

10 October 2022

Proposed amendment to commercial fishing regulations

Consultation paper 5

Estuary General Fishery – flathead net

Overview of activity

The flathead net may only be used in Tuggerah Lakes, Wallis Lake, Smiths Lake, and Lake Illawarra by fishers who hold a meshing endorsement. The net is specifically designed to catch flathead and to minimise bycatch of other species, including by limiting how high in the water column the net operates.

Fishers who hold a meshing endorsement are subject to effort quota – limiting the number of days each fisher may work each year. From 2024, the Total Allowable Effort (TAE) that applies will be periodically reviewed by the independent Total Allowable Fishing Committee or the Secretary of the Department of Regional NSW. Catch in this sector may be managed by adjusting the TAE or species-specific controls.

Current arrangement

There are several rules that prevent the flathead net operating too high in the water column and catching species other than flathead, including:

- the lead line of the net must remain on the bed of the estuary
- the depth of net must not exceed 16 meshes
- the corks on the cork line must not exceed 61 mm x 36 mm
- the corks on the cork line must not be within 3.5 metres of each other
- the net is not used in such a manner to cause the cork line to be raised above the lead line for a distance greater than 0.8 metres

These requirements are likely to have been in place since the flathead net was first regulated, many decades ago.

Proposed change

The following requirements are removed:

- the maximum cork size (61 mm x 36 mm)
- the minimum distance of 3.5 metres between corks
- the requirement that the net is not used in such a manner to cause the cork line to be raised above the lead line for a distance greater than 0.8 metres

The requirements for the lead line to remain on the bed of the estuary and the maximum net depth requirement of 16 meshes will be maintained to minimise the net fishing high in the water column.

What is the problem being resolved?

These somewhat prescriptive rules that deliver limited benefit minimising bycatch of species other than flathead are an unnecessary restriction that:

- Complicate the regulations and construction of nets
- Present difficulty for fishers ensuring a cork line is within 0.8 metres of the lead line unless entering the water with a ruler or tape
- Present difficulty for fisheries officers enforcing that a cork line is within 0.8 metres of the lead line unless entering the water with a ruler or tape
- Increase fishers' risk of unintentional non-compliance
- Impose a burden on government maintaining and enforcing rules that do not benefit fisheries resources or the community

Outcomes

The proposed change would deliver the following outcomes and benefits:

- Reduce risk of enforcement action for non-compliance with highly prescriptive regulation
- Reduced costs for industry (a fisher may use any size cork readily available)
- Redundant provisions removed, red tape reduced, and reduced burden on government
- No discernible impact on fisheries resources or the environment

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