DIRECTION NOT TO ENGAGE IN FISHING

Fisheries Management Act 1991
Subsection 41A(2)

SOUTHERN AND EASTERN SCALEFISH AND SHARK FISHERY
(Minimum Gear Requirements) DIRECTION No. 1 2012

I, NICK RAYNS, Acting Chief Executive Officer of the Australian Fisheries Management Authority, as delegate under delegation No. 1 of 2011 made on 28th January 2011 from the Commission, make the following Direction under subsection 41A(2) of the Fisheries Management Act 1991.

Dated: 4 July 2012

Nick Rayns
Acting 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 No. 1 2012.

Commencement
2. This Direction commences the day after it is registered on the Federal Register of Legislative Instruments.

Cessation
3. This Direction ceases as if it was revoked on 30 June 2013 unless earlier revoked.

Interpretation
4. In this Direction:

"boat" means a boat that is nominated to 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:
(a) 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).

(b) 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.

“South Australian waters” is that part of the Commonwealth Gillnet Sector that is east of the parallel of longitude 129° east and west of the parallel of longitude 141° east.

4.1 Terms used in this Direction that are defined for the purposes of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003 (the Plan) have the same meanings in this Direction as they have in the Plan.

Notes: 1. Terms defined in the Fisheries Management Act 1991 have the same meanings in this Direction.

To Whom This Direction Applies

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

[Note: 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 a fishing concession that is subject to another plan of management in force under the Act, under a scientific permit, a permit issued in another fishery, or under a licence issued under a law of a State or Territory.]

Direction Not to Engage in Fishing
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.
Commonwealth GAB Trawl Sector

7. Fishing is not to be engaged in in the Commonwealth GAB Trawl Sector using trawl methods unless the following requirements are met:

7.1 Mesh size:

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

Commonwealth Gillnet Sector

8. Fishing is not to be engaged in in the Commonwealth 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) in South Australian waters must not exceed 4,200 metres.

Note: the total length of headrope does not include the length of any briddles, or any allowance for stretch.

8.2 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 one time (that is, that may be in the water at any one time) in all other areas of the Commonwealth Gillnet Sector must not exceed 6,000 metres.

8.3 The maximum total headrope length of gillnet is reduced if the depth of a net exceeds 20 meshes, in accordance with the following ratios:

(a) A total gillnet headrope length of 3,360 metres by up to 25 meshes deep; or
(b) A total gillnet headrope length of 2,800 metres by up to 30 meshes deep; or
(c) A total gillnet headrope length of 2,100 metres by up to 40 meshes.

8.4 The depth of a gillnet must not exceed 40 meshes.

8.5 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.

Commonwealth Scalefish Hook Sector and Commonwealth Shark Hook Sector

9. Fishing is not to be engaged in in the Commonwealth Scalefish Hook Sector and the Commonwealth Shark Hook Sector using automatic baiting equipment while fishing by hook methods.
9.1 The prohibition in clause 9 does not apply to the holder of a fishing permit granted by AFMA which allows the use of automatic baiting equipment.

Exemption to the Prohibitions in Clause 6 Through 9

10. The prohibitions in clauses 6 to 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 Right.

Revocation of Existing Direction

11. This Direction revokes the *Southern and Eastern Scaelfish and Shark Fishery (Minimum Gear Requirements) Direction 2010* with effect from the commencement of this Direction.