

FISHERIES AND OYSTER FARMS ACT 1935—REGULATION

(Relating to prawn trawling in the Clarence River)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fisheries and Oyster Farms Act 1935, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY, MP,
Minister for Agriculture and Fisheries.

Commencement

1. This Regulation commences on 1 March 1994.

Amendment of Fisheries and Oyster Farms (Nets and Other Fishing Gear) Regulation 1989

2 The Fisheries and Oyster Farms (Nets and Other Fishing Gear) Regulation 1989 is amended:

- (a) by inserting in item 1 (a) of the Table to clause 27 after the words “inland waters” the words “and the Clarence River”;
- (b) by inserting after item 1 of the Table to clause 27 the following item:
 2. (a) *Waters—Clarence River.*
 - (b) *Description of net—Total length of net (when towed as single gear) not exceeding 11 metres; total length of either net (when towed as twin gear) not exceeding 7.5 metres; mesh of cod-end not less than 40 mm nor more than 45 mm; mesh of net (other than cod-end) not less than 40 mm nor more than 60 mm; length of sweep attached to net (being the distance between the*

point of attachment to the otter boards and the net) not exceeding 5 metres or the distance from the trawl gallows to the stem of the boat (whichever is the greater); sweep to be secured to the net and the otter board so that it cannot exceed 5 metres in length or the distance from the trawl gallows to the stem of the boat (whichever is the greater).

Amendment of Fisheries and Oyster Farms (General) Regulation 1989

3. The Fisheries and Oyster Farms (General) Regulation 1989 is amended:

- (a) by inserting after clause 7 (1) (c) the following paragraph:
 - (d) in the case of a licence that authorises the use of the boat for prawn trawling in the Clarence River:
 - (i) the boat is not to be altered so as to increase its length, depth or breadth; and
 - (ii) the engine of the boat is not to be altered or replaced so as to increase its power rating and the engine of the boat is not to be replaced without the written consent of the Director; and
 - (iii) the length, depth and breadth of the boat (“the current boat”) and the power rating of its engine are not to be greater than that of any boat that it replaces (that is, any other boat used by the licensee for prawn trawling in the Clarence River on or after 1 March 1994 and before the licence for the current boat was issued).
- (b) by inserting after clause 7 (1) the following subclause:
 - (1A) For the purposes of subclause (1) (d):
 - (a) boat dimensions are as specified in a survey certificate issued by or under the authority of the Maritime Services Board; and
 - (b) the power rating of the engine of a boat is to be determined in accordance with the Manufacturers Continuous Rating method.

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to alter the requirements with respect to the size of otter trawl nets (prawns) which may be lawfully used for prawn trawling in the Clarence River, so as to reduce the size of nets that may be towed as twin gear; and
- (b) to prevent any increase in the length, depth, breadth or engine power rating of boats used for prawn trawling in the Clarence River and to require the consent of the Director of NSW Fisheries before a boat's engine can be replaced.

This Regulation is made under the Fisheries and Oyster Farms Act 1935, including sections 24A(3), 120 (2) (f), (g) and (dd) and 120 (1).
