

## FISHERIES MANAGEMENT ACT 1994

### Section 68 Notice – Endorsement Condition

**To:** All holders of a commercial fishing licence who are authorised by an endorsement in the Abalone Fishery:

I, GEOFF ALLAN, Deputy Director General, Fisheries with the delegated authority of the Minister for Primary Industries and the Secretary, Department of Industry pursuant to sections 227 and 228 of the *Fisheries Management Act 1994* (“the Act”), and pursuant to section 68(6B) of the Act do hereby give written notice that I have added the following conditions on endorsements authorising the taking of abalone in the Abalone Fishery:

1. The endorsement holder must use the Real Time Reporting System and report the following information to the Department in relation to each occasion on which the endorsement holder proposes to take abalone under the endorsement (**a pre-fishing report**):
  - (a) the date of the report,
  - (b) the registration number of the commercial fishing licence of the endorsement holder,
  - (c) the number of the fishing business of which the endorsement is a component,
  - (d) the time and location of departure,
  - (e) the time and location of landing,
  - (f) if the endorsement holder intends to fish in waters south of the entrance to Wonboyn Lake (37°15.074'S, 149°58.021'E) being sub zones Z1 to Z5 inclusive (commonly known as a differential size zone).
2. The endorsement holder must make a pre-fishing report, as described in the condition directly above, before:
  - (a) the boat being used by the endorsement holder to take abalone enters the water, or
  - (b) the endorsement holder enters the water to take abalone,
  - (c) whichever occurs first.
3. The endorsement holder must,
  - (a) if the actual landing time is to be either more than one hour earlier or more than one hour later than the estimated time given in the pre-fishing report, or
  - (b) the actual landing location has changed,make an amendment to the pre-fishing report (referred to in Condition 1) with the revised time and/or location of landing, at least one hour prior to landing.
4. The endorsement holder must, if a pre-fishing report is withdrawn, make a further pre-fishing report in order to take abalone under the endorsement.
5. If an endorsement holder cannot make a pre-fishing report because the Real Time Reporting System malfunctions or is not available, the endorsement holder must:
  - (a) complete the form approved by the Secretary for the purposes of this condition in accordance with any instructions in the form,
  - (b) send the completed form to the Secretary within the time specified in the form, and
  - (c) contact an office of the Department nearest to the endorsement holder’s departure location and provide the pre-fishing report information described in Condition 1(a) – (f).
6. The endorsement holder may only hang abalone if the following conditions are complied with:
  - a. the endorsement holder must be in the process of taking abalone,
  - b. the endorsement holder must remain within 500 metres of any abalone that is hung,
  - c. the position of any abalone that has been hung is indicated by a buoy that:
    - i. is moored so as to be positioned above the bin(s), and

- ii. measures not less than 100 mm in all dimensions, and
  - iii. has a height above the water of not less than 50 mm, and
  - iv. is moored in such a way that no rope is floating on the surface of the water, and
  - v. displays the relevant fishing business number followed by the letter "A", in clearly visible letters and figures that are not less than 50 mm in height and are of a colour that contrasts with that of the buoy,
- d. any abalone that has been hung must be retrieved and brought onto the boat being used by the endorsement holder to take abalone before coming ashore,
- e. on each occasion the endorsement holder comes ashore, all abalone on the boat must be landed,
- f. the endorsement holder must ensure that any abalone taken must be brought ashore and landed, and
- g. the endorsement holder must not return any abalone that is taken and landed, to estuarine or ocean waters for the purposes of hanging.

In this notice:

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

**Department** means the New South Wales Department of Primary Industries, an office within the Department of Industry.

**Departure** means launching the boat used for the purpose of taking abalone, or, if no boat is used, entering the waters of the Abalone Fishery for the purpose of taking abalone.

**Endorsement holder** has the same meaning as in clause 2 of the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000.

**Estuarine waters** means waters ordinarily subject to tidal influence (other than ocean waters).

**Hanging** (and hang) has the same meaning as in clause 20 of the Appendix to the Fisheries Management (Abalone Share Management Plan) Regulation 2000.

**Ocean waters** has the same meaning as in Schedule 1 to the Fisheries Management (General) Regulation 2010.

**Landing** means coming ashore after having taken abalone.

**Real Time Reporting System** means the New South Wales Department of Primary Industries' system (FisherMobile) that enables the submission of fishing activity reports by electronic transmission.

Dated this 5th day of July 2018.

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

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