

EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Issued by the Authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991

Northern Prawn Fishery (Closures) Direction No. 155 Protected Area Closures

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 Australian Fisheries Management Authority (AFMA) may, after such consultation as set out in s41A(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.

Subsection 41A(2) also provides that, before AFMA issues a Direction, it must consult with the management advisory committee for the fishery, the Northern Prawn Fishery Management Advisory Committee (NORMAC), about the content of the Direction unless the Direction is issued in circumstances of an emergency. Under the current trial of co-management arrangements AFMA must consult with Northern Prawn Fishery Industry Pty Ltd (NPFI) on all operational matters for the fishery, including Directions. This is outlined in the co-management policy and memorandum of understanding between AFMA and NPFI and has been endorsed by NORMAC.

The Fishery

The Northern Prawn 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.

The Fishery is managed by limiting the amount of fishing effort that is employed by the persons permitted by the *Northern Prawn Fishery Management Plan 1995* (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 the biological and economic objectives of 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.

The Direction

Northern Prawn Fishery (Closures) Direction No. 155 (the Direction) closes specified areas of the Fishery to fishing. The Direction prohibits fishing in eleven specific areas within the Fishery that provide essential habitats for the juvenile growth phase of penaeid prawns, a major species in the fishery. Fishing in these areas would not only cause destruction to vital seagrass habitat but would also result in the capture of underdeveloped and undersize prawns.

The Direction also closes two areas to fishing, as they are the sites of research surveys investigating the impact of trawling on the benthos. To avoid confounding the results of this research it is important that these areas remain closed to commercial fishing for the duration of this project.

The Direction revokes and replaces NPF Direction No. 147.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this Determination consistent with the agreement in place to cover all regulatory changes deemed to be of a minor or machinery nature.

Statement of compatibility prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

This legislative instrument does not engage any of the applicable rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. Accordingly, in AFMA's assessment, this legislative instrument is compatible with human rights.

Consultation

AFMA consulted with Northern Prawn Fishing Industry Pty Ltd (NPFI) prior to making the Direction; NPFI supports 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 Northern Prawn Fishery (Closures) Direction No. 155. |
| <i>Clause 2</i> | Provides that the Direction commences on the day after registration on the Federal Register of Legislative Instruments. |
| <i>Clause 3</i> | Provides that the Direction ceases on 31 March 2013. |
| <i>Clause 4</i> | Provides that a term used in the Direction and in the Plan has the same meaning in the Direction as in the Plan. |
| <i>Clause 5</i> | States to whom the Direction applies. |
| <i>Clause 6</i> | Prohibits fishing in the areas described in Schedule 1. |
| <i>Clause 7</i> | Provides for an exemption to clause 6. |
| <i>Clause 8</i> | Revokes NPF Direction No. 147. |
| <i>Schedule 1</i> | Describes the prohibited areas. |
| <i>Schedule 2</i> | Describes the exempt transit corridors where boats may navigate. |