

Fisheries Management (special approval for sinking head gear in the ocean trap and line fishery) Order 2023

under the

Fisheries Management Act 1994

I, Peter Turnell, Director, Fisheries and Aquaculture Management, with the delegated authority of the Minister and the Secretary under sections 227 and 228 of the *Fisheries Management Act 1994* (“the Act”), and under section 37(1)(f) and section 37(3)(b) of the Act, make the following order.

Dated this 6th day of September 2023



Peter Turnell,

Director, Fisheries and Aquaculture Management
Department of Primary Industries
(within the Department of Regional NSW)

1 Name of Order

This Order is the *Fisheries Management (special approval for sinking head gear in the ocean trap and line fishery) Order 2023*.

2 Commencement and Duration

- (a) This order commences on the day on which it is published in the *NSW Government Gazette*.
- (b) This order remains in force for 5 years commencing on the date of publication.

3 Definitions

In this order:

delayed-release device means a device used to keep a buoy below the surface of the water for a pre-determined period of time before releasing the buoy to the surface.

demersal fish trap endorsement holder means the holder of a demersal fish trap endorsement described in clause 5(6) of the Regulation.

endorsement holder means:

- (a) demersal fish trap endorsement holder,

- (b) the holder of a spanner crab northern zone endorsement described in clause 5(9) of the Regulation or
- (c) a spanner crab southern zone endorsement described in clause 5(10) of the Regulation.

fish trap has the same meaning as in clause 7A of the Regulation.

galvanic time release device means a delayed-release device which uses corrosion by sea water to break linkages in the device to release the buoy to the surface.

Ocean Trap and Line Fishery means the share management fishery of that name, as described in Schedule 1 to the Act.

programmable time release device means a delayed-release device which uses mechanically or electronically adjustable unit that allows for the remote release of the buoy to the surface.

spanner crab net has the same meaning as in clause 7B of the Regulation.

sub-surface horizontal rope means a rope that sits below the surface of the water joining multiple fish traps or spanner crab nets.

tag means a flat piece of solid material measuring at least 125mm x 100mm

the Regulation means *Fisheries Management (Ocean Trap and Line Share Management Plan) Regulation 2006*.

4 Special approval for taking or possessing fish

- (a) Despite the prescribed requirements for a buoy under clause 7A(1)(a)(iii) of the Regulation, a demersal fish trap endorsement holder is authorised to take fish using a fish trap whose position is indicated by a buoy that is held below the surface of the water, using either:
 - (i) a galvanic time release device, or
 - (ii) a programmable time release device.
- (b) Despite the prescribed requirements for a buoy under clauses 7A(1)(a) and 7B(1)(c) of the Regulation, an endorsement holder is authorised to take fish using a fish trap or spanner crab net attached to a sub-surface horizontal rope, where the fish trap or spanner crab net:
 - (i) has a tag attached in lieu of a buoy, and
 - (ii) the tag displays the relevant fishing business number followed by the letter “F” and then the letters “SC” if the tag is on a spanner crab net, or “FT” if the tag is on a fish trap, in clearly visible letters and numerals that are not less than 50 mm in height and are of a colour that contrasts with the tag or device.