EXPLANATORY STATEMENT

Issued by the Australian Fisheries Management Authority

Fisheries Management Act 1991

North West Slope Fishery (Partial Area Closure) Direction 2007

Section 41A of the Fisheries Management Act 1991 (FM Act) provides for AFMA to direct that fishing not be engaged in a fishery, or part of a fishery, for a specified period, if after consultation AFMA is satisfied that such a direction is necessary in pursuit of its objectives. Section 41A only applies to fisheries not subject to a plan of management.

The North West Slope Fishery

The North West Slope Fishery (the Fishery) extends from a western boundary of longitude 114°E to an eastern boundary of approximately 125°E, extending seaward from a boundary approximating the 200m isobath. There are no seasons in the Fishery, although traditionally it is fished during periods when the Northern Prawn Fishery is closed. Historically, the Fishery has been primarily for scampi and deepwater prawns with some finfish taken.

The Fishery is managed by limiting the amount of fishing effort that is employed by the persons permitted 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 number of boats in the Fishery and the gear specifications of those boats. These inputs are managed through the grant of fishing permits for the Fishery and conditions specified in such permits. No plan of management has been determined for the Fishery.

AFMA has recently been alerted to fishing activity in the northeast corner of the Fishery, in an area that is less than 200 metres in depth which has resulted in high catches of finfish, including goldband snapper and red emperor. These species have been identified by the Department of Fisheries, Western Australia (Fisheries WA) as overfished in the adjacent, State managed Kimberley Trap and Trawl Fishery, and as such Fisheries WA has reduced the effort in that fishery.

AFMA considers, following consultation, that a partial closure of the Fishery in the area that is less than 200 metres in depth is necessary in pursuit of its legislative objectives as:

- the stocks of red emperor and goldband snapper in the area are considered to be overfished by Fisheries WA. They have reduced effort in their State managed fishery accordingly. AFMA considers that additional pressure by Commonwealth operators on these stocks is not ecologically sustainable.
- the trip limits for these species currently in force are not effective in reducing fishing mortality as fish taken over the trip limits are discarded. An area closure would be more effective in reducing fishing mortality of these overfished stocks by prohibiting fishing in the area of concern.

The North West Slope Fishery (Partial Area Closure) Direction 2007 (the Direction) implements an area closure in the northeast corner of the Fishery in the area that is less than 200 metres in depth. The partial area closure applies to all persons who are entitled to fish in the Fishery and will expire two years after the day it was registered. The geographical coordinates of the closure are expressed in terms of the World Geodetic System 1984 (WGS84). WGS84 is the datum adopted for use on hydrographic charts. As mariners are familiar with its use, it is a popular choice for describing maritime boundaries and was therefore considered appropriate for this Direction by Geoscience Australia.

Consultation
In accordance with section 41A(2) of the FM Act, AFMA is required to consult with the management advisory committee for the Fishery and all holders of fishing permits, scientific permits, foreign fishing licences or foreign master fishing licences entitling the holders to participate in the Fishery. Currently only the holders of seven fishing permits are entitled to participate in the Fishery.

AFMA consulted with the Western Trawl Fisheries Management Advisory Committee prior to making the Direction. Overall, WestMAC was not supportive of the closure, although this was not unanimous. Industry members did not accept the closure proposal. Instead, industry proposed a voluntary withdrawal from the area in question after a three month period open to fishing. AFMA considered the industry alternative approach and decided it did not pursue its legislative objectives.

AFMA further wrote to all fishing permits holders outlining the proposed measures and inviting them to make submissions within a seven (7) day period. Two submissions were received asking AFMA to reconsider the area closure. AFMA considered the submissions but formed the view that an area closure would be more effective in reducing fishing mortality of these overfished stocks by prohibiting fishing in the area of concern than the industry proposal or the current management arrangements.

Regulatory Impact Statement

The Office of Best Practice Regulation (OBPR) have advised that a Regulation Impact Statement was not required for the Direction (OBPR ID #9290).

Details of Direction are set out below.

**Clause 1** provides for the Direction to be cited as North West Slope Fishery (Partial Area Closure) Direction 2007.

**Clause 2** provides that the Direction will commence the day after registration and will cease two years after the day of registration.

**Clause 3** defines terms specific to the Direction.

**Clause 4** defines the geographic coordinate system used to establish the closure and provides a definition of that geographic coordinate system.

**Clause 5** provides that the Direction applies to persons engaged in fishing in the Fishery.

**Clause 6** provides that commercial fishing is prohibited in the area specified in Schedule 1.

**Schedule 1** defines the part of the Fishery that is the subject of the of the partial area closure.