I, Glenn David Hurry, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate, make the following Direction under section 17(5A)(a) of the Fisheries Management Act 1991 and section 56(1) of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003.

Dated: 25 June 2010

Glenn David Hurry

Chief Executive Officer,
Australian Fisheries Management Authority

Citation

1 This Direction may be cited as the Southern and Eastern Scalefish and Shark Fishery (Minimum Gear Requirements) Direction 2010.

Commencement

2 This Direction commences at the start of 1 July 2010.

Application

3.1 This Direction applies to a holder of a fishing concession in the Southern and Eastern Scalefish and Shark Fishery (the Fishery), and to a person acting on behalf of the holder.

[Note: 1. This means that the Direction does not apply to a person if the person is fishing in the area of the Fishery in accordance with another plan of management in force under the Act, or otherwise under a permit issued in another fishery, or under a licence issued under a law of a State or Territory.]
Period of Application

4. This Direction applies for the period beginning on the date this Direction commences and ending at the end of 30 June 2013.

Interpretation

5.1 In this Direction:

"boat" means a boat that is nominated on a boat statutory fishing right for the Fishery;

"bycatch reduction device" means a device that allows fish and other animals to escape immediately after being taken in the net and is constructed as follows:

1 A single large square mesh (of at least 90 mm) panel in the upper side of the codend bag (of minimum dimensions 15 bars X 20 bars).

2 A single large rotated mesh (of at least 90 mm) panel (called a T90) in the upper side of the codend bag (of minimum dimensions 15 meshes X 18 meshes).

“net mouth” is that part of the net 50 meshes from the centre of the headline towards the codend;

“mesh size” is measured from inside knot to inside knot when stretched diagonally.

5.2 A term used in this Direction that is defined in the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003 (the Management Plan) has the same meaning in this Direction as it has in the Management Plan.

[Notes: 1. Terms defined in the Fisheries Management Act 1991 have the same meanings in this Direction.
2. Terms defined in the Management Plan include "Southern and Eastern Scalefish and Shark Fishery “and "Southern and Eastern Scalefish and Shark Fishery area”].

Direction not to engage in fishing

Gear requirements – Commonwealth South East Trawl Sector and East Coast Deepwater Trawl Sector
6 Fishing is not to be engaged in in the Commonwealth South East Trawl Sector and East Coast Deepwater Trawl Sector using otter trawl gear unless the following requirements are met:

6.1 Wing and net mouth:
The minimum mesh size in the wings and the net mouth (shoulders, belly and veranda) is 115 mm mesh (4 ½ inch).

6.2 Codend:
The codend must be:
(a) at least 90 mm single twine mesh; or
(b) double twine mesh of at least 102 mm (4 inch) or greater; or
(c) at least 90 mm double twine mesh, with one or more bycatch reduction devices (as described in Schedule 1).

Gear requirements – Great Australian Bight Trawl Sector

7 Fishing is not to be engaged in in the Great Australian Bight Trawl Sector using trawl methods unless the following requirements are met:

7.1 Mesh size:
The net must have a mesh size that is not less than 90 millimetres (3.5 inches) at the codend of the net.

Gear requirements – Gillnet Sector

8 Fishing is not to be engaged in in the Gillnet Sector using gillnet methods unless the following requirements are met:

8.1 Length of headrope
The total headrope length of gillnet – or, if more than one net is used, the total combined headrope length of gillnet – that may be deployed from a boat at any time (that is, that may be in the water at any one time) must not in any circumstances exceed 4,200 metres.

For this purpose, the total length of headrope does not include the length of any bridles, or any allowance for stretch.

8.2 The maximum total headrope length of gillnet of 4,200 metres is reduced if the depth of a net exceeds 20 meshes, in accordance with the following ratios:
(a) A total gillnet headrope length of 4,200 metres by up to 20 meshes; or
(b) A total gillnet headrope length of 3,360 metres by up to 25 meshes deep; or
(c) A total gillnet headrope length of 2,800 metres by up to 30 meshes deep; or
(d) A total gillnet headrope length of 2,100 metres by up to 40 meshes.

8.3 The depth of a gillnet cannot exceed 40 meshes.

8.4 Mesh size

A mesh in a gillnet must be:

(a) greater than or equal to 150 millimetres in width; and
(b) less than or equal to 165 millimetres in width.

Gear requirement – Scalefish and Shark Hook Sector

9 Fishing is not to be engaged in in the Scalefish and Shark Hook Sector using hook methods, if automatic baiting equipment is to be used.

9.1 The prohibition in clause 9 does not apply if the concession holder applies for and is granted a fishing permit that allows the use of automatic baiting equipment.

To whom do the prohibitions in sections 6 – 9 not apply

10. The prohibitions in sections 6-9 do not apply to a person if the person is fishing under the authority of a boat Statutory Fishing Right, and the use of the particular gear, contrary to the requirements of this Direction, is permitted by a condition(s) attached to the boat Statutory Fishing Right.