

Fisheries (East Coast Trawl) (TED Requirement) Amendment Management Plan 2017

Explanatory notes for SL 2017 No. 10

made under the

Fisheries Act 1994

General Outline

Short title

Fisheries (East Coast Trawl) (TED Requirement) Amendment Management Plan 2017

Authorising law

Sections 32, 34 and 62 of the *Fisheries Act 1994*

Policy objectives and the reasons for them

The purpose of the subordinate legislation is to provide greater protection for sea turtles and to reduce the ecological risks that have been attributed to trawling by ensuring that turtle excluder devices (TEDs) used in the East Coast Trawl Fishery in Queensland follow best practice.

Overlap of escape hole flaps on TEDs in excess of 380 mm when stretched can significantly impact sea turtle mortality. The current legislation requires the measurement of the overlap of double flaps to be taken when the flap material is not stretched. This results in a stretched measurement that is almost double the overlap recommended as best practice design. A non-stretched measurement is also difficult to enforce because the material can be compliant when first installed but over time it can distort and stretch, resulting in an overlap greater than 380 mm.

Maintaining best practice is important to ensure ongoing Federal Government accreditations and international export approvals. The enforcement of a stretched flap overlap measurement is necessary to retain United States (US) export accreditation. Fisheries that export wild caught prawns to US markets must use TEDs that are comparable in effectiveness to those required in the US in order to retain export accreditation.

Achievement of policy objectives

The subordinate legislation will amend the *Fisheries (East Coast Trawl) Management Plan 2010* (the Management Plan) to allow the maximum overlap of double flaps on TED escape holes to be enforced as a stretched measurement of 380 mm.

Alternative ways of achieving policy objectives

The Management Plan regulates TEDs and their specifications for use in the East Coast Trawl Fishery. The policy objectives can only be achieved by amending the Management Plan.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the purpose of the *Fisheries Act 1994*, which is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to: apply and balance the principles of ecologically sustainable development and promote ecologically sustainable development.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The new TED requirement will have minimal impact on the industry because flap material is currently installed on all TEDs. There is expected to be little cost for fishers to modify existing flaps to comply with the new requirement. However given the significant numbers of TEDs carried by fishers it is expected that it will take some time for individuals to modify all of their TEDs.

Fishers may be of the opinion that reducing flap overlap could increase prawn loss from the TEDs. Tuning the TEDs may offset any potential prawn losses. This can be done by modifying knot orientation and knot type on escape hole flaps and modifying the shape of the flaps to ensure adequate overlap at the escape point.

A reduction in allowable flap overlap on TEDs will further reduce the impacts of trawl fishing on sea turtle populations. This will help build community confidence that the Queensland East Coast Trawl Fishery is operating using world's best practice bycatch reduction technology.

The amendment will benefit industry by maintaining US export accreditation for the Queensland East Coast Trawl Fishery.

Existing compliance, reporting and monitoring systems can accommodate the amendment without additional costs.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

Fisheries Queensland received support from the Queensland Seafood Industry Association (QSIA) on the proposed change to incorporate a stretch measurement in order to maintain best practice and to retain US export accreditation. QSIA has consulted with their members regarding the proposed change. The proposed change was raised informally with some fishers and netmakers as a potential outcome of the recent US inspection visit.

Once the legislation has been notified, Fisheries Queensland will communicate with industry about the amendments prior to commencement.

The Office of Best Practice Regulation (OBPR) was consulted about the proposed amendments through a Preliminary Impact Assessment. OBPR advised that the proposed amendments were excluded from further assessment under the Queensland Government Guide to Better Regulation. The exclusion was made on the basis that adverse impacts associated with loss of export approvals and fishery accreditation are likely to be more significant than costs associated with TED modifications and potential reduced profitability from an expected loss of catch volume.