

Torres Strait Fisheries Act 1984

Fisheries Management Notice No. 82

TORRES STRAIT PRAWN FISHERY

REQUIREMENT FOR USE OF BYCATCH REDUCTION DEVICES

The Protected Zone Joint Authority, acting in accordance with the powers conferred on the Authority by paragraph 35(1)(a) of the *Torres Strait Fisheries Act 1984*, and the Minister in accordance with the powers under section 16 of the *Torres Strait Fisheries Act 1984*, makes the following notice.

Dated this 19 day of May, 2008.

HONOURABLE TONY BURKE MP

Minister for Agriculture, Fisheries and Forestry and member and Chair of the Protected Zone Joint Authority

CITATION

1. This Notice may be cited as Torres Strait Fisheries Management Notice No. 82.

COMMENCEMENT

2. This Notice commences on the day it is registered on the Federal Register of Legislative Instruments.

THIS NOTICE TO APPLY WITH OTHER NOTICES

3. This Notice applies in conjunction with any other notice in force in the area of the Prawn Fishery.

REVOCATION OF FISHERIES MANAGEMENT NOTICES

4. Fisheries Management Notice No 70, dated 18 February 2004 is revoked.

INTERPRETATION

- 5.1 In this Notice, unless the contrary intention appears:

"prawns" means fish of the family *Penaeidae* spp;

"Bycatch Reduction Device" means a device that allows fish and other animals to escape immediately after being taken in the net and is constructed in accordance with Schedule 1.

"bar" in relation to square mesh in a trawl net, means:

- (a) for a knotted trawl net, a side of a mesh from one knot to the next knot on the same side of the mesh; or
- (b) for a knotless net, a side of a mesh from one corner to the next corner.

"the Act" means the *Torres Strait Fisheries Act 1984*;

"try net" means a net, no longer than 10 metres, used for no longer than 25 minutes at a time for sampling or testing or to work out the abundance or presence of prawn; and

"TED" or "turtle excluder device" means a device fitted to a net, and modification made to a net, that allows turtles to escape immediately after being taken in the net, and is constructed in accordance with any instruments under section 16 of the Act that apply to the fishery.

- 5.2 Terms used but not defined in this Notice have the same meaning as in the *Torres Strait Fisheries Act 1984* and the *Torres Strait Fisheries Regulations*.

PROHIBITION

- 6.1 Pursuant to paragraph 16(1)(c) of the Act, the use or possession of otter trawl equipment in the area of the Torres Strait Prawn Fishery is prohibited unless each net that is rigged for fishing is fitted with a Bycatch Reduction Device.
- 6.2 A net is rigged for fishing if part or all of the net is in the water, or if it is shackled, tied or otherwise connected to any trawl door or trawl board, or to any tow rope or cable, either on board the boat or attached in any manner to the boat.
- 6.3 However, if a try net is used, the try net is not required to be fitted with a Bycatch Reduction Device.
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SQUARE MESH COD END

The net's cod end is a recognised BRD if:

- (a) at least half the cod end's circumference is square mesh of at least 45mm; and
- (b) the square mesh has at least 75 bars along each side of the mesh; and
- (c) the square mesh net is no more than 5 meshes from the cod end drawn strings of the net; and
- (d) nothing covers any of the square meshes during trawling.

SQUARE MESH PANEL

A panel of the net is considered to be a recognised BRD if:

- (a) the panel:
 - (i) is square mesh of at least 101 mm; and
 - (ii) is at least 600 mm wide and 400 mm long; and
- (b) the entire panel is no more than 100 meshes from the cod end drawstrings of the net; and
- (c) nothing covers any of the square meshes during trawling.

FISHEYE

An opening in the net is a recognised BRD if:

- (a) the opening is:
 - (i) held open by a rigid frame; and
 - (ii) at least 350 mm wide and 150 mm long; and
- (b) the opening is no more than 100 meshes from the cod end drawstrings of the net; and
- (c) nothing covers any part of the opening during trawling.

BIGEYE

An opening in the net is a recognised BRD if:

- (a) the opening is:
 - (i) in the top of the net; and
 - (ii) at least 1 metre across the width of the net;
- (b) the opening is no more than 200 meshes from the cod end drawstrings of the net; and
- (c) the opening has, during trawling, a weighted forward section and buoyed rear section; and
- (d) the edges of the opening do not overlap by more than 285 mm; and
- (e) nothing covers any part of the opening during trawling.

POPEYE FISH EXCLUDER

(1) A combination of a funnel, frame and a rectangular opening in the net is a recognized BRD if—

- (a) they comply with subsections (2) and (3); and
- (b) nothing covers any part of the opening during trawling.

(2) The funnel must—

- (a) be attached to the net by all of the funnel's front edge circumference; and

- (b) be held open by—
 - (i) a hoop attached to the net at the funnel's front edge; or
 - (ii) a TED that is not more than 62cm from the funnel's front edge; and
 - (c) have a number of meshes in its rear edge circumference of no more than 60% of the number of meshes in the circumference of the net at the rear edge; and
 - (d) have a stretched length no longer than 2.25m; and
 - (e) be no more than 110 meshes of the net from the cod end drawstrings of the net.
- (3) The opening must be—
- (a) no more than 95 meshes of the net from the drawstrings; and
 - (b) at least 40cm long and 38cm wide; and
 - (c) held open by a frame made of material that is rigid enough to ensure that, while the net is being used for trawling, the opening is at least 40cm long and 38cm wide.

RADIAL ESCAPE SECTION

A combination of a funnel, hoops and an opening in the net is a recognised BRD if:

- (a) the funnel:
 - (i) is attached to the net by all of the funnel's front edge circumference; and
 - (ii) has a number of meshes in its rear edge circumference of no more than 60% of the number of meshes in the circumference of the net at its rear edge; and
- (b) the net has:
 - (i) either:
 - (1) a hoop attached to it at the funnel's front edge that keeps the funnel fully open; or
 - (2) a TED within 900 mm of the front of the funnel's front edge; and
 - (ii) a hoop (the rear hoop):
 - (1) with a diameter of at least 650 mm; and
 - (2) no more than 105 meshes from the cod end drawstrings of the net; and
- (c) the openings are as follows:
 - (i) forward of the rear hoop; and
 - (ii) the rear edge of the rear opening are within 5 meshes of the rear hoop; and
 - (iii) extend for at least 350 mm and cover at least half of the net's circumference; and
 - (iv) are at least 101 mm in each of their dimensions; and
 - (v) no more than 500 mm forward of the funnel's rear edge.

V-CUT / FLAP

An opening in the net is a recognised BRD if:

- (a) the opening is:
 - (i) in the top of the net;
 - (ii) in the form of a triangular flap of netting which at its widest point is at least 250 mm across the width of the net and each edge at least 250 mm long;
 - (iii) no more than 100 meshes from the cod end drawstrings of the net; and
- (b) during trawling the opening is held open:
 - (i) with the use of a weighted flap; or
 - (ii) by the flap being stitched to the side of the cod end; and
- (b) nothing covers any part of the opening during trawling.