

EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Issued by the Authority of the Managing Director of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Northern Prawn Fishery Management Plan 1995

Direction No. NPDF 107
Gear Requirements

The Direction is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Subsection 17(5A) of the *Fisheries Management Act 1991* (the Management Act) provides, inter alia, that a plan of management made under the Management Act may provide for the Australian Fisheries Management Authority (AFMA), after such consultation as set out in the plan of management, to direct that fishing is not to be engaged in in the fishery, or a particular part of the fishery, during a particular period or periods.

Subsection 17(5B) of the Management Act provides that a direction under Subsection 17(5A) in relation to a particular part of the fishery may identify the part concerned in any way or ways, including by reference to a particular area, a particular species or type of fish, a particular kind or quantity of fishing equipment, a particular method of fishing, or any combination of the above.

Subsection 25(3) of the Plan provides that, before AFMA issues a direction, it must consult with the Northern Prawn Fishery Management Advisory Committee (NORMAC) about the content of the direction unless the direction is issued in circumstances of an emergency.

The Fishery

The fishery extends from the northern coast of Western Australia, the coast of the Northern Territory and the coast of Queensland in the Gulf of Carpentaria, to the outer limit of the Australian Fishing Zone. The fishery is for prawns and 4 major ecologically related species (namely squid, scampi, bugs and scallops). There are 2 fishing seasons in the fishery, bounded by closures. The area of the fishery overlaps the areas of a number of fisheries for other species that are managed by the States and the Territory.

The fishery is managed by limiting the amount of fishing effort that is employed by the persons permitted by the Plan to fish in the fishery (operators). These limitations are known generically as input controls and are used in the fishery to address both biological and economic objectives for the fishery. The specific types of inputs that are controlled in the fishery are the amount of fishing time (limited by closures of all or parts of the fishery), the amounts and types of fishing equipment, the number of boats in the fishery and the specifications of those boats.

Direction No. NPDF 107 replaces Direction No. NPDF 94. It establishes the type of Turtle Excluder Devices (TEDs) and Bycatch Reduction Devices (BRDs) that can be used in the Fishery. The Direction specifies the minimum dimensions of the TED, the degrees between which it can be positioned in the net, the measurements for the escape opening and the measurements for the flaps covering the escape opening, the attachment of floats and maximum bar spacing. It also prohibits the attachment of weights, meshing or other material that could prevent the opening of the escape flap. These specifications will ensure the Northern Prawn Fishery is compliant with US requirements for accreditation for export.

The date in this Direction covers both fishing seasons.

Regulation Impact Statement

The Office of Best Practice Regulation's has advised that a Regulation Impact Statement is not mandatory on the basis that the Direction is of a minor or machinery nature and does not substantially alter existing arrangements (ID 9073).

Consultation

AFMA consulted with the Northern Prawn Fisheries Management Advisory Committee (NORMAC) prior to making the Direction and NORMAC supports the making of the Direction.

The Act does not specify any condition as needing to be met before the power to make the Direction may be exercised.

Details of the Direction are set out below:

- Clause 1** Clause 1 provides for the Direction to be cited as Direction No. NPFD 107.
- Clause 2** Clause 2 provides for the commencement of the Direction.
- Clause 3** Clause 3 states to whom the Direction applies.
- Clause 4** Clause 4 sets out the period of application of this Direction.
- Clause 5** Clause 5 provides for the interpretation of the Direction. In particular, the section defines the type of and specifications for bycatch and turtle excluder devices with can be used in the Fishery.
- Clause 6** Clause 6 states which nets must be fitted with the devices described by this Direction.
- Clause 7** Clause 7 revokes Direction No. NPFD 94.
- Schedule 1** Schedule 1 describes the bycatch reduction devices that can be used in the Fishery and the positioning of such devices.
- Schedule 2** Schedule 2 describes a modified turtle excluder device.
- Schedule 3** Schedule 3 tabulates the different mesh sizes used in the Fishery and the equivalent maximum number of meshes a bycatch reduction device can be positioned from the codend drawstrings.

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