



# *Government Gazette*

of the State of

New South Wales

**Number 222—Mining and Primary Industries**

**Friday, 14 June 2024**

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**Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991***

NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2024-126)

No. 6768, Vanilla Exploration Pty Ltd, area of 9 units, for Group 1, dated 5 June 2024. (Narrabri Local Government Area).

(APP-2024-127)

No. 6769, Vanilla Exploration Pty Ltd, area of 12 units, for Group 1, dated 5 June 2024. (Gwydir Local Government Area).

(APP-2024-128)

No. 6770, Vanilla Exploration Pty Ltd, area of 14 units, for Group 1, dated 5 June 2024. (Warrumbungle Local Government Area).

(APP-2024-124)

No. 6771, Gold and Copper Resources Pty Limited (ACN 124 534 863), area of 19 units, for Group 1, dated 6 June 2024. (Bathurst Regional Local Government Area).

(APP-2024-130)

No. 6772, Legacy Minerals Pty Ltd (ACN 622 746 187), area of 9 units, for Group 1, dated 6 June 2024. (Bathurst Regional Local Government Area).

(APP-2024-131)

No. 6773, Kincora Copper Australia Pty Ltd (ACN 635 807 171), area of 10 units, for Group 1, dated 6 June 2024. (Bogan Local Government Area).

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NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2023-165)

No. 6676, now Exploration Licence No. 9660, Rox 1 Pty Ltd (ACN 649 500 916), County of Windeyer, Map Sheets (7131, 7231, 7232), area of 18 units, for Group 1 and Group 10, dated 7 June 2024, for a term until 7 June 2028.

(APP-2024-25)

No. 6711, now Exploration Licence No. 9661, FMG Resources Pty Ltd (ACN 095 546 428), County of Gipps, Map Sheet (8430), area of 10 units, for Group 1, dated 7 June 2024, for a term until 7 June 2030.

(APP-2024-35)

No. 6716, now Exploration Licence No. 9662, Lode Metals Pty Ltd (ACN 676 165 870), Counties of Clarke and Sandon, Map Sheets (9237, 9336, 9337), area of 399 units, for Group 1, dated 11 June 2024, for a term until 11 June 2027.

## **MINING LEASE APPLICATION**

(TMS-APP267)

Orange No. 593, now Mining Lease No. 1878 (Act 1992), Sunshine Reclamation Pty Ltd (ACN 635 946 806), Parish of Castleton, County of Roxburgh, Map Sheet (8831-2-N), area of 3.9 hectares, to mine for copper, gold, iron, lead, silver and zinc, dated 31 May 2024, for a term until 31 May 2045. As a result of the grant of this title, Exploration Licence No. 5964 has partly ceased to have effect.

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NOTICE is given that the following applications have been withdrawn:

### **EXPLORATION (MINERAL OWNER) LICENCE APPLICATIONS**

(APP-2024-106)

No. 3, LEGACY MINERALS PTY LTD (ACN 622 746 187). Withdrawal took effect on 5 June 2024.

(APP-2024-121)

No. 4, VANILLA EXPLORATION PTY LTD (ACN 677 244 503). Withdrawal took effect on 6 June 2024.

(APP-2024-122)

No. 5, VANILLA EXPLORATION PTY LTD (ACN 677 244 503). Withdrawal took effect on 6 June 2024.

(APP-2024-123)

No. 6, VANILLA EXPLORATION PTY LTD (ACN 677 244 503). Withdrawal took effect on 6 June 2024.

### **EXPLORATION LICENCE APPLICATION**

(APP-2024-113)

No. 6764, LEGACY MINERALS PTY LTD (ACN 622 746 187), County of Robinson, Map Sheets (8034, 8035). Withdrawal took effect on 5 June 2024.

## **MINING LEASE APPLICATION**

(APP-2021-333)

Broken Hill No. 614, BROKEN HILL COBALT PROJECT PTY LTD (ACN 638 134 095), Parish of Albert, County of Yancowinna; Parish of Edgar, County of Yancowinna; and Parish of Sentinel, County of Yancowinna, Map Sheet (7133-4-N). Withdrawal took effect on 5 June 2024.

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NOTICE is given that the following applications for renewal have been received:

(REN-2024-136)

Exploration Licence No. 9187, Thomson Resources Ltd (ACN 138 358 728), area of 50 units. Application for renewal received 7 June 2024.

(REN-2024-134)

Mining Lease No. 1549 (Act 1992), Balranald Gypsum Pty Ltd (ACN 081 196 947), area of 473.2 hectares. Application for renewal received 3 June 2024.

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## RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(REN-2024-39)

Exploration Licence No. 7081, Forge Minerals Pty Ltd (ACN 121 258 713), County of Murchison, Map Sheets (8937, 8938), area of 8 units, for a further term until 14 February 2026. Renewal effective on and from 11 June 2024.

(REN-2023-213)

Exploration Licence No. 7390, Siouville Pty Ltd (ACN 009 263 987), County of Yancowinna, Map Sheets (7233, 7234), area of 24 units, for a further term until 20 August 2029. Renewal effective on and from 7 June 2024.

(REN-2024-70)

Exploration Licence No. 7729, Idylway Venture Pty Ltd (ACN 141 397 006), County of Buccleuch, Map Sheet (8527), area of 9 units, for a further term until 18 March 2029. Renewal effective on and from 7 June 2024.

(REN-2023-279)

Exploration Licence No. 8199, San Antonio Exploration Pty Ltd (ACN 614 670 281), County of Menindee, Map Sheets (7132, 7133, 7232, 7233), area of 60 units, for a further term until 5 November 2026. Renewal effective on and from 31 May 2024.

(REN-2023-280)

Exploration Licence No. 8200, San Antonio Exploration Pty Ltd (ACN 614 670 281), Counties of Menindee and Windeyer, Map Sheet (7132), area of 66 units, for a further term until 5 November 2026. Renewal effective on and from 31 May 2024.

(REN-2024-49)

Exploration Licence No. 8250, Gold and Copper Resources Pty Limited (ACN 124 534 863), County of Bathurst, Map Sheets (8730, 8830), area of 4 units, for a further term until 28 March 2030. Renewal effective on and from 31 May 2024.

(REN-2024-33)

Exploration Licence No. 8716, Aus Gold Mining Group Pty Limited (ACN 603 575 917), County of Evelyn, Map Sheet (7238), area of 34 units, for a further term until 27 March 2026. Renewal effective on and from 31 May 2024.

(REN-2024-79)

Exploration Licence No. 8732, BR2 Pty Ltd (ACN 654 351 265), Counties of Mootwingee and Yancowinna, Map Sheets (7234, 7235), area of 62 units, for a further term until 29 March 2030. Renewal effective on and from 7 June 2024.

(REN-2024-64)

Exploration Licence No. 8741, The Austral Brick Co Pty Ltd (ACN 000 005 550), County of Camden, Map Sheet (8928), area of 1 unit, for a further term until 4 May 2027. Renewal effective on and from 7 June 2024.

(REN-2024-60)

Exploration Licence No. 8958, Mining and Energy Group Pty Ltd (ACN 149 790 161), Counties of Goulburn, Selwyn and Wynyard, Map Sheet (8426), area of 84 units, for a further term until 3 March 2028. Renewal effective on and from 31 May 2024.

(REN-2024-80)

Exploration Licence No. 9133, Sofala Minerals Pty Ltd (ACN 644 262 153), County of Roxburgh, Map Sheet (8831), area of 54 units, for a further term until 13 April 2027. Renewal effective on and from 31 May 2024.

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### **TRANSFER OF PART OF AN AUTHORITY**

(PTF-2023-4)

Consolidated Coal Lease No. 712 (Act 1973), held by IVANHOE COAL PTY LIMITED (ACN 064 237 154) has been transferred in part to Shoalhaven Coal Pty Ltd (ACN 070 863 893). The transfer was registered on 6 June 2024.

Pursuant to Section 123 of the Mining Act 1992:

- (1) Consolidated Coal Lease No. 712 (Act 1973) has been cancelled as to the area transferred; and
- (2) Mining Lease No. 1859 (Act 1992) has been granted to Shoalhaven Coal Pty Ltd (ACN 070 863 893) over the area transferred for a period until 28 June 2027.

#### **Description of area part transferred**

An area of about 50.24 hectares, Parish of Cox, County of Cook; and Parish of Cullen Bullen, County of Roxburgh. For further information contact Mining, Exploration & Geoscience.

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### **APPLICATIONS TO REQUEST CANCELLATION RECEIVED**

Notice is given that the following applications to request cancellation have been received:

(CAN-2024-29)

Exploration Licence No. 8986 (Act 1992), FMG RESOURCES PTY LTD (ACN 095 546 428), County of Gregory and County of Oxley, Map Sheets (8334, 8335), area of 72 units. Request for cancellation was received on 6 June 2024.

(CAN-2024-30)

Exploration Licence No. 9035 (Act 1992), FMG RESOURCES PTY LTD (ACN 095 546 428), County of Kennedy and County of Oxley, Map Sheets (8333, 8334, 8433, 8434), area of 334 units. Request for cancellation was received on 6 June 2024.

(CAN-2024-31)

Exploration Licence No. 9309 (Act 1992), FMG RESOURCES PTY LTD (ACN 095 546 428), County of Cunningham and County of Kennedy, Map Sheet (8432), area of 54 units. Request for cancellation was received on 6 June 2024.

(CAN-2024-28)

Exploration Licence No. 9488 (Act 1992), FMG RESOURCES PTY LTD (ACN 095 546 428), County of Clive, Map Sheet (9239), area of 98 units. Request for cancellation was received on 6 June 2024.

**REQUESTED CANCELLATIONS**

Notice is given that the following authority has been cancelled:

(CAN-2024-26)

Exploration Licence No. 8979, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Robinson and County of Yanda, Map Sheets (7935, 7936, 8035), area of 257 units. Cancellation took effect on 4 June 2024.

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# Fisheries Management (Tweed Cultural Fishing Local Management Plan Special Approval) Order 2024

under the

Fisheries Management Act 1994

I, Heath Folpp, Acting Deputy Director General Fisheries, with delegated authority, make the following order under sections 37(1)(d) and 37(3)(b) of the *Fisheries Management Act 1994*.

Dated this 12<sup>th</sup> day of June 2024



**HEATH FOLPP**  
**Acting 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 (Tweed Cultural Fishing Local Management Plan Special Approval) Order 2024*.

### 2. Commencement and duration

This order commences on the date it is published in the NSW Government Gazette and will remain in force until 30 June 2025.

### 3. Revocation of the *Fisheries Management (Tweed Cultural Fishing Local Management Plan Special Approval) Order 2022*

The *Fisheries Management (Tweed Cultural Fishing Local Management Plan Special Approval) Order 2022* published in the NSW Government Gazette No. 550 of 25 November 2022 is revoked.

### 4. Definitions

(1) In this order:

**ALR Act** means the *Aboriginal Land Rights Act 1983*.

**daily limit** has the meaning given in section 17(1) of the Act.

**DDG DPI Fisheries** means the senior executive employed in the Department under the *Government Sector Employment Act 2013* holding the office of the Deputy Director

General DPI Fisheries, and includes any person who is for the time being acting in that role or performing the duties and responsibilities of that role.

**Local Aboriginal Land Council** means a Local Aboriginal Land Council constituted under the ALR Act for a Local Aboriginal Land Council Area.

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

**the Act** means the *Fisheries Management Act 1994*.

**the Regulation** means the Fisheries Management (General) Regulation 2019.

**TLCF** means an Aboriginal person whose name is listed in the TLCF Register as a Tweed Local Cultural Fisher.

**TLCF number** means the number assigned to a TLCF in the TLCF Register, which is shown on any identification card issued to the TLCF under the Tweed LMP.

**TLCF Register** means the register of TLCF maintained by the Department for the purposes of administering the Tweed LMP

**TLMP Area** – see clause 6.

**Tweed Byron Local Aboriginal Land Council Area** means the area shown in the Notification of Constitution of an Area as a Local Aboriginal Land Council Area published in the NSW Government Gazette No. 82 of 17 May 1985 at page 2135.

**Tweed LMP** means the Tweed Aboriginal Cultural Fishing Local Management Plan (Trial Plan) first published in November 2022.

- (2) Words and expressions in this order have the same meaning as they have in the Act, unless otherwise specified in this order.

## 5. Persons to whom this order applies

- (1) This order applies to a TLCF.
- (2) The name of an Aboriginal person will be listed in the TLCF Register if, at any time while this order is in force, the person:
- (a) is automatically eligible to be a TLCF or applies to the DDG DPI Fisheries to be an TLCF, and
  - (b) is approved as a TLCF by the DDG DPI Fisheries.
- (3) An Aboriginal person is automatically eligible to be a TLCF if that person is in a category and meets the criteria in the Table:

**Table**

Category	Criteria
Local Aboriginal Land Council Membership	The person is a member of the Tweed Byron Local Aboriginal Land Council and their name is on the membership role of that Local Aboriginal Land Council maintained under the ALR Act.
Child	1. The person is less than 18 years of age and is:



	<p>(a) a child of a TLCF by blood, marriage, de-facto marriage, adoption, step, fostering or kinship care who is usually resident in the same household as the TLCF, or</p> <p>(b) a child of a TLCF by blood, marriage, de-facto marriage, adoption, step, fostering or kinship care who is not usually resident in the same household as the TLCF because of parental separation.</p> <p>2. The person is less than 18 years of age and is a lineal descendant of a TLCF such as a grandchild, great-grandchild or great-great-grandchild of a TLCF.</p>
Young adult	The person has turned 18 years of age after the date on which this order commenced and was automatically eligible to be a TLCF as a child before they turned 18 years of age.

- (4) An Aboriginal person may apply to the DDG DPI Fisheries to be a TLCF if:
- (a) the person resides in the TLMP Area, or
  - (b) the person does not reside in the TLMP Area, but the person has a community or cultural connection to the TLMP Area.

**6. Waters in which this order applies**

- (1) This order applies to the TLMP Area.
- (2) The **TLMP Area** is the that part of the Tweed Byron Local Aboriginal Land Council Area north of the northern bank of the Brunswick River:
  - (a) commencing at the easternmost point of the northern training wall of the Brunswick River to the eastern junction of the Brunswick River and Marshalls Creek, following a straight line to the western junction of the Brunswick River and Marshalls Creek and then following the northern bank of the Brunswick River westward until the foothills of the Border Ranges:
    - (i) above mean high water mark, for tidal waters, and
    - (ii) above the top of the river bank, for non-tidal waters, and
  - (b) following the foothills of the Border Ranges northward to the Queensland and New South Wales border in the Tyalgum Creek area, and
  - (c) following the Queensland and New South Wales border eastward to Point Danger, and
  - (d) ocean waters within the coastal waters of New South Wales:
    - (i) south of the Queensland and New South border, following the state territorial line from the intersection of the Queensland and New South Wales coastal border at Point Danger, and its prolongation to the 3 nautical mile State waters limit, and
    - (ii) north of a line running directly eastward from the end of the northern training wall of the Brunswick River.
- (3) The TLMP Area includes the whole of the Tweed River, Cudgen Creek, Cudgera Creek, Mooball Creek, Marshalls Creek and all associated creeks, bays and tributaries.

- (4) This order does not apply to any lands or waters contained in the Native Title Determination, *Bundjalung People of Byron Bay #3* (NC2001/008).

**Note:** The **coastal waters of the State** are defined in section 58 of the *Interpretation Act 1987*. Generally speaking, coastal waters extend to the waters of the sea within 3 nautical miles of the natural coastline at mean low water.

**Ocean waters** are defined in clause 3 of the Regulation to mean waters east of the natural coastline of New South Wales.

## 7. Aboriginal cultural fishing

- (1) This order authorises a TLCF:
- (a) to take and possess fish for the purposes of Aboriginal cultural fishing, and
  - (b) to carry out the fishing activities described in the order for the purposes of Aboriginal cultural fishing.
- (2) This order does not authorise a TLCF to take fish for sale from the TLMP Area.

**Note:** This order does not authorise any fishing activity that is prohibited in a marine park by the *Marine Estate Management Act 2014* and the Marine Estate Management (Management Rules) Regulation 1999, even if that activity is for **traditional use** (as defined in the Marine Estate Management (Management Rules) Regulation 1999).

## Part 2 Special Approvals – Bag limits

### 8. Bag limits

- (1) The daily limit and possession limit for a species of fish are specified in the Tables in Schedule 1 to this order.
- (2) Despite clause 8 of the Regulation, a TLCF may on any day, take no more of a species of fish than the daily limit specified in a Table in Schedule 1 to this order.
- (3) Despite clause 9 of the Regulation, a TLCF may possess no more of a species of fish than the possession limit specified in a Table in Schedule 1 to this order, when the TLCF is in or on or adjacent to any waters or is transporting or storing the fish.
- (4) Despite clause 10(1) of the Regulation, for any species of marine or estuarine fish (including marine or estuarine invertebrates or tunicates) not specified in Schedule 1 to this order:
- (a) the daily limit of that species is 40, and
  - (b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to waters or is transporting or storing the fish) is 40.
- (5) Despite clause 10(2) of the Regulation, for any species of native freshwater fish (other than invertebrates) not included in Schedule 1 to this order:
- (a) the daily limit of fish of that species is 20, and
  - (b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to waters or is transporting or storing the fish) is 20.

## Part 3 Special Approvals – Fishing gear and fishing activities

### 9. Lawful use and possession of nets or traps

- (1) For the purposes of section 24 of the Act, the use by a TLCF to take fish using fishing gear described in this Part is a lawful use of that gear.
- (2) For the purposes of section 25 of the Act, a TLCF may possess fishing gear as described in this Part.

### 10. Fishing gear – traditional methods

- (1) Despite Part 3 of the Regulation, it is lawful for a TLCF to take fish in the TLMP Area using the methods described in the Table to this clause, subject to the conditions in the Table.

**Table**

Method	Description	Conditions
Traditional woven net or trap	A fish trap in the form of a basket trap, hand-held net, baited cane and weir (stick barrier) trap constructed of natural or synthetic fibres and materials based on traditional construction and weaving techniques used for both constructing and mending traps or nets.	A TLCF must: <ol style="list-style-type: none"> <li>(a) be in the immediate vicinity of the traditional woven net or trap, or</li> <li>(b) must indicate the position of the traditional woven net or trap with a buoy that displays the letters “CFCT” and their TLCF number.</li> </ol>
Stone trap	Rock pools working as natural tidal fish traps where fish caught in the pools can be collected or speared. Natural or constructed stone weirs designed to trap fish in shallow lagoon that existed on the date this order commenced. Note: This order does not authorise the construction of new stone weirs.	A TLCF may only use a stone trap in locations where they have historically been used for cultural fishing.
Foam bark	Using <i>J pseudorhus</i> (commonly named foambark) growing naturally in the Tweed Byron region, as a de-oxygenator of waterway pools to temporarily suffocate fish to enable easier catching	A TLCF may only use foam bark:

		(a) to teach and pass on cultural knowledge, and (b) for ceremonial purposes.
Crab wire	An implement made from a small-diameter, round, steel bar, with one end bent into a right-angle hook, which is hooked behind the crab to drag within reach of hand capture.	A TLCF must use no more than 2 crab wires at any time

- (2) Despite section 219 of the Act, a TLFC is permitted to use a stone trap to create an obstruction so that fish will or could be blocked, left stranded or their free passage obstructed.
- (3) Despite clause 50 of the Regulation, it is lawful for a TLCF to hook a crab using a crab wire, but the crab wire must not penetrate the crab's shell or otherwise damage or harm the crab.
- (4) Despite clause 83 of the Regulation, a TLCF may use foam bark for the purposes of taking, disturbing, injuring or otherwise harming fish in the TLMP Area.

**Note:** This clause does not authorise any fishing activity that is likely to result in harm to a threatened species, population or ecological community, damage to critical habitat or damage to a habitat of a threatened species, population or ecological community.

#### 11. Fishing gear – lawful recreational nets

- (1) Despite clauses 29(1)(b) and 59 of the Regulation, it is lawful for a TLCF to use 2 spanner crab nets in the ocean waters of the TLCF Area if, when using the net to take spanner crab if:
  - (a) the TLCF complies with all the conditions in clause 29(1)(a) and (c), and
  - (b) the TLCF displays their TLCF number and “SN” on the buoy instead of the information required by clause 29(1)(c)(v).
- (2) Despite clauses 30(1)(b)(i) and 59 of the Regulation, it is lawful for a TLCF to use 6 hoop or lift nets at any time when fishing in the any waters (other than ocean waters) in the TLMP Area if:
  - (a) the TLCF complies with the conditions in clause 30(1)(a) and (c) of the Regulation, and
  - (b) when using the hoop or lift net, the TLCF displays their TLCF number and “HN” on the buoy, instead of the information required by clause 30(1)(c)(v) of the Regulation.
- (3) Despite clause 34 of the Regulation, it is lawful for a TLCF to use a dip or scoop net (prawns) to land prawns and other fish in inland waters of the TLMP Area.
- (4) Despite clause 35 of the Regulation, it is lawful for a TLCF to use one hand-hauled yabby net for taking yabbies in all inland waters in the TLMP Area.

## 12. Fishing gear – cast nets

- (1) Despite Part 3 of the Regulation, it is lawful for a TLCF to use a cast net to take fish in all waters (other than inland waters), if:
  - (a) the length of the net does not exceed 3.7m from the point of rope attachment to the rest of the net, the net lead line or the bottom of the lowest pocket of the net, and
  - (b) the mesh size does not exceed 28 millimetres.
- (2) A TLCF must not:
  - (a) stake or set a cast net,
  - (b) join a cast net to another net, or
  - (c) place a cast net together with another net.
- (3) In this clause, *cast net* means a circular net that:
  - (a) is weighted around its outside, and
  - (b) has a rope attached to its centre to allow the net to be cast and retrieved.
- (4) The length of a cast net is the greater of the distances between the point where the net's cord or rope is attached to the rest of the net and the following:
  - (a) the net's lead line; and
  - (b) the bottom of the net's lowest pocket.

## 13. Fishing gear – lawful traps

- (1) Despite clauses 38(1)(b) and 59 of the Regulation, it is lawful for a TLCF to use 2 recreational lobster traps for taking rock lobster at any one time, if:
  - (a) the TLCF complies with the conditions in clause 38(1)(a)(i)-(iv) of the Regulation, and
  - (b) the TLCF displays the person's TLCF number and "LT", instead of the information required by clause 38(1)(a)(v) of the Regulation.
- (2) Despite clauses 39(1)(c) and 59 of the Regulation, it is lawful for a TLCF to use 5 traps for taking crabs at any one time if:
  - (a) the TLCF complies with the conditions in clause 39(1)(a), (b) and (d) of the Regulation, and
  - (b) the TLCF displays the person's TLCF number and "CT", instead of the information required by clause 39(1)(a)(v) of the Regulation.
- (3) Despite clauses 42(1)(a) and 59 of the Regulation, it is lawful for a TLCF to use a shrimp trap if:
  - (a) the TLCF complies with the conditions in clause 42(1)(a)(i) and (ii) of the Regulation, and
  - (b) the TLCF displays the person's TLCF number and "ST", instead of the information required by clause 42(1)(a)(iii) of the Regulation.

**Note:** The Marine Estate Management (Management Rules) Regulation 1999 prohibits the use of traps for taking crabs (crab traps) in those parts of Marshalls Creek that are part of the Brunswick River habitat protection zone in the Cape Byron Marine Park.

#### **14. Fishing gear – lawful hand held lines**

Despite clauses 43(1)(a) and 43(4)(a) of the Regulation, it is lawful for a TLCF to use 6 hand held lines in any waters in the TLMP Area if the TLCF complies with all other conditions in clause 43 of the Regulation.

#### **15. Fishing gear – other fishing gear – spear guns**

- (1) Despite clause 52(1) of the Regulation, it is lawful for a TLCF to use a spear gun for the purpose of taking fish from:
  - (a) Cudgen Creek, Cudgera Creek, Mooball Creek and the Tweed River, and
  - (b) ocean beaches within the TLMP Area, including the 20 metres at each extremity of each ocean beach.
- (2) Each day, a TLCF must not take more than 1 of the species of fish *Achoerodus viridis* (Eastern blue groper, Blue groper, Brown groper, Red groper) using a spear gun.
- (3) For the purposes of this clause, a **spear gun** means a spear or similar device and includes a traditional-style hand or rubber propelled straight shafted spear constructed of natural or synthetic materials with single spear point or prong, or multi-pronged head.

#### **16. Other approvals – fishing activities**

- (1) Despite clause 87 of the Regulation, a TLCF may shuck rock lobster and turban shell, and have shucked lobster and turban shell in their possession, in or on or within 100 metres of the high water mark of waters in the TLMP Area.
- (2) Despite clause 88 of the Regulation, a TLCF may shuck abalone, or have shucked abalone in their possession, in or on or within 100 metres of the high water mark of waters in the TLMP Area.

**Note:** This order does not authorise a person to interfere with any set fishing gear while taking fish or marine vegetation.

## Schedule 1 – Bag limits

**Table 1 Fish – marine or estuarine**

Common Name	Species	Daily limit	Possession limit
Australian Anchovy	<i>Engraulis australis</i>	350	350
Banded Rockcod Bass Groper/ Bass Grouper, Gemfish Hapuku, Hapuka Blue-eye Trevalla, Trevalla	<i>Epinephelus ergastularius Polyprion americanus Rexea solandri Polyprion oxygeneios Hyperoglyphe antarctica</i>	10 comprised of any single species or a combination of species, with a maximum of 4 Gemfish	15 comprised of any single species or a combination of species, with a maximum of 4 Gemfish
Billfish	Families <i>Xiphiidae</i> and <i>Istiophoridae</i>	2 of each species	2 of each species
Rock Blackfish	<i>Girella elevata</i>	30	40
Cobia	<i>Rachycentron canadum</i>	10	20
Australian Bonito	<i>Sarda australis</i>	20	40
Tarwhine	<i>Rhabdosargus sarba</i>	40	80
Yellowfin Bream	<i>Acanthopagrus australis</i>	40	65
Dusky Flathead, Common Flathead	<i>Platycephalus fuscus</i>	20	40
Black Bream, Southern Bream	<i>Acanthopagrus butcheri</i>	15	40
Bluespotted Flathead, Sand Flathead Tiger Flathead Flathead	<i>Platycephalus caeruleopunctatus Platycephalus richardsoni Platycephalus spp.</i>	60	80
Flounder Sole	Families <i>Bothidae</i> and <i>Pleuronectidae</i> Families <i>Cynoglossidae</i> and <i>Soleidae</i>	60	80
Eastern Sea Garfish	<i>Hyporhamphus australis</i>	60	80
Southern Shortfin Eel Longfin Eel	<i>Anguilla australis Anguilla reinhardtii</i>	40 40	40 40
Garfish (except Eastern Sea Garfish)	Family <i>Hemiramphidae</i>	150	150
Eastern Blue Groper, Blue Groper, Brown Groper, Red Groper	<i>Achoerodus viridis</i>	4	8
Largehead Hairtail, Hairtail	<i>Trichiurus lepturus</i>	4	8
Hardyhead, Silverfish	Family <i>Atherinidae</i>	30	30
Southern Herring	<i>Herklotsichthys castelnaui</i>	150	150
Yellowtail Kingfish	<i>Seriola lalandi</i>	15	20
Leatherjacket	Family <i>Monacanthidae</i>	40	80

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Luderick, Blackfish	<i>Girella tricuspidata</i>	60	80
Blue Mackerel, Slimy Mackerel	<i>Scomber australasicus</i>	150	200
Spotted Mackerel Spanish Mackerel	<i>Scomberomorus munroi</i> <i>Scomberomorus commerson</i>	15 comprised wholly of any single species or a combination of species	15 comprised wholly of any single species or a combination of species
Mahi Mahi, Dolphinfish	<i>Coryphaena hippurus</i>	30	40
Mangrove Jack	<i>Lutjanus argentimaculatus</i>	10	15
Maray, Round Herring	<i>Etrumeus teres</i>	200	200
Banded Morwong	<i>Cheilodactylus spectabilis</i>	30	40
Jackass Morwong	<i>Nemadactylus macropterus</i>	30	40
Red Morwong, Sea Carp	<i>Cheilodactylus fuscus</i>	15	20
Grey Morwong, Rubberlip Morwong	<i>Nemadactylus douglasii</i>	30	40
Mullet	Family <i>Mugilidae</i>	60	90
Mulloway, Jewfish	<i>Argyrosomus japonicus</i>	10	20
Moses Snapper, Moses Perch	<i>Lutjanus russelli</i>	15	15
Pearl Perch	<i>Glaucosoma scapulare</i>	15	20
Australian Sardine, Pilchard	<i>Sardinops sagax</i>	350	350
Eastern Australian Salmon, Australian Salmon	<i>Arripis trutta</i>	15	20
Samsonfish, Amberjack	<i>Seriola hippos, Seriola dumerili</i>	15	20
Eastern Red Scorpionfish, Eastern Red Rockcod	<i>Scorpaena cardinalis</i>	15	20
Sharks and Rays (other than Wobbegongs)	All species (other than <i>Orectolobus</i> spp.)	15	20
Snapper (Garanggan)	<i>Chrysophrys auratus</i>	30	50
Blue Sprat, Bluebait	<i>Spratelloides robustus</i>	200	200
Sandy Sprat, Whitebait	<i>Hyperlophus vittatus</i>	300	300
Australian Sawtail, Sawtail Surgeon	<i>Prionurus microlepidotus</i>	10	20
Tailor	<i>Pomatomus saltatrix</i>	50	80



Common Name	Species	Daily limit	Possession limit
Teraglin	<i>Atractoscion aequidens</i>	10	20
Trevally	<i>Pseudocaranx georgianus</i> , <i>Caranx</i> spp.	40	80
Albacore, Albacore Tuna Bigeye Tuna Longtail Tuna Yellowfin Tuna	<i>Thunnus alalunga</i> <i>Thunnus obesus</i> <i>Thunnus tonggol</i> <i>Thunnus albacares</i>	15 comprised wholly of any single species or a combination of species	30 comprised wholly of any single species or a combination of species
Wahoo	<i>Acanthocybium solandri</i>	10	20
Wobbegong	<i>Orectolobus</i> spp.	1	1
Whiting	<i>Sillago</i> spp.	50	100
Yellowtail, Jack Mackerel	<i>Trachurus</i> spp.	100	100

**Table 2 – Invertebrates – marine or estuarine**

Common Name	Species	Daily limit	Possession limit
Blacklip Abalone, Abalone	<i>Haliotis rubra rubra</i>	15	30
Balmain Bug	<i>Ibacus peronii</i> , <i>Ibacus chacei</i>	40	40
Beachworm	Family <i>Onuphidae</i>	50	90
Cockle Blue Mussel, Mussel	<i>Anadara trapezia</i> <i>Mytilus galloprovincialis</i>	150 comprised wholly of any single species or a combination of species	300 comprised wholly of any single species or a combination of species
Pipi	<i>Donax deltooides</i>	150	250
Blue Swimmer Crab, Sand Crab	<i>Portunus armatus</i>	40	65
Mud Crab, Black Crab, Mangrove Crab	<i>Scylla serrata</i>	15	30
Spanner Crab	<i>Ranina ranina</i>	20	45
Soldier Crab	Family <i>Mictyridae</i>	100	200
Crab (except for Blue Swimmer Crab, Sand Crab, Mud Crab, Spanner Crab and Soldier Crab)	Subclass <i>Brachyura</i>	20 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Cunjevoi	<i>Pyura</i> spp.	40	40
Eastern Rocklobster Southern Rocklobster	<i>Sagmariasus verreauxi</i> <i>Jasus edwardsii</i>	6 comprised wholly of any single species or a combination of species	10 comprised wholly of any single species or a combination of species
Tropical Rocklobster, Painted Rocklobster, Ornate Rocklobster	<i>Panulirus</i> spp. except <i>Panulirus cygnus</i>	6 comprised wholly of any single species or a combination of species	12 comprised wholly of any single species or a combination of species

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Slipper Lobster Flat Lobster	<i>Scyllarides</i> spp.	5	10
Octopus	All species	30	60
Sydney Rock Oyster Pacific Oyster Native Oyster, Flat Oyster, Drift Oyster	<i>Saccostrea glomerata</i> <i>Crassostrea gigas</i> , <i>Magallana gigas</i> <i>Ostrea angasi</i>	The greater of 150 oysters or 20 litres, comprised wholly of any single species or a combination of species, with no more than 150 Pacific Oysters	The greater of 300 oysters or 40 litres, comprised wholly of any single species or a combination of species, with no more than 250 Pacific Oysters
Molluscs (except Squid, Octopus and Cuttlefish (class <i>Cephalopoda</i> ) and any other Mollusc referred to in this Schedule)	Phylum <i>Mollusca</i>	60	85
Prawns	Family <i>Penaeidae</i> and <i>Macrobrachium</i> spp.	30 litres	60 litres
Saltwater nippers	Genus <i>Callinassa</i> and <i>Alpheus</i> spp.	100	100
Scallops	Family <i>Pectinidae</i>	150	300
Sea Urchin	Class <i>Echinoidea</i>	20	40
Squid	All species	60	85
Cuttlefish	All species	60	85
Worms (except Beachworms)	Class <i>Polychaeta</i> other than family <i>Onuphidae</i>	200	200
Sydney Turban Shell	<i>Lunella torquata</i>	40	80
Military Turban Shell	<i>Turbo militaris</i>	15	35

**Table 3 – Fish - Freshwater or estuarine**

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Golden Perch, Yellow Belly Perch	<i>Macquaria ambigua</i>	7	15
Murray Cod	<i>Maccullochella peelii</i>	10	25
Freshwater Catfish, Eel-tailed Catfish – dams	<i>Tandanus tandanus</i>	10	36
Freshwater Catfish, Eel-tailed Catfish - all waters in the TLMP Area, including backed up waters of dams and impoundments	<i>Tandanus tandanus</i>	8	20
Australian Bass Estuary Perch	<i>Macquaria novemaculeata</i> <i>Macquaria colonorum</i>	8 comprised wholly of any single species or a combination of species	15 comprised wholly of any single species or a combination of species

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Atlantic Salmon Brook Trout Brown Trout Rainbow Trout	<i>Salmo salar</i> <i>Salvelinus fontinalis</i> <i>Salmo trutta</i> <i>Oncorhynchus mykiss</i>	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species

**Table 4 – Invertebrates - Freshwater**

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Spiny Crayfish (other than Murray Crayfish)	<i>Euastacus</i> spp. (other than <i>Euastacus armatus</i> )	25 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Yabby	<i>Cherax</i> spp.	400	1000

**Notes:**

- (1) This order does not authorise the harming of any fish or marine vegetation of a threatened species, population or ecological community (section 220ZA) or interference with any fish of a threatened species (section 220ZGB), unless the harm or interference is permitted by a licence granted under Part 7A of the Act.
- (2) This order does not authorise in a habitat protection zone of the Cape Byron Marine Park, the harming of any species of fish that is identified as a protected species of fish for the purposes of that park.

# Fisheries Management (Hastings Cultural Fishing Local Management Plan Special Approval) Order 2024

under the

Fisheries Management Act 1994

I, Heath Folpp, Acting Deputy Director General Fisheries, with delegated authority, make the following order under sections 37(1)(d) and 37(3)(b) of the *Fisheries Management Act 1994*.

Dated this 12th day of June 2024



**HEATH FOLPP**  
**Acting 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 (Hastings Cultural Fishing Local Management Plan Special Approval) Order 2024*.

### 2. Commencement and duration

This order commences on the date it is published in the NSW Government Gazette and will remain in force until 30 June 2025.

### 3. Revocation of the *Fisheries Management (Hastings Cultural Fishing Local Management Plan Special Approval) Order 2022*

The *Fisheries Management (Hastings Cultural Fishing Local Management Plan Special Approval) Order 2022* published in NSW Government Gazette No. 260 of 17 June 2022 is revoked.

### 4. Definitions

In this order:

*ALR Act* means the *Aboriginal Land Rights Act 1983*.

*daily limit* has the meaning given in section 17(1) of the Act.

*DDG DPI Fisheries* means the senior executive employed by the Department under the *Government Sector Employment Act 2013* holding the office of the Deputy Director General DPI Fisheries, and includes any person who is for the time being acting in that role or performing the duties and responsibilities of that role.

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

**Hastings LMP** means the Birpai Barray (Hastings) Aboriginal Cultural Fishing Local Management Plan (Trial Plan) published in March 2022.

**HLCF** means an Aboriginal person whose name is listed in the HLCF Register as a Hastings Local Cultural Fisher.

**HLCF number** means the number assigned to a HLCF in the HLCF Register, which is shown on any identification card (including digital) issued to the HLCF under the Hastings LMP.

**HLCF Register** means the register of HLCF maintained by the Department for the purposes of administering the Hastings LMP.

**HLMP Area** – see clause 6.

**Local Aboriginal Land Council** means a Local Aboriginal Land Council constituted under the *ALR Act 1983* for a Local Aboriginal Land Council Area.

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

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

**the Act** means the *Fisheries Management Act 1994*

**the Regulation** means the Fisheries Management (General) Regulation 2019.

- (1) Words and expressions in this order have the same meaning as they have in the Act, unless otherwise specified in this order.

## 5. Persons to whom this order applies

- (1) This order applies to a HLCF.
- (2) The name of an Aboriginal person will be listed in the HLCF Register if, at any time while this order is in force, the person:
- (a) is automatically eligible to be a HLCF or applies to the DDG DPI Fisheries to be an HLCF, and
  - (b) is approved as a HLCF by the DDG DPI Fisheries.
- (3) An Aboriginal person is automatically eligible to be a HLCF if that person is in a category and meets the criteria in the Table:

**Table**

Category	Criteria
Local Aboriginal Land Council Membership	The person is an active member of the Bunyah Local Aboriginal Land Council or the Birpai Local Aboriginal Land Council and their name is on the membership role of that Local Aboriginal Land Council.
Child	1. The person is less than 18 years of age and is:

	<p>(a) a child of a HLCF by blood, marriage, de-facto marriage, adoption, step, fostering or kinship care who is usually resident in the same household as the HLCF, or</p> <p>(b) a child of a HLCF by blood, marriage, de-facto marriage, adoption, step, fostering or kinship care who is not usually resident in the same household as the HLCF because of parental separation.</p> <p>2. A person is less than 18 years of age and is a lineal descendant of a HLCF such as a grandchild, great-grandchild or great-great-grandchild of a HLCF.</p>
Young adult	The person has turned 18 years of age after the date on which this order commenced and was automatically eligible to be a HLCF as a child before they turned 18 years of age.

- (4) An Aboriginal person may apply to the DDG DPI Fisheries to be a HLCF if:
- (a) the person resides in the HLMP Area, or
  - (b) the person does not reside in the HLMP Area, but the person has a community or cultural connection to the HLMP Area.
- (5) A person is an active member of a Local Aboriginal Land Council unless they are an inactive member for the purposes of section 57A of the ALR Act.

**6. Waters in which this order applies**

- (1) This order applies to the HLMP Area.
- (2) The *HLMP Area* is:
  - (a) the whole of the Hastings River and its tributaries within the Bunyah Local Aboriginal Land Council Area and the Birpai Local Aboriginal Land Council Area, from a line drawn between the eastern extremities of the northern and southern breakwalls upstream to its source,
  - (b) the whole of the waters of Camden Haven River and its tributaries (including Gogleys Lagoon) within the Bunyah Local Aboriginal Land Council Area and the Birpai Local Aboriginal Land Council Area, from a line drawn between the eastern extremities of its northern and southern breakwalls upstream to its source, and
  - (c) ocean waters within the coastal waters of the State:
    - (i) south of a line running directly eastward from the northern break wall of the Hastings River, and
    - (ii) north of a line running directly eastward from the border between Crowdy Bay National Park and the suburb of Dunbogan.
- (3) This order does not apply to the Maria River upstream from its confluence with the Hastings River.

- (4) In this clause:
- (a) the ***Birpai Local Aboriginal Land Council Area*** means the area constituted as the Birpai Local Aboriginal Land Council Area under the *ALR Act* by notice published in NSW Government Gazette No. 82, Friday 17 May 1985, page 2130, and
  - (b) the ***Bunyah Local Aboriginal Land Council Area*** means the area constituted as the Bunyah Local Aboriginal Land Council Area under the *ALR Act* by notice published in NSW Government Gazette No. 105, Friday 19 July 1985, page 3647.

**Note:** The ***coastal waters of the State*** are defined in section 58 of the *Interpretation Act 1987*. Generally speaking, coastal waters extend to the waters of the sea within 3 nautical miles of the natural coastline at mean low water.

**Ocean waters** are defined in clause 3 of the Regulation to mean waters east of the natural coastline of New South Wales.

## 7. Aboriginal cultural fishing

- (1) This order authorises a HLCF:
- (a) to take and possess fish for the purposes of Aboriginal cultural fishing, and
  - (b) to carry out the fishing activities described in the order for the purposes of Aboriginal cultural fishing.
- (2) This order does not authorise a HLCF to take fish for sale from the HLMP Area.

## Part 2 Special Approvals – Bag limits

### 8. Bag limits

- (1) The daily limit and possession limit for a species of fish are specified in the Tables in Schedule 1 to this order.
- (2) Despite clauses 8 of the Regulation, a HLCF may on any day, take no more of a species of fish than the daily limit specified in a Table in Schedule 1 to this order.
- (3) Despite clause 9 of the Regulation, a HLCF may possess no more of a species of fish than the possession limit specified in a Table in Schedule 1 to this order, when the HLCF is in or on or adjacent to any waters or is transporting or storing the fish.
- (4) Despite clause 10(1) of the Regulation, for any species of marine or estuarine fish (including marine or estuarine invertebrates or tunicates) not specified in Schedule 1 to this order:
- (a) the daily limit of that species is 40, and
  - (b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to waters or is transporting or storing the fish) is 40.
- (5) Despite clause 10(2) of the Regulation, for any species of native freshwater fish (other than invertebrates) not included in Schedule 1 to this order:
- (a) the daily limit of fish of that species is 20, and
  - (b) the possession limit of fish of that species (when the person in possession is in or on or adjacent to waters or is transporting or storing the fish) is 20.

### Part 3 Special Approvals – Fishing gear and fishing activities

#### 9. Lawful use and possession of nets or traps

- (1) For the purposes of section 24 of the Act, the use by a HLCF to take fish using fishing gear described in this Part is a lawful use of that gear.
- (2) For the purposes of section 25 of the Act, a HLCF may possess fishing gear as described in this Part.

#### 10. Fishing gear – traditional methods

- (1) Despite Part 3 of the Regulation, it is lawful for a HLCF to take fish in the HLMP Area using the methods described in the Table to this clause, subject to the conditions in the Table.

**Table 1**

Method	Description	Conditions
Traditional woven net or trap	A fish trap in the form of a basket trap, hand-held net, baited cane and weir (stick barrier) trap constructed of natural or synthetic fibres and materials based on traditional construction and weaving techniques used for both constructing and mending traps or nets.	A HLCF must: <ol style="list-style-type: none"> <li>(a) be in the immediate vicinity of the traditional woven net or trap, or</li> <li>(b) must indicate the position of the traditional woven net or trap with a buoy that displays the letters “CFCT” and their HLCF number.</li> </ol>
Stone trap	Rock pools working as natural tidal fish traps where fish caught in the pools can be collected or speared. Natural or constructed stone weirs designed to trap fish in shallow lagoon that existed on the date this order commenced. <b>Note:</b> This order does not authorise the construction of new stone weirs.	A HLCF must not use more than 1 stone trap in a location at any time.
Foam bark	Using <i>J pseudorhus</i> (commonly named foambark) growing naturally in the Hastings region, as a de-oxygenator of waterway pools	A HLCF may only use foam bark:



Method	Description	Conditions
	to temporarily suffocate fish to enable easier catching	(a) to teach and pass on cultural knowledge, and (b) for ceremonial purposes.
Crab wire	An implement made from a small-diameter, round, steel bar, with one end bent into a right-angle hook, which is hooked behind the crab to drag within reach of hand capture.	A HLCF must use no more than 2 crab wires at any time

- (2) Despite clause 50 of the Regulation, it is lawful for a HLCF to hook a crab using a crab wire, but the crab wire must not penetrate the crab's shell or otherwise damage or harm the crab.
- (3) Despite clause 83 of the Regulation, a HLCF may use foam bark for the purposes of taking, disturbing, injuring or otherwise harming fish in the HLMP Area.

#### 11. Fishing gear – lawful recreational nets

- (1) Despite clauses 29 and 59 of the Regulation, it is lawful for a HLCF to use a spanner crab net in the ocean waters of the HLCF Area if, when using the net to take spanner crab if:
  - (a) the HLCF complies with all the conditions in clause 29(1) of the Regulation, and
  - (b) the HLCF displays their HLCF number and "SN" on the buoy instead of the information required by clause 29(1)(c)(v) of the Regulation.
- (2) Despite clauses 30 and 59 of the Regulation, it is lawful for a HLCF to use 5 hoop or lift nets at any time when fishing in the estuarine waters in the HLMP Area if:
  - (a) the HLCF complies with all the conditions in clause 30(1) of the Regulation, and
  - (b) when using the hoop or lift net, the HLCF displays their HLCF number and "HN" on the buoy, instead of the information required by clause 30(1)(c)(v) of the Regulation.
- (3) Despite clauses 32 and 54 of the Regulation, in waters in the HLMP Area other than the waters described in clause 11(4) of this order, it is lawful for a HLCF:
  - (a) to use 2 hand-hauled prawn nets in the HLMP Area and to join or place those nets together, and
  - (b) to stake or set the hand-hauled prawn nets so that the nets are used as stationary nets.
- (4) It is not lawful for a HLCF to use the nets in the manner described in clause 11(3) of this order:
  - (a) in inland waters; or
  - (b) in waters within 50 metres of a net site determined under clause 35H of the EG Plan.

**Note:** On the date this order is made, the net sites for Lake Innes/ Cathie Creek and Camden Haven River are determined in the *Notice of preliminary determination for rights of priority – prawn nets (set pocket)* dated 17 August 2021

[https://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0004/1358140/Prawn-Draw-Preliminary-determinations-2021-22pdf.pdf](https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/1358140/Prawn-Draw-Preliminary-determinations-2021-22pdf.pdf).

- (5) Despite clause 34 of the Regulation, it is lawful for a HLCF to use a dip or scoop net (prawns) to land prawns and other fish in inland waters of the HLMP Area.
- (6) Despite clause 35 of the Regulation, it is lawful for a HLCF to use one hand-hauled yabby net in all inland waters in the HLMP Area.

## **12. Fishing gear – lawful traps**

- (1) Despite clauses 38(1)(b) and 59 of the Regulation it is lawful for HLCF to use 3 recreational lobster traps for taking rock lobster at any one time, if:
  - (a) the HLCF complies with the conditions in clause 38(1)(a)(i)-(iv) of the Regulation, and
  - (b) the HLCF displays the person’s HLCF number and “LT”, instead of the information required by clause 38(1)(a)(v) of the Regulation.
- (2) Despite clauses 39(1)(c) and 59 of the Regulation, it is lawful for a HLCF to use 4 traps for taking crabs at any one time if:
  - (a) the HLCF complies with the conditions in clause 39(1)(a), (b) and (d) of the Regulation, and
  - (b) the HLCF displays the person’s HLCF number and “CT”, instead of the information required by clause 39(1)(a)(v) of the Regulation.

## **13. Fishing gear – lawful hand held lines**

Despite clauses 43(1)(a) and 43(4)(a) of the Regulation, it is lawful for a HLCF to use 5 hand held lines in any waters in the HLMP Area if the HLCF complies with all other conditions in clause 43 of the Regulation.

## **14. Fishing gear – other fishing gear – spear guns**

- (1) Despite clause 52(1) of the Regulation, it is lawful for a HLCF to use a spear gun for the purpose of taking fish:
  - (a) in any part of the Hastings River or Camden Haven Rivers that are inland waters,
  - (b) in the parts of the Hastings River described in Schedule 4 to the Regulation, and
  - (c) in the parts of the Camden Haven Inlet described in Schedule 4 to the Regulation.
- (2) For the purposes of this clause, a *spear gun* means a spear or similar device and includes a traditional-style hand or rubber propelled straight shafted spear constructed of natural or synthetic materials with single spear point or prong, or multi-pronged head.

## **15. Other approvals – fishing activities**

- (1) Despite clause 87 of the Regulation, a HLCF may shuck rock lobster and turban shell, and have shucked lobster and turban shell in their possession, in or on or within 100 metres of the high water mark of waters in the HLMP Area.
- (2) Despite clause 88 of the Regulation, a HLCF may shuck abalone, or have shucked abalone in their possession, in or on or within 100 metres of the high water mark of waters in the HLMP Area.

**Note:** This order does not authorise a person to interfere with any set fishing gear while taking fish or marine vegetation.

## Part 4 Special Approval - Commercial nets

### 16. Interpretation

In this Part:

***Fishing event*** means these fishing events:

- (a) NAIDOC week community gathering events,
- (b) Sorry Business,
- (c) Mullet run events from 1 March to 30 June each year,
- (d) prawning events from 1 December to 28 February each year.

***Port Macquarie Hastings District Fisheries Office*** means the office of the Department at which fisheries officers are located with these details:

Address: Unit 3, 22-24 Acacia Avenue, Port Macquarie, NSW, 2444.  
Postal address: PO Box 5584, Port Macquarie, NSW, 2444.  
Telephone: (02) 5524 0600  
Facsimile: (02) 6581 4083  
Email: aboriginal.fishing@dpi.nsw.gov.au

***Hauling net (general purpose)*** means:

- (a) if the net is used in ocean waters – a net described in paragraph 1(b) of the Table to clause 13A of the OH Plan,
- (b) if the net is used in estuarine waters – a net described in paragraph 4(b) of the Table to clause 17 of the EG Plan.

***Meshing net*** means a net described in clause 2(b) of the Table to paragraph 2(b) of the Table to clause 28 of the EG Plan.

***Recognised net user*** means a HLCF who has successfully completed a training or education program on the use of a Hauling net (general purpose) and Meshing net conducted under the Aboriginal Fishing Trust Fund *Birpai LALC Cultural Fishing Project*, described in the Funding Deed which commenced on 18 March 2021.

### 17. Lawful use and possession of commercial nets

- (1) For the purposes of section 24 of the Act, the use by a recognised net user to take fish using fishing gear described in this Part is a lawful use of that gear.
- (2) For the purposes of section 25 of the Act, a recognised net user may possess fishing gear as described in this Part.
- (3) Despite clause 13A of the OH Plan and clauses 17 and 28 of the EG Plan, it is lawful for a recognised net user to use, on behalf of either of the Local Aboriginal Land Councils:
  - (a) one Hauling net (general purpose) to take fish in the HLMP Area, and
  - (b) one Meshing net to take fish in the HLMP Area.
- (4) When using a Hauling net (general purpose) or Meshing net to take fish in the HLMP Area, the recognised net user must comply with the conditions in this Part.

## 18. Hauling net (general purpose)

- (1) A recognised net user may only use a Hauling net (general purpose) for the purpose of a fishing event.
- (2) If a Hauling net (general purpose) is used in ocean waters the recognised net user must:
  - (a) only use a net:
    - (i) that has a bunt and the bunt is:
      - (A) is in the centre of the net and the net has 2 wings of equal length, or
      - (B) is located between the end of the net first cast or shot and the centre of the net,
    - (ii) if the length of each hauling line attached to the net does not exceed the total length of the net to which it is attached
  - (b) only use the net by the method of hauling,
  - (c) immediately remove any fish contained in any part of the net on completion of the haul, or on removal of that part of the net from the water, whichever occurs first,
  - (d) after commencing the hauling of the net (that is, when any part of the net other than the hauling line has been shot or cast), continue hauling the net without any interruption or delay until completed,
  - (e) not use the net for taking garfish,
  - (f) deploy and haul the net from and to a beach, and
  - (g) not take fish unless at least 80% (by whole weight) of the catch taken from each haul is comprised of the target species or conditional target species in the Table:

**Table 2**

Target Species	Conditional Target Species
Australian salmon ( <i>Arripis trutta</i> ) Dart ( <i>Trachinotus</i> spp.) Luderick ( <i>Girella tricuspidata</i> ) Sand whiting ( <i>Sillago ciliata</i> ) Sea mullet (or any other species of mullet included in the Family MUGILIDAE) Yellowfin bream ( <i>Acanthopagrus australis</i> )	Blue mackerel ( <i>Scomber australasicus</i> ) Australian bonito ( <i>Sarda australis</i> ) Leaping bonito ( <i>Cybiosarda elegans</i> ) Oriental bonito ( <i>Sarda orientalis</i> ) Mulloway ( <i>Argyrosomus japonicus</i> ) Diamond fish ( <i>Monodactylus argentus</i> ) Frigate mackerel ( <i>Auxis thazard</i> ) Mackerel tuna ( <i>Euthynnus affinis</i> ) Longtail tuna ( <i>Thunnus tonggol</i> ) Silver trevally ( <i>Pseudocaranx dentex</i> ) Spanish mackerel ( <i>Scomberomorus commerson</i> ) Sweep ( <i>Scorpius lineolata</i> ) Tarwhine ( <i>Rhabdosargus sarba</i> )

- (3) If the Hauling net (general purpose) is used in estuarine waters, the recognised net user must:

- (a) only use a net:
    - (i) that has a bunt and the bunt is in the centre of the net and the net has 2 wings of equal length
    - (ii) if the length of each hauling line attached to the net does not exceed:
      - (A) in Lake Cathie (Lake Innes) – 725 metres, and
      - (B) in all other waters in the HLMP Area – the total length of the net to which it is attached,
  - (b) only use the net by the method of hauling,
  - (c) in the waters of any coastal lake or lagoon, not land the net other than against a stake or back net, the total length of which does not exceed 50 metres with a mesh throughout of not less than 25 mm,
  - (d) immediately remove any fish contained in any part of the net on completion of the haul, or on removal of that part of the net from the water, whichever occurs first,
  - (e) after commencing the hauling of the net (that is, when any part of the net other than the hauling line has been shot or cast), continue hauling the net without any interruption or delay until completed,
  - (f) not use the net for taking garfish,
  - (g) if the net is 500 metres or less:
    - (i) haul the net no more than once between midnight on one day and midnight on the immediately following day, and
    - (ii) use no more than one net during that period.
- (4) A recognised net user may be assisted by other HLCFs or Aboriginal persons to complete the haul of a hauling net, and there is no limit on the number of HLCFs or Aboriginal persons who may assist the recognised net user to complete the haul.

## **19. Meshing net**

- (1) A recognised net user may only use a Meshing net for the purpose of a fishing event.
- (2) A recognised net user may only use a Meshing net by the method of splashing (that is, shooting the net, immediately splashing and retrieving it as a continuous operation).
- (3) A recognised net user may be assisted by other HLCFs or Aboriginal persons to retrieve the meshing net, and there is no limit on the number of HLCFs or Aboriginal persons who may assist the recognised net user to retrieve the net.

## **20. Reporting and notices**

- (1) No later than 24 hours before starting to take fish for the purposes of a fishing event, the recognised net user must notify the Department that the person intends to use a Hauling net (general net) or a Meshing net, and the location in which the net will be used by:
  - (a) sending notice to the Port Macquarie Hastings District Fisheries Office, or
  - (b) using a method approved by the DDG DPI Fisheries.
- (2) While carrying out fishing activities for the purposes of the fishing event, the recognised net user must display, in a prominent place on land adjacent to the location in which the

net is being used, a notice that clearly identifies the net is being used for a fishing event conducted under the Hastings LMP and the registered net user's HLCF number.

- (3) No later than 24 hours after each time the registered net user finishes taking fish for the purposes of a fishing event, the recognised net user must make and send to the Department a record of fish taken using a Hauling net (general purpose) or Meshing net. The record must contain:
  - (a) the type of net and any other fishing gear used in connection with the fishing event,
  - (b) the location in which the fishing activities were carried out for the purposes of the fishing event,
  - (c) particulars of all fish taken during the fishing activities, including the species of fish and quantity taken,
  - (d) the quantity of fish disposed of during or after the fishing event and the amount of fish stored for later use,
  - (e) particulars of any boats used in connection with the fishing activities,
  - (f) particulars of all individuals who engaged in or assisted with the fishing activities,
  - (g) particulars of all sightings of or any other interaction with any threatened species or protected species.
- (4) The record of fish taken may be sent to the Department by:
  - (a) sending it to the Port Macquarie Hastings District Fisheries Office, or
  - (b) using a method approved by the DDG DPI Fisheries.
- (5) While the registered net user is conducting fishing activities for the purposes of a fishing event:
  - (a) the bag limits specified in clauses 8 and 10 of the Regulation and clause 8 of this order, do not apply to a recognised net user and any HLCF who assists the recognised net user in respect of fish taken for the purposes of the fishing event, and
  - (b) the possession limits specified in clause 9 of the Regulation and clause 8 of this order, do not apply to a recognised net user and any HLCF who assists the recognised net user in respect of fish taken for the purposes of the fishing event.
- (6) After the registered net user finishes taking fish for the purposes of a fishing event, the recognised net user must:
  - (a) distribute any fish taken using the Hauling net (general purpose) or Meshing net to HLCF and other members of either Local Aboriginal Land Council in the HLMP Area so that no person possesses more of a species of fish when in, on or adjacent to any waters than the possession limits specified in Schedule 1 to this order, and
  - (b) appropriately store at the premises of either Local Aboriginal Land Council any fish that are not immediately distributed for later distribution to HLCF and other members of either Local Aboriginal Land Council in the HLMP Area on the basis that no person will be given more than the possession limits specified in Schedule 1 to this order at any time.

**Note:** A recognised net user must not purchase a Hauling net (general purpose) or a Meshing net unless the person holds a permit under clause 61 of the Regulation.

## Schedule 1 – Bag limits

**Table 1 Fish – marine or estuarine**

Common Name	Species	Daily limit	Possession limit
Australian Anchovy	<i>Engraulis australis</i>	200	200
Banded Rockcod Bass Groper/ Bass Grouper, Gemfish Hapuku, Hapuka Blue-eye Trevalla, Trevalla	<i>Epinephelus ergastularius Polyprion americanus Rexea solandri Polyprion oxygeneios Hyperoglyphe antarctica</i>	10 comprised wholly of any single species or a combination of species, with a maximum of 4 Gemfish	10 comprised wholly of any single species or a combination of species, with a maximum of 4 Gemfish
Billfish	Families <i>Xiphiidae</i> and <i>Istiophoridae</i>	2 of each species	2 of each species
Rock Blackfish	<i>Girella elevata</i>	20	20
Cobia	<i>Rachycentron canadum</i>	25	25
Australian Bonito	<i>Sarda australis</i>	20	20
Tarwhine Yellowfin Bream <b>(Gupirr)</b>	<i>Rhabdosargus sarba Acanthopagrus australis</i>	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Dusky Flathead, Common Flathead <b>(Darawang)</b>	<i>Platycephalus fuscus</i>	40	40
Bluespotted Flathead, Sand Flathead Tiger Flathead Flathead <b>(Darawang)</b>	<i>Platycephalus caeruleopunctatus  Platycephalus richardsoni Platycephalus spp.</i>	30 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Flounder Sole	Families <i>Bothidae</i> and <i>Pleuronectidae</i> Families <i>Cynoglossidae</i> and <i>Soleidae</i>	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Eels Southern Shortfin Longfin <b>(Duunang)</b>		10	10
Eastern sea garfish	<i>Hyporhamphus australis</i>	40	40
Garfish (except Eastern Sea Garfish)	Family <i>Hemiramphidae</i>	100 comprised wholly of any single species or a combination of species	100 comprised wholly of any single species or a combination of species
Eastern Blue Groper, Blue Groper, Brown Groper, Red Groper	<i>Achoerodus viridis</i>	4 (only 2 of which can be longer than 60 cm)	4 (only 2 of which can be longer than 60 cm)
Largehead Hairtail, Hairtail	<i>Trichiurus lepturus</i>	20	40
Hardyhead, Silverfish	Family <i>Atherinidae</i>	200	200
Southern Herring	<i>Herklotsichthys castelnaui</i>	200	200
Yellowtail Kingfish	<i>Seriola lalandi</i>	20	20
Leatherjacket	Family <i>Monacanthidae</i>	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species

<b>Common Name</b>	<b>Species</b>	<b>Daily limit</b>	<b>Possession limit</b>
Luderick, Blackfish <b>(Garabiyn)</b>	<i>Girella tricuspidata</i>	55	55
Blue Mackerel, Slimy Mackerel	<i>Scomber australasicus</i>	200	200
Spotted Mackerel Spanish Mackerel	<i>Scomberomorus munroi</i> <i>Scomberomorus commerson</i>	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species
Mahi Mahi, Dolphinfish	<i>Coryphaena hippurus</i>	20 (only 2 of which can be longer than 110 cm)	20 (only 2 of which can be longer than 110 cm)
Mangrove Jack	<i>Lutjanus argentimaculatus</i>	20	20
Maray, Round Herring	<i>Etrumeus teres</i>	200	200
Banded Morwong	<i>Cheilodactylus spectabilis</i>	20	20
Jackass Morwong	<i>Nemadactylus macropterus</i>	20	20
Red Morwong, Sea Carp	<i>Cheilodactylus fuscus</i>	20	20
Grey Morwong, Rubberlip Morwong	<i>Nemadactylus douglasii</i>	20	20
Mullet <b>(Mayipuyu)</b>	Family <i>Mugilidae</i>	75 comprised wholly of any single species or a combination of species	75 comprised wholly of any single species or a combination of species
Mulloway, Jewfish <b>(Djarrawarra)</b>	<i>Argyrosomus japonicus</i>	20 (only 2 of which can be longer than 70 cm)	20 (only 2 of which can be longer than 70 cm)
Moses Snapper, Moses Perch	<i>Lutjanus russelli</i>	10	10
Pearl Perch	<i>Glaucosoma scapulare</i>	10	10
Australian Sardine, Pilchard	<i>Sardinops sagax</i>	200	200
Eastern Australian Salmon, Australian Salmon	<i>Arripis trutta</i>	10	10
Samsonfish, Amberjack	<i>Seriola hippos</i> , <i>Seriola dumerili</i>	10 comprised wholly of any single species or a combination of species	10 comprised wholly of any single species or a combination of species
Eastern Red Scorpionfish, Eastern Red Rockcod	<i>Scorpaena cardinalis</i>	10	10



Common Name	Species	Daily limit	Possession limit
Sharks and Rays (other than Wobbegongs)	All species (other than <i>Orectolobus</i> spp.)	10 comprised wholly of any single species or a combination of species, within no more than 2 of each of the following: (a) <i>Galeocerdo cuvier</i> (Tiger Shark), (b) <i>Isurus oxyrinchus</i> (Shortfin Mako), (c) Family <i>Carcharhinidae</i> (Whaler Shark, Blue Shark), (d) <i>Sphyrna zygaena</i> (Smooth Hammerhead).	10 comprised wholly of any single species or a combination of species within no more than 2 of each of the following: (a) <i>Galeocerdo cuvier</i> (Tiger Shark), (b) <i>Isurus oxyrinchus</i> (Shortfin Mako), (c) Family <i>Carcharhinidae</i> (Whaler Shark, Blue Shark), (d) <i>Sphyrna zygaena</i> (Smooth Hammerhead).
Snapper ( <i>Garanggan</i> )	<i>Chrysophrys auratus</i>	35	35
Blue Sprat, Bluebait	<i>Spratelloides robustus</i>	200	200
Sandy Sprat, Whitebait	<i>Hyperlophus vittatus</i>	200	200
Australian Sawtail, Sawtail Surgeon	<i>Prionurus microlepidotus</i>	10	10
Tailor	<i>Pomatomus saltatrix</i>	65	65
Teraglin	<i>Atractoscion aequidens</i>	10	10
Trevally	<i>Pseudocaranx georgianus</i> , <i>Caranx</i> spp.	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Albacore, Albacore Tuna Bigeye Tuna Longtail Tuna Yellowfin Tuna	<i>Thunnus alalunga</i> <i>Thunnus obesus</i> <i>Thunnus tonggol</i> <i>Thunnus albacares</i>	15 comprised wholly of any single species or a combination of species, of which 4 have a length of 90 cm or more and 5 have a length of less than 90 cm	15 comprised wholly of any single species or a combination of species, of which 4 have a length of 90 cm or more and 5 have a length of less than 90 cm
Wahoo	<i>Acanthocybium solandri</i>	10	10
Wobbegong ( <i>Wabigung</i> )	<i>Orectolobus</i> spp.	1	1
Whiting	<i>Sillago</i> spp.	55 comprised wholly of any single species or a combination of species	55 comprised wholly of any single species or a combination of species
Yellowtail, Jack Mackerel	<i>Trachurus</i> spp.	200 comprised wholly of any single species or a combination of species	200 comprised wholly of any single species or a combination of species

**Table 2 – Invertebrates – marine or estuarine**

Common Name	Species	Daily limit	Possession limit
Blacklip Abalone, Abalone	<i>Haliotis rubra rubra</i>	30	30
Beachworm	Family <i>Onuphidae</i>	100	150

Common Name	Species	Daily limit	Possession limit
Cockle Blue Mussel, Mussel	<i>Anadara trapezia</i> <i>Mytilus galloprovincialis</i>	250 comprised wholly of any single species or a combination of species, but no more than 40 cockles	250 comprised wholly of any single species or a combination of species, but no more than 40 cockles
Pipi	<i>Donax deltoides</i>	20 litres	20 litres
Blue Swimmer Crab, Sand Crab <b>(DjiniDjini)</b>	<i>Portunus armatus</i>	55	55
Mud Crab, Black Crab, Mangrove Crab <b>(DjiniDjini)</b>	<i>Scylla serrata</i>	20	20
Spanner Crab	<i>Ranina ranina</i>	20	20
Crab (except for Blue Swimmer Crab, Sand Crab, Mud Crab, Spanner Crab and Soldier Crab)	Subclass <i>Brachyura</i>	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species
Cunjevoi	<i>Pyura</i> spp.	80 comprised wholly of any single species or a combination of species	80 comprised wholly of any single species or a combination of species
Eastern Rocklobster Southern Rocklobster <b>(Yinga)</b>	<i>Sagmariasus verreauxi</i> <i>Jasus edwardsii</i>	10 comprised wholly of any single species or a combination of species	10 comprised wholly of any single species or a combination of species
Tropical Rocklobster, Painted Rocklobster, Ornate Rocklobster	<i>Panulirus</i> spp. except <i>Panulirus cygnus</i>	5 comprised wholly of any single species or a combination of species	5 comprised wholly of any single species or a combination of species
Slipper Lobster Flat Lobster	<i>Scyllarides</i> spp.	5	5
Octopus	All species	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species
Sydney Rock Oyster Pacific Oyster Native Oyster, Flat Oyster, Drift Oyster <b>(Dhirrabuwi)</b>	<i>Saccostrea glomerata</i> <i>Crassostrea gigas</i> , <i>Magallana gigas</i> <i>Ostrea angasi</i>	20 litres comprised wholly of any single species or a combination of species	20 litres comprised wholly of any single species or a combination of species
Molluscs (except Squid, Octopus and Cuttlefish (class <i>Cephalopoda</i> ) and any other Mollusc referred to in this Schedule)	Phylum <i>Mollusca</i>	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Prawns	Family <i>Penaeidae</i> and <i>Macrobrachium</i> spp.	60 litres	60 litres
Scallops	Family <i>Pectinidae</i>	100	100
Sea Urchin	Class <i>Echinoidea</i>	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species
Squid	All species	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species

Common Name	Species	Daily limit	Possession limit
Cuttlefish	All species	40 comprised wholly of any single species or a combination of species	40 comprised wholly of any single species or a combination of species
Worms (except Beachworms)	Class <i>Polychaeta</i> other than family <i>Onuphidae</i>	200 comprised wholly of any single species or a combination of species	200 comprised wholly of any single species or a combination of species
Sydney Turban Shell		65	65
Military Turban Shell		55	55

**Table 3 – Fish – Freshwater or estuarine**

Common Name	Species	Daily limit	Possession limit
Golden Perch, Yellow Belly Perch	<i>Macquaria ambigua</i>	20	20
Murray Cod	<i>Maccullochella peelii</i>	10	15
Freshwater Catfish, Eel-tailed Catfish – dams <i>(Wilang)</i>	<i>Tandanus tandanus</i>	10	20
Freshwater Catfish, Eel-tailed Catfish - all waters in the HLMP Area, including backed up waters of dams and impoundments <i>(Wilang)</i>	<i>Tandanus tandanus</i>	10	10
Australian Bass Estuary Perch	<i>Macquaria novemaculeata</i> <i>Macquaria colonorum</i>	10 comprised wholly of any single species or a combination of species	10 comprised wholly of any single species or a combination of species
Atlantic Salmon Brook Trout Brown Trout Rainbow Trout	<i>Salmo salar</i> <i>Salvelinus fontinalis</i> <i>Salmo trutta</i> <i>Oncorhynchus mykiss</i>	10 comprised wholly of any single species or a combination of species	10 comprised wholly of any single species or a combination of species

**Table 4 – Invertebrates – freshwater**

Common Name	Species	Daily limit	Possession limit
Spiny Crayfish (other than Murray Crayfish) <i>(Yinga)</i>	<i>Euastacus</i> spp. (other than <i>Euastacus armatus</i> )	20 comprised wholly of any single species or a combination of species	20 comprised wholly of any single species or a combination of species
Yabby <i>(Yinga)</i>	<i>Cherax</i> spp.	400	400

**Note:** This order does not authorise the harming of any fish or marine vegetation of a threatened species, population or ecological community (s220ZA) or interference with any fish of a threatened species (s220ZGB), unless the harm or interference is permitted by a licence granted under Part 7A of the Act.