River:</p> <p>the whole of the waters of Bega River, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source.</p>	All commercial fishing.
<p>Bellinger River (including Kalang River):</p> <p>the whole of the waters of Bellinger River, from its confluence with the Pacific Ocean upstream to its source, including Kalang River and all their tributaries, creeks, bays, inlets and lagoons.</p>	All commercial fishing.
<p>Bermagui River:</p> <p>the whole of the waters of Bermagui River, from a line drawn between the eastern extremity of the northern breakwall south to Bermagui Point upstream to its source, including all its tributaries, creeks, bays and inlets.</p>	All commercial fishing, except the carriage of stowed fishing gear by boat directly from Bermagui Harbour to ocean waters.

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Botany Bay:

the whole of the waters of Botany Bay, together with all its tributaries, creeks, bays and inlets.

All commercial fishing, other than the taking of lobsters and abalone in accordance with the relevant share management plan.

Burrill Lake:

the whole of the waters of Burrill Lake and Burrill Lake Entrance Channel, together with all their tributaries, creeks, bays and inlets.

All commercial fishing.

Camden Haven River:

the whole of the waters of Camden Haven River from a line drawn between the eastern extremities of its northern and southern breakwalls upstream to North Haven Bridge and Dunbogan Bridge, which waters include the waters under those bridges, Gogleys Lagoon and all tributaries, creeks, bays and inlets.

All commercial fishing.

Waters	Class of commercial fishing prohibited
Clarence River:	
(a) the waters enclosed within a line drawn across the river entrance from the eastern extremity of the northern breakwall to the eastern extremity of the southern breakwall, and then upstream to a line drawn from the Waterways Authority Front Lead Beacon No 122 at mean high water mark on the northern side of Hickey Island, then northwesterly to the Waterways Authority Navigation Aid No 097 located on the downstream side of the most easterly opening in Middle Wall, then northeasterly across to the western extremity of Moriartys Wall,	All commercial fishing, except the class of commercial fishing that consists of the use of a hauling net (general purpose) in accordance with clause 26 on and from 1 April in any year up to and including 31 August in that year in the waters adjacent to Wave Trap Beach located at the western end of the northern breakwall at the entrance of the Clarence River.

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(b) the whole of the waters of Oyster Channel from a line drawn from the NSW Fisheries marker post RFH1, located on the southern shore adjacent to the intersection of Micalo and Yamba Roads, northeasterly to the NSW Fisheries marker post RFH2 located on the shore north of Whyna Island, then following the mean high water mark upstream to a NSW Fisheries marker post RFH3 beneath the second set of powerlines crossing Oyster Channel, located approximately 420m upstream of the Oyster Channel Road Bridge, then westerly following the powerlines to a NSW Fisheries marker post RFH4 on the shore of Micalo Island,	All commercial fishing.

Waters	Class of commercial fishing prohibited
(c) the whole of the waters of Romiaka Channel south from a line drawn from the NSW Fisheries marker post RFH5, located on the shore of the northern extremity of Romiaka Island, northerly across to the NSW Fisheries marker post RFH6 on the shore at Palmers Island, west of Ungundam Island, and then upstream to a line drawn from the NSW Fisheries marker post RFH7 located on the shore of Romiaka Island at the southern end of the rock retaining wall on “Burn’s farm”, then westerly across Romiaka Channel to the NSW Fisheries marker post RFH8 on the shore of Palmers Island,	All commercial fishing.

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(d) the whole of the waters of the North Arm of the Clarence River within the following boundaries, commencing at the NSW Fisheries marker post RFH9 located on the shore beneath the multiple overhead powerlines crossing the waters of the North Arm near Marandowie Drive, Iluka, then westerly directly beneath those powerlines for 100 metres, then upstream and parallel to the shore to a line parallel to the powerlines drawn from the NSW Fisheries marker post RFH10 located on the shore near the northern end of the rock retaining wall at the entrance to Saltwater Inlet).	All commercial fishing.
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Deep Creek:

the whole of the waters of Deep Creek, from its confluence with the Pacific Ocean upstream to its source, including all its tributaries, creeks, bays and inlets.	All commercial fishing.
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Hastings River:

the whole of the waters of Hastings River from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to its source, including all its tributaries, creeks, bays and inlets.	All commercial fishing.
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Lake Brunderee:

the whole of the waters of Lake Brunderee, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
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Waters	Class of commercial fishing prohibited
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Lake Conjola:

the whole of the waters of Lake Conjola (and Berringer Lake), together with all their tributaries, creeks, bays and inlets.	All commercial fishing.
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Lake Macquarie:

the whole of the waters of Lake Macquarie, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
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Little Lake (also known as Little Tilba Lake and Hoyers Lake):

the whole of the waters of Little Lake immediately south of Tilba Lake, including all its tributaries, creeks, bays and inlets.	All commercial fishing.
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Manning River:

the whole of the waters of Manning River, from its confluences with the South Pacific Ocean upstream to and including:	All commercial fishing.
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(a) Ghinni Ghinni Creek, from a line drawn from the upriver bank of Ghinni Ghinni Creek due south to the eastern side of the Manning River, in the north channel, and

(b) Berady Creek, from a line drawn from the upriver bank of Berady Creek due east to the eastern side of the Manning River, in the south channel,

which waters include Scotts Creek and all tributaries, creeks, bays and inlets.

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Meroo Lake:

the whole of the waters of Meroo Lake, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Mummaga Lake (also known as Dalmeny Lake):

the whole of the waters of Mummaga Lake, together with all its tributaries, creeks, bays and inlets. All commercial fishing.

Narrawallee Inlet:

the whole of the waters of Narrawallee Inlet, together with all its tributaries, creeks and bays. All commercial fishing.

Nelson Lagoon (also known as Nelson Lake):

the whole of the waters of Nelson Lagoon, including all its tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source. All commercial fishing.

Nullica River:

the whole of the waters of Nullica River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source. All commercial fishing.

Pambula River and Yowaka River:

the whole of the waters of Pambula River and Yowaka River, including all their tributaries, creeks, bays and inlets, upstream of a line drawn from the southern end of Tea Tree Point and then due west to the boat ramp. All commercial fishing.

Waters	Class of commercial fishing prohibited
Richmond River:	
(a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to a line drawn across the River between the Burns Point Ferry ramps, including all the tributaries, creeks, bays, inlets and canal estates within those boundaries,	All commercial fishing.
(b) from a line drawn across the River between the Burns Point Ferry ramps upstream to a line drawn east across the River from the south-eastern corner of Portion 21 at the eastern end of Emigrant Point Lane, including Emigrant Creek and all other tributaries, creeks, bays, inlets and canal estates within those boundaries.	All commercial fishing, except the class of commercial fishing that consists of the use of a crab trap in accordance with clause 61, or of an eel trap in accordance with clause 65.
St Georges Basin:	
the whole of the waters of St Georges Basin, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Tabourie Lake:	
the whole of the waters of Tabourie Lake, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.
Tomaga River:	
the whole of the waters of Tomaga River, together with all its tributaries, creeks, bays and inlets.	All commercial fishing.

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Towamba River (also known as Kiah River):

the whole of the waters of Towamba River, including all its tributaries, creeks, bays and inlets, from its confluence with Twofold Bay upstream to its source. All commercial fishing.

Tuross Lake (including Tuross River and Borang Lake):

the whole of the waters of Tuross Lake, together with all its tributaries, creeks, bays, inlets and lagoons, including Tuross River and Borang Lake. All commercial fishing.

Tweed River:

the following waters of the Tweed River: All commercial fishing.

- (a) from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to Boyds Bay Bridge (including the waters under the bridge) and a line drawn from the southern point of Rocky Point due east to Fingal Road, including Jack Evans Boat Harbour, the Southern Boat Harbour and all the tributaries, creeks, bays, inlets and canal estates within those boundaries,
- (b) the canal estate off Bingham Bay known as Seagulls Canal, as well as its continuation on the other side of The Lakes Drive,

Waters	Class of commercial fishing prohibited
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- (c) the canal estate off Cobaki Broadwater known as Tweed West Canals,
- (d) the tributary behind Caddy's Island known as Blue Water Canals,
- (e) the canal estate behind Crystal Waters Drive known as Crystal Waters Canal,
- (f) the canal estate west of Boyd's Island known as Endless Summer Canal Estate,
- (g) the canal estate generally north of Chinderah Island known as Oxley Cove,
- (h) Wommin Lagoon,
- (i) Wommin Lake.

Wonboyn River and Wonboyn Lake:

the whole of the waters of Wonboyn River, including Wonboyn Lake, and all the tributaries, creeks, bays and inlets, from its confluence with the South Pacific Ocean upstream to its source. All commercial fishing.

Wonboyn Beach:

the whole of the waters adjacent to the shoreline and 500 metres seaward of the mean high water mark of the entire length of Wonboyn Beach between Green Cape Peninsula in the north and Greenglade in the south, including Bay Cliff Headland. All commercial fishing, except hand gathering.

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[6] Table (Bag limits) to Division 3 of Part 2 (after clause 15)

Omit “other than the waters specified in Schedules A–G of the General Trout Closure published in Gazette No 146 on 28 September 2001 at pages 8281–8287” from the matter relating to Murray crayfish in Part 4 of the Table.

[7] Part 2, Division 5

Insert after clause 18:

Division 5 Miscellaneous

18A Part does not authorise action contrary to prohibitions or other controls

- (1) Nothing in this Part affects any prohibition or conditions imposed by or under the Act or the *Marine Parks Act 1997* with respect to the taking of fish.
- (2) In particular, a provision of this Part that specifies:
 - (a) the minimum measurements, or
 - (b) the daily limit (within the meaning of section 17 (1) of the Act), or
 - (c) the possession limit (within the meaning of section 18 (1) of the Act),

in respect of any species of fish is not to be construed as authorising any of the following:

- (d) the taking of fish in waters that are closed to fishing by virtue of a notification in force under section 8 of the Act,
- (e) the taking for sale of any fish protected from commercial fishing,
- (f) the taking for sale of fish from any area protected from commercial fishing,
- (g) the taking of fish in contravention of:
 - (i) a regulation relating to aquatic reserves made under section 197 of the Act, or
 - (ii) a management plan for an aquatic reserve made under section 197A of the Act, or

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- (iii) an aquatic reserve notification in force under section 197E of the Act,
 - (h) the taking of fish in contravention of any provision of, or any instrument or notification under, the *Marine Parks Act 1997*.

[8] Clause 19 Fishing gear cannot be used in circumstances where fishing prohibited

Insert “or the *Marine Parks Act 1997*” after “the Act” in clause 19 (1).

[9] Clause 19 (2)

Insert after clause 19 (2) (c):

- (d) the taking for sale of fish from any area protected from commercial fishing,
- (e) the taking of fish in contravention of:
 - (i) a regulation relating to aquatic reserves made under section 197 of the Act, or
 - (ii) a management plan for an aquatic reserve made under section 197A of the Act, or
 - (iii) an aquatic reserve notification in force under section 197E of the Act,
- (f) the taking of fish in contravention of any provision of, or any instrument or notification under, the *Marine Parks Act 1997*.

[10] Clause 20B

Insert after clause 20A:

20B Use of certain fishing gear prohibited in vicinity of Fish Rock

- (1) This clause applies to all waters within 500 metres of the mean high water mark of Fish Rock.

Note. See also Part 11A. Part of the area around Fish Rock is critical habitat of the grey nurse shark (see Gazette No 237 of 29.11.2002, p 10137).
- (2) A person must not take or attempt to take, by means of a spear, speargun or similar device, any fish from waters to which this clause applies other than fish of the following families or species:

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- (a) families:
 - (i) Carangidae (including all trevallies, kingfish and rainbow runner),
 - (ii) Scombridae (mackerel and wahoo tuna),
 - (iii) Istiophoridae (marlin and sailfish),
- (b) species:
 - (i) cobia (*Rachycentron canadus*),
 - (ii) tailor (*Pomatomus saltator*),
 - (iii) dolphin fish (*Corphaena hippurus*),
 - (iv) Australian salmon (*Arripis trutta*).

Maximum penalty: 100 penalty units.

- (3) A person must not, while using any apparatus (other than a snorkel) capable of supplying air to facilitate breathing underwater, take or attempt to take fish from waters to which this clause applies by any method.

Maximum penalty: 100 penalty units.

[11] Clause 26 Hauling net (general purpose)

Insert after clause 26 (1) (k):

- (l) in the case of a net of 500 metres length used in the waters specified in item 1 or 2 of the Table to this clause under the authority of a category one hauling endorsement in the estuary general restricted fishery (as referred to in clause 209):
 - (i) the net is hauled no more than once between midnight on one day and midnight on the immediately following day, and
 - (ii) no more than one net of that length is used by the holder of the endorsement during that period,
- (m) in the case of a net that is being used under the authority of an endorsement on a commercial fishing licence authorising the holder of the licence to take fish for sale in the ocean hauling restricted fishery, the net is deployed from, and hauled to, a beach.

[12] Clause 26, Table

Omit “1,000 metres” from item 1 (b). Insert instead “500 metres”.

[13] Clause 26, Table

Omit “725 metres” from item 2 (b). Insert instead “500 metres”.

[14] Clause 26, Table

Insert “and the estuaries of Dalhousie Creek, Oyster Creek, Saltwater Creek, Towradgie Creek, Spring Creek, Nerrindilah Creek, Congo Creek and Meringo River” after “(except inland waters” in item 8 (a).

[15] Clause 28 Garfish net (bullringing)

Insert after clause 28 (1) (c):

- (d) the net is not used in ocean waters at either of the following times:
 - (i) between midnight on any Friday and midnight on the immediately following Sunday,
 - (ii) between midnight on a day immediately preceding a public holiday and midnight on the public holiday.

[16] Clause 28, Table

Insert “and the estuaries of Saltwater Creek, Towradgie Creek, Spring Creek, Nerrindilah Creek, Congo Creek and Meringo River” after “(except inland waters” in item 3 (a).

[17] Clause 29 Garfish net (hauling)

Insert after clause 29 (1) (b):

- (c) the net is not used in the ocean hauling restricted fishery at either of the following times:
 - (i) between midnight on any Friday and midnight on the immediately following Sunday,
 - (ii) between midnight on a day immediately preceding a public holiday and midnight on the public holiday.

[18] Clause 38 Otter trawl net (prawns)

Insert after clause 38 (1) (d):

- (e) the net is not used in the estuary prawn trawl restricted fishery at either of the following times:

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- (i) between midnight on any Friday and midnight on the immediately following Sunday,
- (ii) between midnight on a day immediately preceding a public holiday and midnight on the public holiday.

[19] Clause 41 Meshing net

Insert “and the estuaries of Towradgie Creek, Spring Creek and Nerrindilah Creek” after “(except inland waters and ocean waters” in item 4 (a) of the Table to clause 41.

[20] Clauses 58A and 58B

Insert after clause 58:

58A Sorting of prawns caught in certain nets

- (1) This clause applies in respect of the use of the following nets:
 - (a) a prawn net (hauling),
 - (b) a prawn net (hauling): Manning River,
 - (c) a prawn net (hauling): Wallis Lake,
 - (d) a prawn net (set pocket),
 - (e) a prawn running net,
 - (f) a seine net (prawns),
 - (g) a hand-hauled prawn net,
 - (h) an otter trawl net (prawns).
- (2) For the purposes of this Part, it is unlawful to use a net to which this clause applies for taking prawns unless:
 - (a) the prawns caught in the net are graded immediately after the net is retrieved, and
 - (b) the unwanted portion of the catch is returned to the water, alive, as soon as practicable (and in any case before the cooking of the retained portion of the catch).

58B Prohibition on use of certain nets in vicinity of seagrass

For the purposes of this Part, it is unlawful to do any of the following:

- (a) to use any of the following nets over, or adjacent to, a bed of strapweed seagrass (*Posidonia australis*) in the estuary general restricted fishery:
 - (i) hauling net (general purpose),
 - (ii) trumpeter whiting net (hauling),
 - (iii) garfish net (hauling),
 - (iv) pilchard, anchovy and bait net (hauling),
 - (v) garfish net (bullringing),
 - (vi) bait net,
 - (vii) prawn net (hauling),
 - (viii) prawn net (hauling): Manning River,
 - (ix) prawn net (hauling): Wallis Lake,
 - (x) seine net (prawns),
 - (xi) hand-hauled prawn net,
- (b) to haul a hauling net (general purpose) over, or adjacent to, a bed of strapweed seagrass (*Posidonia australis*) in the ocean hauling restricted fishery,
- (c) to use an otter trawl net (prawns) over, or adjacent to, a bed of:
 - (i) strapweed seagrass (*Posidonia australis*), or
 - (ii) eelgrass (*Zostera capricorni*),in the estuary prawn trawl restricted fishery,
- (d) to haul a prawn net (hauling) or seine net (prawns) over a bed of any other seagrass, being a bed that is identified on a map approved by the Minister, published in the Gazette and held at an office of NSW Fisheries located in the region of the relevant seagrass bed.

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[21] Clause 79A

Insert after clause 79:

79A Certain implements prohibited

- (1) The purpose of this clause is to protect any fish or other organisms that have been taken in a catch of fish in the estuary general restricted fishery or the estuary prawn trawl restricted fishery and are to be returned to the water.
- (2) A person must not, when sorting a catch of fish that has been taken:
 - (a) in the estuary general restricted fishery, or
 - (b) in the estuary prawn trawl restricted fishery,use any implement (such as a spike or club) that could pierce, impale, beat or otherwise injure any fish or other organism taken in the catch.

Maximum penalty: 25 penalty units.

[22] Clause 106

Omit the clause. Insert instead:

106 Identification of recognised fishing grounds

- (1) For the purposes of section 39 (4) of the Act, a recognised fishing ground is an area identified as a recognised fishing ground by being marked as such on a map (*an RFG map*) approved by the Minister and published in the Gazette.
- (2) An RFG map is to identify any one or more areas which, in the opinion of the Minister, is an area of the sea or other public water land used historically for net fishing and which is used regularly or intermittently for net fishing by commercial fishers.
- (3) Section 284 (2) of the Act (which specifies the way in which the public is to be given an opportunity to make submissions on certain matters) applies in respect of a draft RFG map in the same way as it applies in respect of the matters specified in section 284 (1) of the Act.

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- (4) Before taking the action required by section 284 (2) of the Act in relation to a draft RFG map, the Minister must:
- (a) provide a copy of the draft map to both the Advisory Council on Commercial Fishing and the Advisory Council on Recreational Fishing, and
 - (b) invite each of those Councils to make recommendations about the draft map within such time (being not less than 30 days from the date on which the copy of the draft map is provided to the Council concerned) as the Minister may specify in the invitation, and
 - (c) take any such recommendations into consideration when finalising the draft map for public exhibition under section 284 (2) of the Act.
- (5) Each RFG map is to be deposited at the head office of NSW Fisheries and at an office of NSW Fisheries located in the region of the relevant recognised fishing ground.
- (6) The Minister may alter or replace an RFG map from time to time by publishing an amended or replacement RFG map in the Gazette. However, the consultations required by subclauses (3) and (4) must be undertaken in relation to such an alteration or replacement unless, in the case of an alteration, the Minister is of the opinion that the alteration is of a minor nature.
- (7) A map identifying an area as a recognised fishing ground and held, on the commencement of the *Fisheries Management (General) Amendment (Commercial Fishing and Miscellaneous Matters) Regulation 2003*, at the head office of NSW Fisheries and at an office of NSW Fisheries located in the region of the relevant recognised fishing ground is taken to be an RFG map prepared in accordance with this clause. However, each such RFG map is to be published in the Gazette as soon as practicable after the commencement of the *Fisheries Management (General) Amendment (Commercial Fishing and Miscellaneous Matters) Regulation 2003*.

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[23] Part 5, Division 4A

Insert after clause 116:

Division 4A Tagging of eastern rock lobster taken for sale

116A Eastern rock lobster not to be sold unless tag attached

- (1) A person must not sell (within the meaning of the Act) a whole eastern rock lobster, or the tail of an eastern rock lobster, that does not have a tag attached to it in such a manner that the tag cannot be removed without being broken.

Maximum penalty: 100 penalty units in the case of a corporation or 50 penalty units in any other case.

- (2) A person does not commit an offence under this clause unless the rock lobster concerned was taken in the waters of, or adjacent to, New South Wales.
- (3) In this clause:

tag means a tag issued by the Director for attachment to eastern rock lobsters taken for sale.

whole eastern rock lobster includes an eastern rock lobster that has had parts (other than the abdomen of the rock lobster) removed.

Note. The *Fisheries Management (Lobster Share Management Plan) Regulation 2000* requires commercial fishers to tag eastern rock lobsters taken for sale.

[24] Clause 133B

Insert after clause 133A:

133B Contravention of condition of permit under section 37 of Act

A person who contravenes a condition of a permit issued under section 37 of the Act is guilty of an offence.

Maximum penalty: 100 penalty units.

[25] Clause 153 Prescribed conditions of fishing boat licences

Omit clause 153 (1) (e) (v) and “and” from clause 153 (1) (e) (iv).

[26] Clause 208A

Insert after clause 208:

208A Prohibition on certain classes of commercial fishing in estuary general fishery

Pursuant to section 20 (2) of the Act, it is declared that:

- (a) all ocean beach waters, and all estuarine waters specified in the column headed “Estuaries within primary fishing region” in the Table to clause 209A, are waters in which the class of commercial fishing that consists of the taking by commercial fishers in the estuary general fishery of fish of a species other than a species listed in the Table to this clause is prohibited, and
- (b) all estuarine waters other than the waters specified in the column headed “Estuaries within primary fishing region” in the Table to clause 209A are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the estuary general fishery is prohibited.

Table Species of fish permitted to be taken in ocean beach and estuarine waters in the estuary general fishery

Common name	Scientific name
Anchovy	<i>Engraulis australis</i>
Arrow squid	<i>Nototodarus gouldi</i>
Australian salmon	<i>Arripis trutta</i>
Beachworm spp.	various (Class: POLYCHAETA)
Black sole	<i>Synaptura nigra</i>
Blue mackerel	<i>Scomber australasicus</i>
Blue mussel	<i>Mytilus edulis</i>
Bonito	<i>Sarda australis</i>

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Common name	Scientific name
Bream	
• Black bream	<i>Acanthopagrus butcheri</i>
• Yellowfin bream	<i>Acanthopagrus australis</i>
Catfish spp.	various (Family: ARIIDAE/ PLOTOSIDAE)
Cockle spp.	various (Family: ARCIDAE/ VENERIDAE)
Crabs	
• Blue swimmer crab	<i>Portunus pelagicus</i>
• Mud crab	<i>Scylla serrata</i>
• Sand crab spp.	various (Family: PORTUNIDAE)
Cuttlefish spp.	various (Family: SEPIDAE)
Eels	
• Longfin river eel	<i>Anguilla reinhardtii</i>
• Pike eel	<i>Muraenesox bagio</i>
• Shortfin river eel	<i>Anguilla australis</i>
• Short-finned conger eel	<i>Conger wilsoni</i>
• Southern conger eel	<i>Conger verreauxi</i>
Estuary catfish	<i>Cnidoglanis macrocephalus</i>
Flathead	
• Dusky flathead	<i>Platycephalus fuscus</i>
• Sand flathead	<i>Platycephalus caeruleopunctatus</i>
Flounder spp.	various (Family: PLEURONECTIDAE/ BOTHIDAE)
Garfish	
• Eastern sea garfish	<i>Hyporhamphus australis</i>
• River garfish	<i>Hyporhamphus regularis</i>
• Shortbill garfish	<i>Arrhamphus sclerolepis</i>
Gurnard spp.	various (Family: TRIGLIDAE)
Hairtail	<i>Trichiurus lepturus</i>

Common name	Scientific name
Hardyhead spp.	various (Family: ATHERINIDAE)
John dory	<i>Zeus faber</i>
Leatherjacket spp.	various (Family: MONACANTHIDAE)
Longtom spp.	various (Family: BELONIDAE)
Luderick	<i>Girella tricuspidata</i>
Mackerel tuna	<i>Euthynnus affinis</i>
Mangrove jack	<i>Lutjanus argentimaculatus</i>
Mantis shrimp	<i>Squilla</i> sp.
Mullet	
• Flat tail mullet	<i>Liza argentea</i>
• Pink-eye mullet	<i>Myxus petardi</i>
• Red mullet	<i>Upeneichthys lineatus</i>
• Sand mullet	<i>Myxus elongatus</i>
• Sea mullet	<i>Mugil cephalus</i>
Mulloway	<i>Argyrosomus japonicus</i>
Nipper spp.	<i>Callinassa</i> spp.
Octopus spp.	various (Family: OCTOPODIDAE)
Old maid	<i>Scatophagus multifasciatus</i>
Pike spp.	<i>Sphyræna</i> spp.
Pilchard	<i>Sardinops sagax</i>
Pipi	<i>Donax deltoides</i>
Prawns	
• Eastern king prawn	<i>Penaeus plebejus</i>
• Greasyback prawn	<i>Metapenaeus bennettæ</i>
• School prawn	<i>Metapenaeus macleayi</i>
• Tiger prawn	<i>Penaeus esculentus</i>
Red gurnard	<i>Chelidonichthys kumu</i>

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Common name	Scientific name
Red morwong	<i>Cheilodactylus fuscus</i>
Saucer scallop	<i>Amusium</i> spp.
Scallop	<i>Pecten fumatus</i>
Shell spp.	various (Class: GASTROPODA/ PELECYPODA)
Silver biddy	<i>Gerres subfasciatus</i>
Snapper	<i>Pagrus auratus</i>
Sole spp.	various (Family: SOLEIDAE)
Southern calamari	<i>Sepioteuthis australis</i>
Squid spp.	various (Class: CEPHALOPODA)
Stingray/stingaree spp.	various (Family: DASYATIDAE/ UROLOPHIDAE)
Striped trumpeter	<i>Pelates sexlineatus</i>
Sweep	<i>Scorpiis lineolatus</i>
Sweetlip	<i>Lethrinus</i> sp.
Tailor	<i>Pomatomus saltatrix</i>
Tarwhine	<i>Rhabdosargus sarba</i>
Trevally	
• Black trevally	<i>Siganus nebulosus</i>
• Golden trevally	<i>Gnathanodon speciosus</i>
• Silver trevally	<i>Pseudocaranx dentex</i>
Trumpeter	<i>Pelates quadrilineatus</i>
Whaler shark spp.	<i>Carcharhinus</i> spp.
Whitebait spp.	various (Family: CLUPEIDAE/ GALAXIIDAE)

Common name	Scientific name
Whiting	
• Sand whiting	<i>Sillago ciliata</i>
• School whiting	<i>Sillago bassensis</i>
• Trumpeter whiting	<i>Sillago maculata</i>
Yellowtail	<i>Trachurus novaezelandiae</i>
Yellowtail kingfish	<i>Seriola lalandi</i>

[27] Clause 209 Types of endorsement in restricted fishery

Insert “cuttlefish,” after “beachworm,” in clause 209 (1) (g).

[28] Clause 209

Omit clause 209 (2) and (3), and relocate the Note to the clause to clause 209 (1).

[29] Clauses 209A and 209B

Insert after clause 209:

209A Endorsement to specify authorised area of operations

- (1) An endorsement is to specify the area, determined by the Minister, in which the endorsement holder is authorised by the endorsement to take fish for sale (the *authorised area of operations*).
- (2) The authorised area of operations is to be specified by reference to a single primary fishing region, but may also include other specified ocean beaches and estuaries within the same bioregion as the primary fishing region.
- (3) The authorised area of operations specified in an endorsement is not to be changed by the Minister on or after 1 July 2003. If, on or after that date, an endorsement is replaced by an endorsement for a further period, the new endorsement is to specify the same authorised area of operations as the endorsement that it replaces.
- (4) Subclause (3) does not prevent the Minister from changing the authorised area of operations specified in an endorsement if the fishing business that makes a person eligible for the endorsement is sold or disposed of.

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- (5) If a fishing business is sold or disposed of and the person who acquires the fishing business becomes eligible for an endorsement by reason of the acquisition, the authorised area of operations specified in that endorsement is to be the same as the authorised area of operations specified in the endorsement held in respect of the fishing business immediately before it was sold or disposed of.

Note. Clause 277 allows a person who acquires a fishing business to become eligible for an endorsement in the fishery if the acquisition complies with guidelines issued from time to time by the Director.

- (6) In this clause:

bioregion means a bioregion identified in the Table to this clause.

primary fishing region means a primary fishing region described in the Table to this clause.

Table Bioregions, primary fishing regions and estuaries

Bioregion	Primary fishing region	Description of primary fishing region	Estuaries within primary fishing region
Northern Bioregion	Upper North Coast— Region 1	That part of the State lying generally between the border between the States of Queensland and New South Wales and the parallel 29°15' south latitude	Tweed River Cudgen Lake Cudgera Creek Mooball Creek Brunswick River Belongil Creek Tallow Creek Broken Head Creek Richmond River Evans River Jerusalem Creek

Bioregion	Primary fishing region	Description of primary fishing region	Estuaries within primary fishing region
	Clarence— Region 2	That part of the State lying generally between the parallel 29°15' south latitude and the parallel 29°45' south latitude	Clarence River Sandon River
	North Coast— Region 3	That part of the State lying generally between the parallel 29°45' south latitude and the parallel 31°44' south latitude	Wooli Wooli River Station Creek Corindi River Arrawarra Creek Darkum Creek Woolgoolga Lake Hearns Lake Moonee Creek Coffs Harbour Creek Boambee Creek Bonville Creek Dalhousie Creek Oyster Creek Nambucca River Macleay River South West Rocks Creek Saltwater Creek Korogoro Creek Killick River Lake Innes Lake Cathie Camden Haven River

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Bioregion	Primary fishing region	Description of primary fishing region	Estuaries within primary fishing region
Central Bioregion	Central— Region 4	That part of the State lying generally between the parallel 31°44' south latitude and the parallel 33°25' south latitude	Manning River Khappinghat Creek Wallis Lake Smiths Lake Myall Lakes Myall River Lake Booloombayt Port Stephens Karuah River Hunter River Tuggerah Lakes
	Metropolitan— Region 5	That part of the State lying generally between the parallel 33°25' south latitude and the parallel 34°20' south latitude	Wamberal Lagoon Terrigal Lake Avoca Lake Cockrone Lake Brisbane Water Hawkesbury River Pittwater Narrabeen Lagoon Dee Why Lagoon Curl Curl Lagoon (also known as Harbord Lagoon) Manly Lagoon Sydney Harbour Port Hacking

Bioregion	Primary fishing region	Description of primary fishing region	Estuaries within primary fishing region
	Upper South Coast— Region 6	That part of the State lying generally between the parallel 34°20' south latitude and the parallel 35°25' south latitude	Towradgie Creek Port Kembla Harbour Lake Illawarra Minnamurra River Spring Creek Werri Lagoon Crooked River Shoalhaven River Lake Wollumboola Jervis Bay Swan Lake Berrara Creek Nerrindilah Creek

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Bioregion	Primary fishing region	Description of primary fishing region	Estuaries within primary fishing region
Southern Bioregion	Lower South Coast— Region 7	That part of the State lying generally between the parallel 35°25' south latitude and the border between the States of New South Wales and Victoria	Termeil Lake Willinga Lake Durras Lake Batemans Bay Candlagan Creek Moruya River Congo Creek Meringo River Coila Lake Lake Brou Kianga Lake Wagonga Inlet Nangudga Lake Corunna Lake Tilba Tilba Lake Wallaga Lake Barragoot Lake Cuttagee Lake Murrumbidgee Lake Bunga Lagoon Wapengo Lake Middle Lake (Bega) Wallagoot Lake Bournda Lagoon Merimbula Lake Pambula Lake Curalo Lake Merrica River Nadgee River Nadgee Lake

209B Conditions of endorsement

- (1) For the purpose of section 112 (2) of the Act, it is a condition of an endorsement that the holder of the endorsed licence does not take fish for sale in the restricted fishery except:
- (a) as authorised by the class or classes of endorsement on the licence, and

-
- (b) in the authorised area of operations specified in the endorsement.
 - (2) Nothing in an endorsement authorises any fishing activity:
 - (a) that is prohibited by any notification in force under the Act (such as a fishing closure under section 8 of the Act or an aquatic reserve notification under section 197E of the Act), or
 - (b) that contravenes, or is prohibited by:
 - (i) any provision of, or any instrument or notification under, the *Marine Parks Act 1997*, or
 - (ii) any provision of this Regulation.

[30] Clause 216A

Insert after clause 216:

216A Prohibition on commercial fishing in estuary prawn trawl fishery in certain waters

Pursuant to section 20 (2) of the Act, it is declared that all estuarine waters other than the following estuaries are waters in which the class of commercial fishing that consists of the taking of fish by commercial fishers in the estuary prawn trawl fishery is prohibited:

- (a) the Clarence River (excluding the waters of that river specified in the Table to clause 8A),
- (b) Lake Wooloweyah,
- (c) the Hunter River,
- (d) the Hawkesbury River,
- (e) Port Jackson.

[31] Clause 256A

Insert after clause 256:

256A Prohibition on commercial fishing in ocean hauling fishery in certain waters

- (1) Pursuant to section 20 (2) of the Act, it is declared that the waters within 200 metres of the mean low water mark of the waters listed in the Table to this clause are waters in which the

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class of commercial fishing that consists of the taking of fish by commercial fishers in the ocean hauling fishery is prohibited, subject to subclause (2).

- (2) The declaration under subclause (1) does not prohibit the use of any of the following nets from a boat in waters that are directly west of and adjacent to a headland:
- (a) garfish net (hauling),
 - (b) garfish net (bullringing),
 - (c) pilchard, anchovy and bait net (hauling).

Table Waters in which ocean hauling is prohibited

Region 1—Upper North Coast (the waters between the border of New South Wales and Queensland, and the parallel 29°15' south latitude)

Location	Description of waters
Bogangar Beach	The whole of the waters adjacent to the beach from Norries Head generally northwest along the length of the beach for a distance of 400m (identified by a group of unnamed rocks).
Crabbes Creek Beach (also known as Golden Beach)	The whole of the waters adjacent to the beach from the intersection of the beach and an extension of Gloria Street, generally south along the beach for a distance of approximately 2.67km to that part of the beach adjacent to the northern end of North Head Road.
Brunswick River	The whole of the waters adjacent to the shoreline on both sides of the mouth of the Brunswick River for a distance of 1,000m, as indicated by the signposts on the breakwall.

Location	Description of waters
Watego's Beach to Little Watego's Beach	The whole of the waters adjacent to the shoreline between Fisherman's Lookout and Cape Byron.
Broken Head	The whole of the waters adjacent to the shoreline between Cocked Hat Rock and Jews Point, including Kings Beach, Brays Beach and Whites Beach.
Seven Mile Beach to Boulder Beach	The whole of the waters adjacent to the shoreline between the intersection of Seven Mile Beach and an extension of Rutherford St (indicated by the Lennox Head boat channel) and Whites Head, excluding the boat channel.
Shelly Beach	The whole of the waters adjacent to the shoreline between Black Head and Ballina Head.
Airforce Beach	The whole of the waters adjacent to the shoreline from the northern Evans River breakwall generally north for a distance of 400m (indicated by the 4WD access track onto the beach).

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Region 2—Clarence (the waters between the parallel 29°15' south latitude and the parallel 29°45' south latitude)

Location	Description of waters
Woody Bay	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Woody Head and the post marked "NSWF" on the foreshore (near the western end of the Woody Head camping ground) approximately 300m along the shoreline.
Turners Beach to Pippi Beach	The whole of the waters adjacent to the shoreline between the southern breakwall of the Clarence River and the vehicle access track on Pippi Beach (approximately 700m south of Yamba Point), including Turners Beach, Yamba Beach and Pippi Beach. The waters adjacent to Convent Beach are excluded from this prohibition.
Angourie Bay to Rocky Point (Lake Arragan entrance)	The whole of the waters adjacent to the shoreline between Angourie Point and Rocky Point (directly north of Red Cliff Beach) including Angourie Bay, Little Shelley Beach, Shelley Beach and Plumbago Beach.

Region 3—North Coast (the waters between the parallel 29°45' south latitude and the parallel 31°44' south latitude)

Location	Description of waters
Park Beach	The whole of the waters adjacent to the shoreline between Macauleys Headland and a line drawn east from the shoreline passing through the northern-most point of Little Muttonbird Island (east of the entrance of Coffs Creek).
Hungry Head	The whole of the waters adjacent to the shoreline from the southern training wall of the Bellingen River for a distance of 1km travelling generally south along the shoreline.
Nambucca North Head	The whole of the waters adjacent to the shoreline between the northern end of Beilbys Beach and the southern end of Shelly Beach (Cliffy Point).
Forster Beach	The whole of the waters adjacent to the shoreline from the southern side of the mouth of the Nambucca River for a distance of 1km travelling generally southwesterly along the shoreline.
Middle Beach and Grassy Beach	The whole of the waters adjacent to the shoreline between Scotts Head and Grassy Head.

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Location	Description of waters
Smoky Cape	The whole of the waters adjacent to the shoreline between the northwesternmost extremity of Lagers Point, following the shoreline to a point on South Smoky Beach 3km generally southwest from Smoky Cape (that is, adjacent to Black Rocks), including Little Bay, Gap Beach and North Smoky Beach.
Hat Head	The whole of the waters adjacent to the shoreline from the northernmost extremity of Korogoro Point, following the shoreline to a point on Killick Beach 3km generally southwest of the Jew Bite, including Gap Beach, O'Connors Beach and Third Beach.
Crescent Head	The whole of the waters adjacent to the shoreline from Little Nobby at the southern end of Killick Beach for a distance along that beach of 1km.
North Shore Beach	The whole of the waters adjacent to the shoreline between the easternmost extremity of Point Plomer to a point on North Shore Beach 3.5km generally north of the wall travelling along the beach at Pelican Point.

Location	Description of waters
Port Macquarie to Middle Rock Point	The whole of the waters adjacent to the shoreline between the southern wall of the entrance to the Hastings River and Middle Rock Point (south of Lighthouse Beach), including Town Beach, Oxleys Beach, Rocky Beach, Flynns Beach, Nobbys Beach, Shelly Beach, Miners Beach and Lighthouse Beach.
Grants Beach	The whole of the waters adjacent to the shoreline between the northern wall of Camden Haven Inlet and a point on Grants Beach 1km along the beach.

Note. Solitary Islands Marine Park

In addition to the prohibitions above, there are several beaches (or parts of beaches) within the Solitary Islands Marine Park where hauling is prohibited. Refer to Schedule 1 to the *Marine Parks Regulation 1999*.

Region 4—Central (the waters between the parallel 31°44' south latitude and the parallel 33°25' south latitude)

Location	Description of waters
Crowdy Head to Wallabi Point	The whole of the waters adjacent to the shoreline between the southwesternmost point of Crowdy Head and Wallabi Point, including the entrance to the Manning River and Old Bar Beach.
Shelly Beach	The whole of the waters adjacent to the shoreline of Shelly Beach (north of Red Head and Black Head Bay).

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Location	Description of waters
Wallis Lake entrance to Seven Mile Beach	The whole of the waters adjacent to the shoreline between the Wallis Lake entrance and the northern end of Seven Mile Beach, including Forster Beach, Pebbly Beach, One Mile Beach, Burgess Beach, Lobster Pot Beach and McBrides Beach.
Boomerang Beach to Blueys Beach	The whole of the waters adjacent to the shoreline between Pimply Rock and Blueys Beach.
Treachery Beach	The whole of the waters adjacent to the shoreline between Treachery Head and Yagon Gibber Headland.
Bennetts Beach	The whole of the waters adjacent to the shoreline for 500m on either side of Bennetts Beach Surf Club.
Fingal Beach	The whole of the waters adjacent to the shoreline between Fingal Beach Surf Club and a point 1km generally northeast along the beach.
Stockton Beach	The whole of the waters adjacent to the shoreline between the sewerage treatment works and a point 500m north of the Signa shipwreck (a distance of approximately 6.5km).

Location	Description of waters
Nobbys Head to Nine Mile Beach	The whole of the waters adjacent to the shoreline between the southern breakwall at Nobbys Head and the Waste Water Treatment Works at Belmont on Nine Mile Beach, including Nobbys Beach, Newcastle Beach, Bar Beach, Dixon Park Beach, Merewether Beach, Dudley Beach, Redhead Beach and approximately 5km of Nine Mile Beach.
Deep Cave Bay	The whole of the waters adjacent to the shoreline between the northern end of Moonee Beach and Flat Rocks Point.
Frazer Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Snapper Point and the easternmost point of Wybung Head. The area includes Bongon Beach, Frazer Beach, Gravelly Beach and Deadmans Beach.
Pebbley Beach	The whole of the waters adjacent to the shoreline between the easternmost point of Norah Head and the northernmost point of Soldiers Point.

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Region 6—Upper South Coast (the waters between the parallel 34°20' south latitude and the parallel 35°25' south latitude)

Location	Description of waters
Coalcliff Beach	The whole of the waters adjacent to the beach (known as Coalcliff Beach) north of Coalcliff Harbour.
Scarborough Beach to Wombarra Beach	The whole of the waters adjacent to the shoreline between the rocks at the northern end of Scarborough Beach to the pool at the southern end of Wombarra Beach, including Noony's Gulf.
Austinmer Beach	The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Bell's Point and the pool at the southern end of Austinmer Beach.
Boyd's Beach	The whole of the waters adjacent to the shoreline between the southernmost extremity of Minnamurra Point and the northwesternmost extremity end of Cathedral Rocks.
Culburra Beach	The whole of the waters adjacent to the shoreline between the southern end of Greenwell Point and the southeastern end of Culburra Beach, including Tilbury Cove.

Location	Description of waters
Cudmirrah Beach to Monument Beach	The whole of the waters adjacent to the shoreline between the northern end of Cudmirrah Beach and the northern end of Monument Beach.

Note. Jervis Bay Marine Park

In addition to the prohibitions above, restrictions apply to ocean hauling within Jervis Bay Marine Park. Refer to Schedule 1 to the *Marine Parks Regulation 1999*.

Region 7—Lower South Coast (the waters between the parallel 35°25' south latitude and the New South Wales and Victoria border)

Location	Description of waters
Pebbly Beach	The whole of the waters adjacent to Pebbly Beach in Murramarang National Park.
Wimbie Beach to Rosedale Beach	The whole of the waters adjacent to the shoreline between the southern extremity of Wimbie Beach and the northern extremity of Rosedale Beach, including Circuit Beach, Lilli Pilli Beach, Mosquito Bay, Garden Bay, Malua Bay, Pretty Point Bay and McKenzies Beach.
Bengello Beach	The whole of the waters adjacent to the shoreline between the Moruya River breakwall and a point 500m generally northeast along Bengello Beach.
Tarandore Point to Tuross Head	The whole of the waters adjacent to the shoreline between Tarandore Point and Tuross Head, including One Tree Beach.

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Location	Description of waters
Brou Beach (also known as Wilson Hall Beach)	The whole of the waters adjacent to the shoreline for 300m on each side of the first set of rocks south of the Lake Brou opening.
Mummaga Head to Glasshouse Rocks	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Mummaga Head (Dalmeny) and Glasshouse Rocks (south of Narooma Beach), including Joshs Beach, Yabbara Beach, Duesburys Beach, Kianga Beach (except between 1 May and 30 June in each year, both dates inclusive), Carters Beach, Bar Beach and Narooma Beach.
Corunna Point to Boat Harbour Point	The whole of the waters adjacent to the shoreline between the southeasternmost extremity of Corunna Point and the southeasternmost extremity of Boat Harbour Point, including Mystery Bay.
Blue Point to Breakaway Beach	The whole of the waters adjacent to the shoreline between the northeasternmost extremity of Blue Point and the southern end of Breakaway Beach, including Jack Common Beach and Beares Beach.
Armonas Bay Beach to Murrah Head	The whole of the waters adjacent to the shoreline between the northern extremity of Armonas Bay and the southeastern extremity of Murrah Head.

Location	Description of waters
Goalen Head to Bunga Head	The whole of the waters adjacent to the shoreline between the eastern extremity of Goalen Head and the eastern extremity of Bunga Head, including Bunga Beach.
Bengunnu Point to Picnic Beach	The whole of the waters adjacent to the shoreline between the eastern extremity of Bengunnu Point and the northern end of Picnic Beach.
Merimbula Beach	The whole of the waters adjacent to the shoreline between the northern extremity of Merimbula Beach and a point 500 metres south along that beach.

[32] Clause 262 Region in which hauling nets may be used (class A endorsement)

Omit “(4) or” from clause 262 (3).

[33] Clause 262 (4)

Omit the subclause.

[34] Clause 262 (5)

Omit “In addition, in”. Insert instead “In”.

[35] Clause 262 (6)

Omit the definition of *ocean hauling to a boat*.

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[36] Clause 278A

Insert after clause 278:

278A Conditions of endorsement

An endorsement does not authorise the taking of any action, or the failure to take any action, in contravention of a condition of the endorsement.

[37] Clause 337A

Insert after clause 337:

337A Contravention of condition of permit under Part 7 of Act

A person who contravenes a condition of a permit issued under Part 7 of the Act is guilty of an offence.

Maximum penalty: 100 penalty units.

[38] Clause 339A

Insert after clause 339:

339A Activities harmful to marine vegetation (section 205B of the Act)

The following activities are prescribed for the purposes of section 205B of the Act:

- (a) the hauling by any person of any net over, or adjacent to, a bed of strapweed seagrass (*Posidonia australis*) in estuarine waters, or any of the waters listed in clause 9 (1) of Schedule 1 to the Act, that are in a protected area,
- (b) the use by any person of an otter trawl net (prawns) over, or adjacent to, a bed of:
 - (i) strapweed seagrass (*Posidonia australis*), or
 - (ii) eelgrass (*Zostera capricorni*),in estuarine waters in a protected area,

-
- (c) the hauling by any person of a prawn net (hauling) or seine net (prawns) over a bed of any other seagrass in a protected area, being a bed that is identified on a map approved by the Minister, published in the Gazette and held at an office of NSW Fisheries located in the region of the relevant seagrass bed.

[39] Clause 340D Fish Rock

Omit the clause.

[40] Schedule 5 Penalty notice offences

Omit the matter relating to sections 20, 200, 201 and 219 from Part 1.

Insert instead in numerical order of sections:

Section 20 (3) (a)	\$2,750
Section 20 (3) (b)	\$2,750
Section 20 (3) (c)	\$5,500
Section 200 (1)	\$5,500
Section 201 (1)	\$5,500
Section 204B (2)	\$5,500
Section 219 (1) (a)	\$5,500
Section 219 (1) (b)	\$5,500
Section 219 (1) (c)	\$5,500

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[41] Schedule 5, Part 2

Insert in numerical order of clauses:

Clause 20B (2)	\$500
Clause 20B (3)	\$500
Clause 79A (2)	\$200
Clause 133B	\$200
Clause 337A	\$200

[42] Schedule 5, Part 2

Omit the matter relating to clause 340D.

BY AUTHORITY
