

# **Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2014**

Explanatory Notes for SL 2014 No. 267

made under the

Fisheries Act 1994

## **General Outline**

### **Short title**

*Fisheries (East Coast Trawl) Amendment Management Plan (No. 1) 2014*

### **Authorising law**

Sections 3A, 32, 34, 36 and 223 of the *Fisheries Act 1994* (the Act).

### **Policy objectives and the reasons for them**

The objective of the subordinate legislation is to ensure that bycatch reduction devices and turtle excluder devices used in the East Coast Trawl Fishery in Queensland are best practice. This aims to minimise the interactions with species of conservation interest, maintain Commonwealth Government accreditations and maintain international export approvals.

The *Fisheries (East Coast Trawl) Management Plan 2010* (the Management Plan) requires that only specified bycatch reduction devices and turtle excluder devices are used in East Coast Trawl Fishing operations. The East Coast Trawl Fishery is currently accredited by the Commonwealth Government for Wildlife Trade Operation under parts 13 and 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. As a condition of this approval, the Queensland Government must report on how the industry has improved interactions with species of conservation interest by 1 December 2014.

Under United States of America (US) laws, countries exporting wild caught shrimp to US markets must use comparable sea turtle conservation equipment as used by US shrimp trawl fleets. Changes to the US requirements therefore necessitate changes to the requirements for turtle excluder devices allowed in the East Coast Trawl Fishery, in order to maintain access to US markets.

The East Coast Trawl Fishery has been reviewed by the Great Barrier Reef Marine Park Authority and the Queensland Government in conjunction with the trawl fishing industry, scientists and other stakeholders. This established that while the Management Plan requires all trawl nets to use turtle excluder devices and bycatch reduction devices, the level of ecological risk posed to a number of threatened and endangered species remains unacceptable. For this reason, it is necessary to update the types and specifications of devices able to be used in the Fishery. There is also continual development of more effective devices, the cost of devices and reluctance from the industry to use devices if there is a risk of losses of target species.

The subordinate legislation provides for amendments to the Management Plan to include the new specifications. These amendments update the specifications for more effective devices, reduce the number and types of bycatch reduction devices, define spatial boundaries for fishing areas, specify which bycatch reduction devices can be used when fishing in different areas, introduce the crab bag and remove ineffective designs. The definition of trawl nets in use will be amended for trawl nets to include ‘rigged for fishing’ as well as setting and shooting.

## **Achievement of policy objectives**

The subordinate legislation achieves its objectives by:

- Defining the spatial boundaries of the Central and Northern areas of the East Coast Trawl Fishery to complement the existing boundaries already defined in the Management Plan.
- Providing the specifications for the bycatch reduction devices that can be used when using an otter trawl net to take prawns and scallops in the various areas of the East Coast Trawl Fishery, as defined in the Management Plan.
- Providing the specifications for the bycatch reduction devices that can be used for a beam trawl net.
- Introducing the option and specification for using a crab bag for commercial fishing boats operating under T1, T2, M1 or M2 licences.
- Providing the specifications for turtle excluder devices including an additional option for the cuts for the escape hole, modified options for the floatation device and the option and specification for an accelerator funnel.
- Introducing a new definition for trawl nets being in ‘use’ including being ‘rigged for fishing’ as well as setting and shooting the net.
- Removing the half-round square mesh cod end, radial escape section and popeye fish excluder as recognised bycatch reduction devices.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the objectives of the authorising law, which is to generally provide for the use, conservation and enhancement of the community’s fisheries resources and fish habitats whilst applying and promoting the principles of ecologically sustainable development.

## **Inconsistency with policy objectives of other legislation**

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The Management Plan currently regulates the devices and their specifications that can be used in the East Coast Trawl Fishery. The policy objectives can only be achieved by amending the Management Plan.

## **Benefits and costs of implementation**

The changes to the requirements for bycatch reduction devices and turtle exclusion devices will have minimal impact on the industry. Most of the East Coast Trawl Fishery is already using compliant devices, with the changes in devices with specifications provided by these amendments already in use under permit. The devices being removed by these amendments are not widely used. The specifications of devices have been designed to align with those used in New South Wales, so that trawl fishers operating across the border are not required to utilise different devices.

In terms of the use of the square mesh cod end bycatch reduction device for scallop fishing, fishers have been provided with rebates to purchase the devices. The use of fisheye devices in the central area is also new and all relevant licence holders were provided with 12 fisheye devices which are simple and easy to install. There was also a rebate scheme for turtle excluder devices and 1068 compliant devices were claimed as part of the scheme.

The changes to the requirements for bycatch reduction devices and turtle excluder devices will benefit the industry by maintaining the accreditation of the East Coast Trawl Fishery with the Commonwealth Government to access the fishery resource and export the produce. It will also maintain market access to the US.

The change to the definition of trawl net 'use' to include 'rigged for fishing' will benefit the government and fishers by simplifying compliance activities. The existing requirements for 'use' require compliance officers to board the vessel at night while they are actively fishing and requiring them to raise their nets. This is expensive and dangerous for the fisheries officers and a significant inconvenience for fishers. Defining trawl nets as rigged for fishing will be cheaper, more effective, less dangerous and less of an imposition on fishers.

## **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

## **Consultation**

Consultation with various stakeholder groups has been undertaken through the management review process with a scientific advisory group and technical advisory group which included representatives from industry including the Queensland Seafood Industry Association, SUNFISH, Queensland Seafood Marketers Association, Moreton Bay Seafood Industry Association and trawl fishing licence holders. These groups also included government stakeholders including Queensland Treasury and Trade, the Great Barrier Reef Marine Park Authority, CSIRO, World Wildlife Fund and the Commonwealth Department of the Environment. All stakeholders have indicated support for the amendments.

Considerable consultation on the requirements to retain export approvals into the future has been undertaken with the Commonwealth Department of the Environment and the United States Government.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority was consulted with regard to regulatory impact statement (RIS) requirements. The OBPR advised that the amendments are not considered likely to result in significant adverse impacts and therefore, the proposed amendments do not require further analysis and assessment under the Treasurer's guidelines.