

NSW PURSE SEINE INDUSTRY CODE OF PRACTICE

Background

This code of conduct applies to all commercial fishers taking fish by use of purse seine nets in the NSW Ocean Hauling Fishery. It covers issues such as, vessel operation and avoidance of environmental impacts from fishing activities

Purse Seine fishers conduct operations in accordance with a variety of legislation put in place by the Commonwealth and under OCS arrangements with State jurisdictions. Fishing operations must be undertaken in accordance with the management strategies prepared for the various purse seine fisheries so as to meet the requirements of the N.S.W. *Fisheries Management Act 1994* (FM Act), *Environmental Planning and Assessment Act 1997* (EP&A Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This Code of Conduct largely reflects standard industry practice and/or the requirements of relevant legislative instruments. Portions of the code are voluntary and are included to document for the broader community some of the responsible operating practices that fishers routinely undertake.

1 GENERAL

- 1.1 Endorsed fishers will not undertake any activity that brings the industry into disrepute , breaches relevant NSW Fisheries Legislation and Management Plans, or any local arrangements agreed to by the relevant Fishery Management Advisory Committee

2 SAFETY AT SEA

- 2.1 Endorsed fishers will abide by all operating requirements of the Uniform Shipping Law Code. Vessel operators and crew must hold all relevant certificates of competency. Vessels utilised must comply with the relevant commercial vessel survey requirements.

3 MINIMISING IMPACT ON THE ENVIRONMENT

- 3.1 When manufacturing nets for use in the fishery, fishers will utilise net building techniques which minimise the possibility of harm to captured marine mammals and other Threatened. Endangered, or Protected Species (TEPS)
- 3.2 The NSW Purse Seine endorsed Fishers recognise that observing the presence of, and monitoring the behaviour of TEPS, prior to and during purse seining operations is a critical component of those fishing operations.
 - The presence of TEPS is always assessed prior to deployment of the purse seine net and every reasonable attempt made to minimise interaction with TEPS .
 - The presence or absence of TEPS is always assessed during net hauling with the assistance of vessel lighting (where

- appropriate) and the eyes of as many available personnel on deck or in the wheelhouse.
- If TEPS are detected within the purse net, this is reported immediately to the Fishing Master and one or more of the mitigation practices outlined below will be implemented.
- 3.3 Fishers will make every reasonable endeavour to return any captured individual of a Threatened, Endangered, or Protected Species (TEPS) alive;
- having priority of consideration for the safety of the vessel crew members engaged in the release of the animal.
 - in a manner that, where appropriate, utilises techniques outlined in the “Protected Species Handling Manual” produced by Ocean Watch Australia Ltd.
- 3.4 Recognising the wide range of vessel sizes, gear configurations, style, and operational practices of the purse seine fleet, each such vessel shall employ one or more of the following TEPS Mitigation Practices
- 3.4.1 Where a TEPS is captured by the fishing operation, when any such TEPS cannot be released by the application of 3.3 and the TEPS exhibits unreasonable distress, the vessel Master shall terminate the shot and release one end of the net to enable release of the contents of the net by towing the net open whilst maintaining tension on the net wall to minimise entanglement opportunities until such time that TEPS have exited the net.
- 3.4.2 Where a TEPS is observed within the deployed purse seine net the TEPS Mitigation action relevant to the circumstances is undertaken consistent with the premise that early detection and action is the key to successful mitigation of TEPS interactions.
- 3.5 Purse seine operations are not required to undertake the mitigation actions contained in Clause 3.4 and its sub-clauses above where Marine Birds and/or Seals and Sea Lions are the only TEPS interactions experienced and the animals are not displaying undue distress.
- Noting with respect to Seals and Sea Lions that they exhibit rapid habituation with fishing operations and both enter and exit purse seine nets of their own free will, skilfully without difficulty, and with minimal/ insignificant mortality as identified in the historical experience of the NSW, S.A & TAS purse seine industry and independent observations of purse seine operations in the S. Australian Pilchard fishery, as well as the Department of Environment, Water, Heritage & the Arts (DEWHA) risk assessment for the purse seine gear method.
 - Should a Seal or Sea Lion exhibit undue distress whilst in a purse seine net appropriate action will be undertaken to mitigate the interaction consistent with 3.3 and/or 3.4.
 - Further noting that access to the air/water interface is available at all times during purse seine operations to any seal or Sea Lion as an inherent nature of purse seine operations.
 - and, noting that any interactions with seabirds will be consistent with Clause 3.3 above.

- 3.6 The Skipper of the Vessel concerned will report any interaction with endangered species, threatened species, or species listed under the FM Act (1994) and/or EPBC ACT (1999) as Protected Species, on the NSW DPI, Commercial Fisheries threatened species interaction report form. There is a requirement to report deaths or injury of any of these species, no later than when the vessel berths. Please contact the NSW DPI Ocean Hauling Manager on (02) 9527 8556 and one of the following departments/organisations as appropriate:
- NSW DPI Conservation unit, Threatened Species: (02) 4982 1232
 - National Parks and Wildlife Service: (02) 9585 6444
 - Australian Seabird Rescue: (02) 6686 2852
 - Taronga Zoo: (02) 9969 2777

An interaction is defined as any physical contact a person, boat or fishing gear has with a TEPS, including incidental captures (hook, net or entanglement) and collisions.

NSW DPI does not expect that free swimming Seals, Sea Lions or Birds entering the area of a net after it is shot which swims or flies away uninjured and does not require physical removal from the net, are reported as interactions.

However it is recommended that these events are logged, highlighting that they were not interactions, but present at the site of the activity.

Species identity, numbers of individuals involved, nature of the interaction (by-catch, collision, entry & entanglement after net is shot etc) & the condition of the released individual animals (ie injuries sustained or uninjured) need to be logged in addition to the location & time information of the shot.

Any injuries to crew involved in the release or damage sustained to gear should also be logged.

- 3.7 Fishers will implement the provisions of any relevant threatened species recovery plans or threat abatement plans
- 3.8 Fishers will dispose of waste material from their vessels in the proper manner required by marine pollution control legislation. When at sea garbage will be stored on board and disposed of responsibly back on shore. Where fitted, sewage and galley waste holding tanks must not be discharged into the water.
- 3.9 Fishers will minimise discharge of pollutants into the environment by;
- Ensuring that the vessel and its engine, including gaskets and hoses are in good working order.
 - Taking care to prevent spillage into the water during refuelling
 - Keeping bilges clean to prevent pollutants being discharged overboard

4 HANDLING OF INCIDENTAL CATCH

- 4.1 Fishers will use best available knowledge and appropriate technology when building nets and/or modify fishing practices to reduce their impact on non-retained animals.
- 4.2 Fishers will use best-practice techniques for the handling of incidentally captured organisms.

5 HANDLING OF CATCH

- 5.1 Purse seine operators will implement food safety programs relevant to the fishery, in particular, handling of fish and storage requirements
- 5.2 Purse seine fishers will undertake appropriate seafood safety training and ensure appropriate measures are implemented on their vessels
- 5.3 Operators will minimise deterioration and loss of product quality by use of appropriate processing techniques such as rapid chilling, minimising physical damage and preventing contamination.

6 CO-OPERATION WITH GOVERNMENT AGENCIES

- 6.1 Fishers will notify NSW DPI regarding any sightings of major fish mortality events or disease outbreaks. To minimise the possibility of disease translation fishers will comply with instructions regarding importation of fish products or harvesting of fish from specified areas.
- 6.2 Fishers will assist where possible with research projects for example collection of material and fish tagging.
- 6.3 Fishers will make a record of all fish taken and provide an appropriate catch record to NSW DPI.

7 RELATIONS WITH OTHER RESOURCE USERS

- 7.1 Fishers will make a copy of the Code of Conduct available to members of the public upon request.
- 7.2 Where priority of access with other fishers or members of the community is not elsewhere defined endorsed fishers will make reasonable attempts to resolve competing claims in a professional manner.
- 7.3 Where possible fishers will enter into voluntary agreements with recreational fishers and avoid fishing in areas where recreational fishing is in progress. A general principle that priority belongs to the person who arrives at the area first should be adopted.
- 7.4 Fishers will avoid operations in areas where major game fishing tournaments are being conducted and local agreements have been agreed by, and/or with, a relevant Commonwealth or State MAC.
- 7.5 Where possible fishers will communicate with other commercial fishers to avoid gear interaction and where gear is lost make all efforts to recover the gear.