

# Fisheries Management (Otter trawl net (fish) codend) Order 2023

under the

## Fisheries Management Act 1994

I, PETER TURNELL, Director, Fisheries and Aquaculture with the delegated authority of the Minister and Secretary under sections 227 and 228 of the *Fisheries Management Act 1994* (**the Act**), make this order under section 37 of the Act.

Dated this 20th day of February 2023



### **PETER TURNELL**

Director, Fisheries and Aquaculture  
Department of Primary Industries  
Department of Regional NSW

## **Part 1 Preliminary**

### **1 Name of Order**

This Order is the *Fisheries Management (Otter trawl net (fish) codend) Order 2023*.

### **2 Commencement and Duration**

This Order commences on the date it is signed and will remain in force until 1 January 2026.

**Note:** notice of the making of this order will be given by publishing the order on the website of the NSW Department of Regional NSW.

### **3 Definitions**

In this Order:

**codend** of a net means the piece of netting that forms the posterior most part of the net where the catch accumulates.

**extension piece** means a section of net that extends from the codend to the wings of the net.

**southern fish trawl endorsement holder** means a person who holds a commercial fishing licence that has an endorsement that authorises the taking of fish for sale in the southern fish trawl restricted fishery, as defined in clause 3(1) of the Regulation

**southern fish trawl restricted fishery** is defined in clause 145 of the Regulation

**northern fish trawl endorsement holder** means a person who holds a commercial fishing licence that has a fish northern zone endorsement that authorises the holder to take fish using an otter trawl net (fish) pursuant to clause 5 of the OT Plan.

**Ocean trawl fishing business** means a fishing business the components of which include shares in the fishery.

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

**the OT Plan** means the *Fisheries Management (Ocean Trawl Share Management Plan) Regulation 2006*

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

**trawl whiting grounds** means the ocean waters west of the ninety (90) metre (45 fathom) depth contour as provided in the *Fisheries Management (Ocean Trawl Fishery Trawl Whiting Grounds) Approval 2021*.

**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 – northern fish trawl endorsement holder**

### **3 Definitions**

In this part:

**net** means the otter trawl net (fish) as defined in clause 7B of the OT Plan.

### **4 Modification of the codend in a net**

(1) Despite clause 7B of the OT Plan, a northern fish trawl endorsement holder may take fish with a net that has a codend that:

- (a) is constructed of diamond-shaped mesh not less than 90 mm, and
- (b) includes a section of netting material that:
  - (i) consists of mesh that is not less than 45 mm, and
  - (ii) is hung on the bar, so that the mesh is square-shaped, and
  - (iii) has a width of not more than one quarter of the circumference of the codend or extension piece, and
  - (iv) has a total cumulative length not more than 5 metres.

### **5 Use of a modified net in the trawl whiting grounds**

The use of a net with a modified codend in accordance clause 4 is only permitted in the trawl whiting grounds.

### **Part 3 Special approval for authorised purposes – southern fish trawl endorsement holder**

#### **6 Definitions**

In this part:

*net* means the otter trawl net (fish) as defined in clause 26 of the Regulation.

#### **7 Modification of the codend in a net**

- (1) Despite clause 26 of the Regulation, a southern fish trawl endorsement holder may take fish with a net that has a codend that:
- (a) is constructed of diamond-shaped mesh not less than 90 mm, and
  - (b) includes a section of netting material that:
    - (i) consists of mesh that is not less than 45 mm, and
    - (ii) is hung on the bar, so that the mesh is square-shaped, and
    - (iii) has a width of not more than one quarter of the circumference of the codend or extension piece, and
    - (iv) has a total cumulative length not more than 5 metres

#### **8 Use of a modified net in the southern fish trawl restricted fishery**

The use of a net with a modified codend in accordance clause 7 is only permitted in the southern fish trawl restricted fishery.

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