EXPLANATORY STATEMENT

Fisheries Management Act 1991
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003

SOUTHERN AND EASTERN SCALEFISH AND SHARK FISHERY
(Closures) DIRECTION No. 4, 2010

Purpose

This Direction sets out permanent closure boundaries to direct that fishing with all methods is not to be engaged in in certain areas of the Southern and Eastern Scalefish and Shark Fishery (SESSF). The intent of the closures is to provide protection to a range of species and/or their habitat.

Legislation

Subsection 17(5A) Fisheries Management Act 1991 (the Act) provides that the Australian Fisheries Management Authority (AFMA) may direct that fishing is not to be engaged in a fishery or a particular part of a fishery during a particular period or periods. The subsection also requires that the directions be made after consultations (if any) that are set out in the plan of management.

Subsection 17(5B) of the Act states that a Direction made under subsection 17 (5A) in relation to a part of a 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 56(1) of the Southern and Eastern Scalefish and Shark Fishery Management Plan 2003 (the Plan) provides that AFMA may direct that fishing is not to be engaged in the fishery, or a part of the fishery, during a particular period or periods. Section 5 of the Plan provides objectives of the Plan, including the implementation of efficient and cost effective management of the fishery.

Subsection 56(2) of the Plan provides that, before AFMA issues a direction, it must consult and consider the views of each relevant Management Advisory Committee over the content of the direction.

Under Subsection 56(3) AFMA is required to give at least seven days notice prior to the Direction taking effect.

Background

The Southern and Eastern Scalefish and Shark Fishery (SESSF) is managed under the Plan. It is a multi-method, multi-species fishery that lands fresh scalefish and shark for the Australian market and for export. The area of the SESSF stretches south from Fraser Island in southern Queensland, around Tasmania to Cape Leeuwin in southern Western
Australia. It comprises a number of historically separate sectors which had substantial overlap in their areas of operation and species targeted.

Spatial closures are a fisheries management tool used to provide protection to a range of species and/or their habitat. A large number of spatial closures have been implemented to date and as time progresses new closures are developed and redundant ones are removed. Schedules 1 to 37 are being rolled over and schedules 38 to 40 are new. Schedule 18 is being amended. The newest closures are to protect Harrisson's Dogfish (Schedules 38 to 40) and the amended Schedule 18 is to protect Southern Dogfish. The new closures form a component of AFMAs Upper Slope Dogfish Management Strategy and have been developed based on scientific research and in consultation with Industry.

It is a condition of the SESSF Wildlife Trade Operation (WTO) declaration under the EPBC Act that by 17 December 2010, taking into account current information and in consultation with relevant experts, AFMA must implement long-term management measures, including fisheries closures and other actions, that will lead to a significant reduction of the impact of fishing activity on Harrison's Dogfish, Southern Dogfish, Endeavour Dogfish and Greeneye Spurdog. These measures will be clearly directed towards stopping the decline of, and supporting the recovery of each species. The new and amended closures assist AFMA to meet this condition.

Background to previous closures is provided in the explanatory Statements for those Directions.

Consultation

AFMA has consulted extensively with scientific experts, industry, CSIRO, BRS and SEWPAC in developing the closures to be implemented under the Upper-Slope Dogfish Management Strategy through workshops, various meetings, phone conversations and letters during 2009 and 2010.

The South East Management Advisory Committee considered the Strategy in 2009 and at its meeting on 15 September 2010. SEMAC supported the implementation of the stage 2 closures with minor amendments.

The AFMA Commission supported the implementation of the closures at its meeting of 25-26 November 2010.

Regulation Impact Statement

The Office of Best Practice Regulation has advised that the amendments do not require further analysis in the form of a Business Cost Calculator Report or Regulation Impact Statement (Reference ID 11917).

Details of the Direction are set out below:

Clause 1 provides for the Direction to be cited as SESSF (Closures) Direction No. 4 2010.

Clause 2 provides for the commencement of the Direction.
Clause 3 states to whom the Direction applies.

Clause 4 states the period for which the Direction applies.

Clause 5 defines certain terms used in the Direction and provides that terms used in the Direction that are defined for the purposes of the Plan have the same meanings as they have in the Plan.

Clause 6 directs a person not to engage in fishing using any or a particular fishing method or methods in areas of the fishery as detailed in Schedules 1 to 40.

Clause 7 revokes the Previous Direction.

Schedule 1 describes the area of the Murat Bay Closure.

Schedule 2 describes the area of the Cascade Plateau Closure.

Schedule 3 describes the area of the Kent Group National Park Closure.

Schedule 4 describes the area of the Bass Strait Trawl Closure.

Schedule 5 describes the area of the St Helens Hill Closure.

Schedule 6 describes the area of the Seal Bay Closure.

Schedule 7 describes the area of the Pages island Closure.

Schedule 8 describes the area of the Head of the Great Australian Bight Closure.

Schedule 9 describes the area of the East Coast Deepwater Trawl Sector Exclusion Zone Closure.

Schedule 10 describes the area of the South Australian Gillnet Closure- Backstairs Passage.

Schedule 11 describes the area of the South Australian Shark Hook and Shark Gillnet Closure- Kangaroo Island.

Schedule 12 describes the area of the South Australian Shark Hook and Shark Gillnet Closure – Victor Harbor to the Victorian Border.

Schedule 13 describes the area of the Shark Hook Boat Statutory Fishing Right and Gillnet 183m Depth Closure. The boundary of the closure follows as closely as possible the 183m depth contour. Fishing by the specified method is prohibited within the boundary of the closure, even where the boundary does not exactly follow the 183m depth contour.

Schedule 14 describes the area of the West Coast Tasmania Shark Hook Boat Statutory Fishing Right and Gillnet Depth Closure.

Schedule 15 describes the area of the Automatic Longline 183m Depth Closure. The boundary of the closure follows as closely as possible the 183m depth contour. Fishing by the specified method is prohibited within the boundary of the closure, even where the boundary does not exactly follow the 183m depth contour.

Schedule 16 describes the area of the Commonwealth Scalefish Hook Sector Gulper Shark Closure – Southern Dogfish.

Schedule 17 describes the area of the Great Australian Bight Trawl Sector Gulper Shark Closure – Southern Dogfish.

Schedule 18 describes the area of the Gulper Shark Closure – Endeavour Dogfish.
Schedule 19 describes the area of the Gulper Shark Closure – Harrison’s Dogfish.

Schedule 20 describes the area of the Commonwealth South East Trawl Sector 700m Depth Closure. The boundary of the closure follows as closely as possible the 700m depth contour. Fishing by the specified method is prohibited within the boundary of the closure, even where the boundary does not exactly follow the 700m depth contour.

Schedule 21 describes the area of the Tasmanian Seamounts Marine Reserve.

Schedule 22 describes the area of the Eastern South Australia Trawl Closure.

Schedule 23 describes the area of the Portland Area Trawl Closure.

Schedule 24 describes the area of the GAB Deepwater Closure- Central East Zone.

Schedule 25 describes the area of the GAB Deepwater Closure- Salisbury Canyon.

Schedule 26 describes the area of the GAB Deepwater Closure- Far West.

Schedule 27 describes the area of the GAB Orange Roughy Zone- Albany.

Schedule 28 describes the area of the GAB Orange Roughy Zone- Bremmer.

Schedule 29 describes the area of the GAB Orange Roughy Zone- Humdinger West.

Schedule 30 describes the area of the GAB Orange Roughy Zone- Humdinger/Magic.

Schedule 31 describes the area of the GAB Orange Roughy Zone- Lomvar Gully.

Schedule 32 describes the area of the GAB Orange Roughy Zone- United Nations.

Schedule 33 describes the area of the GAB Orange Roughy Zone- The Knob.

Schedule 34 describes the area of the GAB Orange Roughy Zone- Racetrack/Hamburger.

Schedule 35 describes the area of the GAB Orange Roughy Zone- Kangaroo Island Hill.

Schedule 36 describes the area of the GAB Far West Gulper Shark Closure.

Schedule 37 describes the area of the Barcoo and Taupo Seamounts Closure.

Schedule 38 describes the area of the Babel Closure.

Schedule 39 describes the area of the Cape Barren Closure.

Schedule 40 describes the area of the Port MacDonnell Closure.