

EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Issued by the Authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Northern Prawn Fishery Management Plan 1995

NPF Direction No. 153

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

Subsection 41A(2) of the *Fisheries Management Act 1991* (the Management Act) provides, inter alia, that the Australian Fisheries Management Authority (AFMA) may, after such consultation as set out in subsection 41A(2), direct that fishing is not to be engaged in the fishery, or a particular part of the fishery, during a particular period or periods.

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 four major ecologically related species (namely squid, scampi, bugs and scallops). There are two 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.

Purpose

The Direction establishes closures in specified areas of the fishery. The Direction sets out closure boundaries and prevents fishing in six specific areas within the fishery to protect spawning and small prawns during the second fishing season and broader mid and end of season closures to protect stock prior to and during spawning periods.

The Direction also prevents trawling during daylight hours in key tiger prawn areas because it is believed that mature female tiger prawns are more susceptible to daylight trawling. It is important to protect these prawns as they form the breeding stock. Research to confirm that mature females are more susceptible has been carried out however the results were inconclusive. Accordingly AFMA has taken a precautionary approach and prohibited daylight trawling.

The Direction makes provision for operators to carry out trials of their fishing equipment (gear trials) in particular areas that are set aside for the purpose. Fish are not targeted during gear trials and under this Direction the trial can be carried out prior to the commencement of the second fishing season. The areas in which the gear trials are permitted to be carried out were selected so as to have minimal impact on prawn stocks in the fishery while still being practical for operators.

Regulation Impact Statement

The Office of Best Practice Regulation 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 12757).

Consultation

Subsection 41A(2) of the Management Act provides that, before giving a direction, AFMA must consult the Northern Prawn Fishery Management Advisory Committee (NORMAC) and consider their views. AFMA may also consider the views of other interested persons.

AFMA consulted with both NORMAC and the Northern Prawn Fishery Industry Pty Ltd (NPF) prior to making the Direction. NORMAC and NPF support the making of the Direction.

Details of the Direction are set out below:

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| <i>Clause 1</i> | provides for the Direction to be cited as NPF Direction No. 153. |
| <i>Clause 2</i> | provides for the commencement of the Direction. |
| <i>Clause 3</i> | sets out the period of application of this Direction. |
| <i>Clause 4</i> | revokes Direction No. NPF 151. |
| <i>Clause 5</i> | 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. The note indicates that terms defined in the Management Act have the same meaning in the Direction. |
| <i>Clause 6</i> | states to whom the Direction applies. |
| <i>Clause 7.1 to 7.12</i> | prohibits fishing in areas of the fishery detailed in Schedules 1 to 12, during certain periods. |
| <i>Clause 8.1</i> | provides an exemption to the closures detailed at 7.1 and 7.2 for a person that is conducting a gear trial in the prescribed areas. |
| <i>Clause 8.2</i> | provides a corridor for boats to transit through the closure prescribe in clause 7.3. The exemption only applies when a boat carries it's gear in the manner prescribed in the clause. |
| <i>Schedules 1 to 12</i> | describe the areas that are closed to fishing referred to in clause 7.1 to 7.12. |
| <i>Schedules 13 to 15</i> | describes the areas where the gear trial referred to in clause 8.1 can be undertaken |
| <i>Schedule 16</i> | describes the area of the transit corridor referred to in clause 8.2 |