

EXPLANATORY STATEMENT

Issued by the Authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991

Northern Prawn Fishery (Closures) Direction No. 163 First Season 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 the 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. Fishing in 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. 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

The *Northern Prawn Fishery (Closures) Direction No. 163* (the Direction) sets out closure boundaries and prevents fishing in specific areas within the Fishery to protect spawning and small prawns during the first fishing season as well as a broader mid-season closure to protect stock prior to and during spawning periods.

The Direction revokes the *Northern Prawn Fishery (Closures) Direction No. 160*.

Regulation Impact Statement

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required for this instrument 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*

AFMA assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that this legislative instrument is compatible with human rights. AFMA's Statement of Compatibility is attached as a supporting document.

Consultation

AFMA consulted with Northern Prawn Fishing Industry Pty Ltd (NPF) prior to making the Direction; NPF supports the making of the Direction.

Details of the Direction are set out below:

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| Clause 1 | Provides for the Direction to be cited as the <i>Northern Prawn Fishery (Closures) Direction No. 163</i> . |
| Clause 2 | Provides that the Direction commences on the day after registration on the Federal Register of Legislative Instruments. |
| Clause 3 | Provides that the Direction ceases on 31 December 2013 unless earlier revoked. |
| Clause 4 | Provides that a term used in the Direction and in the Plan has the same meaning in the Direction as in the Plan. |
| Clause 5 | States to whom the Direction applies. |
| Clause 6 | Prohibits commercial fishing in areas of the fishery detailed in Schedules 1 to 11, during certain periods. |
| Clause 7 | Provides for an exemption to clause 6 for persons who navigate in an exempt transit corridor and for persons carrying out gear trials in accordance with Northern Prawn Fishery (Closures) Direction No. 162. |
| Clause 8 | Revokes NPF Direction No. 160. |
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| Schedules 1 to 11 | Describe the areas that are closed to fishing referred to in clause 6. |
| Schedule 12 | Describes the exempt transit corridor areas referred to in clause 7.1. |