

Have Your Say – Feed back to and responses from the Committee on problems and current projects.

Fish traps and netting marker buoys

Following numerous complaints from members regarding incidents involving entanglement in lines attached to fish trap and lobster trap (pot) marker buoys and fish netting, the Committee has requested the NSW Department of Primary Industries (DPI) (into which the old NSW Fisheries has now been absorbed) to respond. The response the Committee has received in this regard is quite helpful and includes (a) advice on where to locate the appropriate legislation dealing with the subject matter and (b) an invitation to discuss it with them directly should we wish to do so.

As it concerns marker buoys and how these devices must be attached to the underwater equipment they are designed to locate, this is governed by the (NSW) Fisheries Management Act and, more particularly, the Fisheries Management (General) Regulations 2002 (the Regulations). Members can access these Regulations directly by Googling “Fisheries Management (General) Regulation 2002”.

As it concerns problems members have encountered with fish trap and lobster trap markers, what is relevant are the conditions that must be complied with in regard to the setting of such traps. For example, the conditions that apply to the setting of a recreational lobster trap is covered in the Regulations under Part 3 Division 6 (2) which says

The following must be complied with:

- (a) *The lobster trap is not set or used unless its position is indicated by a buoy which:*
 - (i) *is moored so as to be positioned above the trap,*
 - (ii) *has a diameter above the water of not less than 100 mm,*
 - (iii) *has a weight of not less than 50 gm suspended not less than 1.5 meters under the float (presume buoy) **so that no rope is floating on the surface of the water** and*
 - (iv) *displays “L” (for lobster trap) followed by the name of the person who set the trap in clearly visible letters which are not less than 50 mm in height and are of a colour which contrasts with that of the buoy*

- (b) *a person does not set or use more than one (1) lobster trap at any one time.*

And albeit that the above refers specifically to lobster traps, a cursory reading of the conditions applying to the setting of other traps include the same requirements applying to the marker buoys; the only substantive difference being what is actually displayed on the buoy itself. What must actually be displayed varies according to what the trap is for (lobster, crab or fish for example) and whether it concerns recreational or commercial activity.

As it concerns problems members have encountered with set fishing gear, what is relevant here concerns not buoys as such but a tag. Details of what is required is covered in the Regulations under Part 3 Division 7 (2) which says

The net or gear must be identified by having securely attached to a part of the net gear which is at or above the water level a tag with dimensions of at least 80 mm by 25 mm on which are legible and durably displayed in capital letters the persons name and:

- (a) if the person is the holder of a commercial fishing licence or a boat licence under Division 2 of Part 4 of the Act (Fisheries Management):*
 - (i) the registration number of the commercial fishing licence of the fisher or*
 - (ii) the letter "LFB" followed by the number indicated on the boat licence as the number of the licence.*
- (b) in any other case – the person's residential address or boat registration number.*

In a covering note from DPI, it is acknowledged that rope floating on the surface is the biggest concern of boaters. It is in that regard that there is requirement under the Regulations that marker buoy lines are equipped with a weight. But notwithstanding the Regulations, there will always be an element of non compliance. Boaters are actively encouraged to provide DPI with information concerning apparent breaches.
