

Fisheries Management (Estuary Prawn Trawl Nets) Order 2019

under the

Fisheries Management Act 1994

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

Dated this 14th day of June 2019

DARREN REYNOLDS

Acting Group Director, Commercial Fisheries and Aquaculture
Department of Primary Industries
(an office within the Department of Industry)

Explanatory note:

The purpose of this Order is to revoke an earlier Order authorising modifications to prawn trawl nets used in the Estuary Prawn Trawl Fishery on a trial basis and to make a new Order authorising modifications to prawn trawl nets used in the Estuary Prawn Trawl Fishery on a trial basis.

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1. Name of Order

This Order is the *Fisheries Management (Estuary Prawn Trawl Nets) Order 2019*.

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. Definitions

In this Order:

body of a net has the same meaning as in clause 2 of the EPT 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 (i.e. where the tapered part of the body of the net is joined to the extension piece if fitted, otherwise the codend of the net).

Clarence River endorsement has the same meaning as in clause 6 of the EPT Plan.

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

estuary prawn trawl endorsement holders means a person who holds and is operating pursuant to a Clarence River endorsement, Hunter River endorsement or a Hawkesbury River endorsement as described in clause 6 of the EPT Plan.

head line means the cork line or head line of a net.

head line length means the length of a net measured along the cork line or head line of the net from the first hanging to the last hanging as provided for in clause 11H of the Appendix to the Fisheries Management (Supporting Plan) Regulation 2006.

Hawkesbury River (downstream) means the waters of the Hawkesbury River downstream from a line drawn between Juno Point and Eleanor Bluff.

Hawkesbury River (upstream) means the waters of the Hawkesbury River upstream from a line drawn between Juno Point and Eleanor Bluff.

net means an otter trawl net (prawns) as described in clause 17A of the EPT Plan.

square-shaped mesh means mesh not less than 27 millimetres and constructed of single twine knotless polyamide or polyethylene material not more than 2.5 millimetres in diameter and hung on a bar so that the meshes are square shaped.

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

the EPT Plan means the appendix to the Fisheries Management (Estuary Prawn 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.

4. Revocation of Section 37 Fisheries Management (Special Approval for Modifications to Estuary Prawn Trawl Nets) Order 2018

Pursuant to section 37(6) of the Fisheries Management Act 1994, the Section 37 Fisheries Management (Special Approval for Modifications to Estuary Prawn Trawl Nets) Order 2018 published at pages 9270-9273 of NSW Government Gazette No. 134 dated 7 December 2018 is revoked, as is any Order revived as a result of this revocation.

5. Special approval for taking or possessing fish: use of try nets

Estuary prawn trawl endorsement holders are authorised to use a try net constructed of diamond-shaped mesh not less than 32 millimetres or square-shaped mesh, attached to a frame not exceeding 0.6 metres in width and 0.5 metres in height, with a total length not exceeding 2 metres from the centre of the frame to the extremity of the net.

6. Special approval for taking or possessing fish: use of multiple nets

Estuary prawn trawl endorsement holders are authorised to use 2, 3 or 4 nets of any head line length at any one time subject to the total head line length of all of the nets combined not exceeding the total head line length specified in Column 1 of the table below when used in the waters specified opposite in Column 2 of the table.

Column 1	Column 2
Total head line length	Waters
15 metres	Clarence River
11 metres	Hunter River
11 metres	Hawkesbury River (upstream)
22 metres	Hawkesbury River (downstream)

7. Special approval for taking or possessing fish: spreading mechanism (beam)

Estuary prawn trawl endorsement holders are authorised to use, in lieu of otter boards, a single beam between two sleds to spread one or more net, subject to (a), (b) and (c) below:

- (a) the beam is a single and straight structure;
- (b) the sleds are no greater than 150 millimetres wide at the base (shoe); and
- (c) the points of attachment of the head line and footrope to the sleds are no more than 1 metre apart.

8. Special approval for taking or possessing fish: diamond-mesh body of net

Estuary prawn trawl endorsement holders are authorised to use a net that has a body (including belly, wings and extension) constructed of diamond-shaped mesh of a size less than 40 millimetres but not less than 34 millimetres, subject to (a) and (b) below:

- (d) the depth of the wings must not exceed 3.0 metres measured in a straight line from the inside edge of the top knot (along the top seam) to the inside edge of the bottom knot (at the bottom seam) along any single line (or row) of meshes when stretched; and
- (e) the ratio of centre-trawl length to head line length must not exceed the ratio specified in Column 1 of the table below when using the net configuration specified opposite in Column 2 of the table.

Column 1	Column 2
Ratio	Net configuration
0.60	Single gear (1 net)
0.60	Double or dual gear (2 nets)
0.75	Triple gear (3 nets)
0.90	Quad gear (4 nets)

9. Special approval for taking or possessing fish: square-mesh wings and side panels

Estuary Prawn Trawl endorsement holders are authorised to use a net that has wings and side panels constructed of mesh of a size less than 40 millimetres but not less than 34 millimetres hung on the bar so that the meshes are square-shaped.

10. Special approval for taking or possessing fish: Diamond BRD (Clarence)

The holder of a Clarence River endorsement is authorised to use a Diamond bycatch reduction device (BRD), in lieu of the BRDs approved by the Secretary or delegate and published in the Gazette pursuant to clause 17A of the EPT Plan, subject to (a) and (b) below:

- (a) each side of the diamond must be not less than 11 bars long; and
- (b) the point of the diamond closest the codend drawstring must be within 3 meshes of where the [square-mesh] codend is joined to the body of the net.

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