

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.