

Fisheries Management (Deepwater Prawn Trawl Nets) Order 2020

under the

Fisheries Management Act 1994

I, DARREN REYNOLDS, Acting Group Director, Commercial Fisheries & Aquaculture, in pursuance of section 37 of the *Fisheries Management Act 1994* (***the Act***) and with the delegated authority of the Minister and Secretary in pursuance of sections 227 and 228 of the *Act* make the following Order.

Dated this 29th day of April 2020



DARREN REYNOLDS

Acting Group Director, Commercial Fisheries and Aquaculture
Department of Primary Industries

Part 1 Preliminary

1. Name of Order

This Order is the *Fisheries Management (Deepwater Prawn Trawl Nets) Order 2020*.

2. Commencement and Duration

This Order commences on the date it is published on the website of the NSW Department of Primary Industries and will remain in force until 1 July 2024.

3. Repeal

The *Fisheries Management (Deepwater Prawn Trawl Nets) Order 2019* dated 14 June 2019 is repealed.

4. Definitions

In this Order:

behavioural-type BRD means a Bycatch Reduction Device (BRD) that exploits fish behaviour and water flow inside a net to help fish escape from the net.

body of a net has the same meaning as in clause 2 of the OT Plan.

centre-trawl length means the measured length between the centre of the head line of a net and the point where the tapered part of the net ends (that is, where the tapered part of the body of the net is joined to the extension piece if fitted, or otherwise the codend of the net).

codend of a net has the same meaning as in clause 2 of the OT Plan.

endorsement holder means a person who holds a Deepwater prawn endorsement as described in clause 5 of the OT Plan.

net means an otter trawl net (prawns) as described in clause 7A of the OT Plan.

the Act means the *Fisheries Management Act 1994 (NSW)*.

the OT Plan means the appendix to the Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006.

Note: Pursuant to section 11 of the *Interpretation Act 1987*, unless otherwise specified words in this Order have the same meaning as in the Act.

Part 2 Special approval for authorised purposes

5. Sweeps

Despite clause 7A of the OT Plan, an endorsement holder using a single net is authorised to use sweeps greater than 5 metres in length but not more than 274 metres in length, measured from the point of attachment to the otter board to the first hanging of the net.

6. Soft-brush ground gear

Despite clause 7A of the OT Plan, an endorsement holder is authorised to attach to the foot rope of a net multiple short lengths of chain not more than 13 millimetres in diameter or more than 10 links in length in lieu of a single line of ground chain.

7. Gauge of chain

Despite clause 7A of the OT Plan, an endorsement holder is authorised to use ground chain with links greater than 12 millimetres in diameter but not more than 13 millimetres in diameter.

8. Diamond-mesh body of net not exceeding 100mm

Despite clause 7A of the OT Plan, an endorsement holder is authorised to use a net that has a body (including belly, wings and extension) constructed of diamond-shaped mesh of a size greater than 75 millimetres but not more than 100 millimetres.

9. Square-mesh wings and side panels

Despite clause 7A of the OT Plan, an endorsement holder is authorised to use a net that has wings and side panels constructed of mesh less than 40 millimetres but not less than 38 millimetres and if the mesh is hung on the bar so that the meshes are square-shaped.

10. Codend mesh sizes

Despite clause 7A of the OT Plan, an endorsement holder is authorised to use a codend that is constructed of mesh:

- (a) in the case of a diamond-mesh codend – of a size more than 50 millimetres but not more than 60 millimetres; and
- (b) in the case of a square-mesh codend – of a size more than 45 millimetres but not more than 50 millimetres.

11. Nets not fitted with a Bycatch Reduction Device

Despite clause 7A(1)(c) of the OT Plan, an endorsement holder is authorised to use a net that is not fitted with a bycatch reduction device (BRD).

12. Nordmøre grid Bycatch Reduction Device

Despite clause 7A(1)(c) of the OT Plan, an endorsement holder is authorised to use a Nordmøre grid BRD as described in the *Instrument of Bycatch Reduction Devices and Specifications* dated 21 July 2010 published in the NSW Government Gazette No. 94 of 23 July 2010 at pages 3573 to 3578 that has bars that are more than 30 mm apart.

13. Modified Big-eye Bycatch Reduction Device

Despite clause 7A(1)(c) of the OT Plan, an endorsement holders is authorised to use a Big-eye BRD as described in the *Instrument of Bycatch Reduction Devices and Specifications* dated 21 July 2010 published in the NSW Government Gazette No. 94 of 23 July 2010 at pages 3573 to 3578 that is fitted with rigid material to keep the escape gap open in lieu of fitting floats to the rear panel and chain to the front panel of the device.

14. Fish-eyes and other behavioural-type devices

Despite clause 7A(1)(c) of the OT Plan, an endorsement holder is authorised to use any behavioural-type BRD, if:

- (a) the opening or escape hole is not less than 300 millimetres wide; and

- (b) the device is positioned not more than 1.5 metres forward of the codend drawstring.

15. Large-mesh panel Bycatch Reduction Device

Despite clause 7A(1)(c) of the OT Plan, an endorsement holder is authorised to use a panel of square-shaped mesh constructed of any type of material (hard or soft), if:

- (a) the panel is not less than 400 millimetres wide and 500 millimetres long;
- (b) the panel is positioned not more than 1.5 metres forward of the codend drawstring;
- (c) if the panel comprises soft netting material;
 - (i) the mesh is not less than 100 millimetres;
 - (ii) the mesh is hung on the bar so that it is square shaped;
 - (iii) the twine diameter of the netting is not more than 5 millimetres; and
 - (iv) the panel must be sewn into the net (top and bottom only) using the bating rates for mesh sizes set out in Table 1;

Table 1

Bating rate	Mesh size
At least 6 points to each bar on the panel	100–124 millimetres
At least 8 points to each bar on the panel	>125 millimetres

- (d) if the panel comprises rigid mesh material:
 - (i) the mesh is not less than 50 millimetres (inside mesh measurement) from one bar to the opposite bar in both directions; and
 - (ii) the diameter of the bars of the rigid mesh panel is not more than 5 millimetres in size; and
- (e) if a rigid frame is applied to the outside of the BRD, the rigid frame is not less than 400 millimetres wide and 500 millimetres high along the inside edge of the rigid frame (inside frame measurement).

16. Lifting bag

Despite clause 7A of the OT Plan, an endorsement holder is authorised to use a net that has a codend encompassed with an outer cover of mesh of a size not less than 90mm, with lifting straps attached.

Note: Other than where expressly stated, this Order does not authorise fishing activities in contravention of the Act or the regulations under the Act.