

Queensland



Regulatory Impact Statement for SL 1999 No. 289

Fisheries Act 1994

FISHERIES (EAST COAST TRAWL) MANAGEMENT PLAN 1999

Title

Fisheries (East Coast Trawl Fishery) Management Plan and consequential amendments to the *Fisheries Regulation 1995*.

Authorising law

The proposed legislation is to be made under the provisions of the *Fisheries Act 1994* (“the Act”), in particular Section 32 (‘Making of management plans by fisheries agencies, etc.’).

Policy objectives

The policy objectives of the proposed management plan are to—

- (a) manage the State’s trawl fisheries in a way that gives optimal, but sustainable community benefit; and
- (b) ensure that fisheries resources taken by trawling are taken in a manner which is ecologically sustainable; and
- (c) ensure the sustainability of the ecological systems in which trawling occurs; and
- (d) provide for an economically viable, but ecologically sustainable, trawl fishery; and

- (e) ensure that social and cultural issues are addressed by providing appropriate access to fisheries resources taken in the trawl fishery amongst all interest groups.

These objectives have been developed by the QFMA to ensure that management measures in the East Coast Trawl Fishery (ECTF) are consistent with the principles of ecologically sustainable development (ESD). ESD is defined in the Act as—

- (a) maintenance of biodiversity and the ecological processes on which fisheries resources depend; and
- (b) maintenance and improvement of the total quality of present and future life.

Legislative intent

The policy objectives mentioned above are to be achieved by the introduction of the following proposed provisions in a fisheries management plan for the ECTF—

- (a) the current legislative arrangements for the ECTF in relation to boat and apparatus restrictions and closed waters; and
- (b) provisions requiring the compulsory use of bycatch reduction devices (BRDs) and turtle excluder devices (TEDs) in certain areas within the fishery; and
- (c) a revised list of fisheries resources that may be targeted in trawling operations as well as a range of fish species (other than target species) that may be taken, together with restrictions on numbers of certain fish; and
- (d) the introduction of major seasonal closures is proposed to ensure a sustainable fishery by concentrating fishing time into a shorter part of the year thereby reducing disturbance and increasing the rate of survival of spawners during critical periods; and
- (e) an additional closed waters declaration and extension of the existing closures in Moreton Bay in order to limit the taking of winter whiting by trawlers; and

- (f) provisions requiring operators of all trawlers (excluding those boats that operate exclusively in Moreton Bay, exclusively in the river and inshore beam trawl fishery or exclusively in both of those fisheries) to install and maintain electronic vessel monitoring system (VMS) equipment on their boats; and
- (g) separate fisheries management arrangements for boats trawling in Moreton Bay; and
- (h) a system of Allocated Fishing Days and Effort Units; and
- (i) measures by which the objectives of the management plan are to be measured and a range of review events associated with those measures; and
- (j) defining various offences within the ECTF to be “serious fisheries offences” which will trigger consideration of licence suspensions, together with periods of suspensions associated with each type of serious fisheries offence.

Full details of the legislative intent are contained in the draft management plan for the trawl fishery that accompanies this regulatory impact statement.

Consistency with the authorising law

The draft management plan is entirely consistent with the authorising law in that it provides for the sustainability of trawl fishery resources, while ensuring fair access to the resources amongst key stakeholders. The draft management plan was developed through a clearly defined process involving the Queensland Fisheries Management Authority (QFMA) and its community and industry based Trawl Fishery Management Advisory Committee (TrawlMAC) after extensive consultation.

The draft management plan is also fully consistent with the overall objectives and provisions of the Act. Through the implementation of the management plan the following objectives of the Act will be met—

- trawl fishery resources will be used in an ecologically sustainable way; and
- optimum community, economic and other benefits will be obtained from trawl fishery resources; and
- fair access to trawl fishery resources.

Consistency with other legislation

The draft management plan is not inconsistent with the policy objectives of any other legislation.

Alternatives

Possible alternatives for achieving the policy objectives are as follows—

- (a) no legislative intervention; or
- (b) self regulation; or
- (c) alternative legislation.

These alternatives are discussed below.

No legislative intervention

Although no legislative intervention may be considered as an alternative management mechanism, it raises serious difficulties. The need for government involvement in fisheries management stems primarily from the “open access” nature of fisheries resources. Experience worldwide has shown that where there is “open access” to fisheries resources, there is little incentive for individuals harvesting the resource to conserve fishery stocks. This arises because there is no direct ownership of the resources and little incentive to protect these for the future. As these stocks become fully utilised, competition between users often leads to resource depletion or economic inefficiency. Left unmanaged, the resulting increase in fishing effort is reflected in lower individual catches in all fishing sectors and overcapitalisation and reduced financial returns in the commercial fishing industry, and can place at risk the satisfaction of custom and tradition by indigenous groups.

The role of governments, as custodians of the resource, is to ensure that fisheries resources are used in an ecologically sustainable manner and as efficiently as possible. In doing so, governments have the responsibility of ensuring that the basis for sharing the resource among all users is clearly defined and is accepted as equitable. Ensuring that the allocation of fisheries resources and their level of utilisation are consistent with the needs of present and future generations has been shown worldwide to require effective legislative intervention.

With no legislative intervention, other natural resource management agencies will almost certainly take action to reduce or exclude trawling from certain areas.

Without the introduction of the proposed management plan, these problems will continue to exist. No other non-legislative means are likely to achieve the desired policy outcomes. For these reasons the alternative of no regulation is not considered to be appropriate.

Self management

Self management is similarly not considered a viable alternative for achieving the policy objectives mentioned above. The same difficulties outlined under the no legislative intervention alternative would still exist with some added complications.

Self management is unlikely to resolve the fundamental conflict regarding competition for the resource. This is particularly true when there is no private ownership and no way for individuals to capture the benefit of their good management, unless all parties are compelled to “do the right thing”. In fact, fisheries management currently involves heightened debate and, indeed, legal action about the respective legal ‘rights’ of commercial, recreational and indigenous users and their access to, or share of, the resource.

In an overall sense, self management in a fisheries context is unlikely to succeed and has been rejected by all governments in Australia and overseas. That is not to say that user groups do not promote various self management interventions from time to time. However, the scope and size of the current proposals for the ECTF are unlikely to fall into that category.

Alternative type of legislation

No alternative legislative proposal can be identified which is considered to have superior, or even equal, merit to those being proposed under the management plan for the ECTF.

It has been generally agreed throughout the process of developing a draft management plan for the ECTF that there is a need for effort levels in the fishery to be capped and reduced over time. There has been consideration given to four major mechanisms that may be used to achieve this—

- (a) impose quotas on the catch; and
- (b) apply further restrictions on the type and size of boats, nets engines etc. that may be used; and
- (c) restrict the number of boats that may operate in the fishery; and
- (d) restrict the amount of fishing time permitted.

The introduction of catch quotas has not been considered as an appropriate management option for the ECTF throughout the consultation process undertaken so far. The major reasons for this are the large range of species taken by trawlers and the difficulties in determining appropriate quotas for each species. For instance, in the banana prawn fishery if certain weather conditions prevail at a particular period within the year, an abundance of prawns may occur. Difficulties therefore arise in determining the most appropriate total quantity of banana prawns that should be harvested in any one year. For these reasons it is not considered that this mechanism would meet the policy objectives proposed.

Under current legislation and management arrangements the maximum sizes for boats, nets and engines have already been determined. It would be difficult and impractical to impose further restrictions of these types given that it would require existing operators to incur substantial expense in modifying boats and gear, with the end result being a more inefficient fleet. It has been established that current measures are not meeting the proposed objectives and in this regard are not considered to be an appropriate alternative.

The number of boats in the ECTF has, since 1979, been restricted by what has become known as the limited entry or limited licence policy. This has meant, in essence, the no new trawl licences have been granted for some 20 years. Under current arrangements, the introduction of a new boat into the fishery requires the purchase of existing licences on a “two for one” basis. In this way, the numbers of operating boats have been capped and in fact reduced over time. While this policy has been effective to some extent in reducing the number of boats, it has also restricted operators from replacing their old inefficient boats as the requirement to purchase another licence is sometimes too prohibitive. For this reason the current upgrade/replacement policy is not considered to be the best mechanism for controlling effort in the ECTF.

To further reduce boat numbers, a buy-back scheme could be implemented. This has been rejected by industry on the basis of cost, perceived inequity and the probable removal of latent effort, rather than real effort. It would be almost certain that interested participants in a buy-back scheme would be those operators who presently apply little effort to the fishery. This would result in the removal of little real effort while imposing large costs on the majority of operators. For these reasons it is not considered that this alternative type of legislation would meet the proposed objectives.

Therefore, on balance, when taking into account all of the policy objectives sought to be achieved, the introduction of measures as proposed is clearly the most effective and efficient alternative for legislative intervention.

National Competition Policy

The Competition Principles Agreement, a key part of the National Competition Policy (NCP), requires as a guiding principle that legislation should not restrict competition unless it can be demonstrated that—

- the benefits of the restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

The following is an analysis of the potential NCP issues associated with this proposal—

Issues and objectives

The issues being addressed by the proposed management plan are set out above in the title section. The policy objectives are also set out above.

Current measures v proposed measures

The likely benefits and costs associated with the proposed management plan are set out below. This analysis details the anticipated impacts both positive and negative to government, industry and community, of the plan proceeding. (See “Cost-Benefit Assessment”).

The current management measures within the ECTF are not adequate to address the policy objectives sought to be achieved. While effort in the fishery is currently constrained to some extent through boat capacity and length limitations, these measures have had little effect in reducing actual or potential effort. On the basis of commercial trawl logbook data, the average number of days (24 hour period) fished by each trawler is about 110 days, which means there is a high a degree of latent effort in the fishery. Consequently, there is potential for operators to start to fish all year round (or at least significantly increase their present operations), if economic or social incentives emerge to do so.

The measures outlined in the proposed management plan will cap the total number of days which may be fished in the trawl fishery through the allocation of days to each trawler based on historical levels of activity. This will be undertaken through the introduction of Allocated Days and Effort Units where Allocated Days are calendar days allocated to each boat based on the history of the boat and Effort Units are a multiplication of Allocated Days and the boat's existing Hull Units.

It is proposed to monitor and adjust effort through the Effort Unit system on the basis that Effort Units be allocated to each trawl licence holder, and that such units will be transferable. It is also proposed that certain forms of transfer and boat upgrade associated with transfer of Effort Units would attract penalties designed to cap and reduce effort in the fishery.

Current management measures are not considered to be sufficiently effective to guarantee the sustainability of the fishery. While there is no documented case of recruitment overfishing for any of the ECTF target species, there have been sufficient concerns about low levels of recruitment in one species (saucer scallops) to trigger management intervention. This resulted in 15 – 25% of the remaining parent stock being protected from fishing, with an associated cost to the fishery. There is ample evidence on a world-wide basis that parent stock can be so diminished by fishing that recruitment levels in subsequent generations can be reduced. The recent collapse of the Canadian cod fishery through overfishing resulted in a fishery which at its peak landed in excess of 250,000 tonnes of fish annually, being closed. There are case examples of recruitment overfishing in tiger prawns in Western Australia and in the Gulf of Carpentaria. Both have lead to significant (20 – 50%) declines in production levels. Such situations often lead to significant economic hardship and social disruption.

There needs to be effective management intervention to ensure that stocks are not so heavily fished that parent levels are reduced to the extent they can no longer generate the level of recruitment which sustains population levels (recruitment overfishing). To ensure this is achieved under the proposed management plan, the target species will be monitored for signs of overfishing and strategies will be developed to mitigate the effects of overfishing.

On balance, when taking into account all of the policy objectives sought to be achieved, the introduction of the proposed management plan is clearly the most effective and efficient alternative in this instance.

The possible alternatives to achieving the policy objectives are no legislative intervention, self management or alternative type of legislation. Discussion of those alternatives is set out above. (See “Alternatives”)

Consultation

This proposed management plan has been the subject of extensive consultation, primarily with the following groups—

- Fishing Industry
- Seafood marketers
- Recreational fishers
- Indigenous fishers
- Conservation interests

Consultation has occurred through the Trawl Fishery Management Advisory Committee (TrawlMAC) which was established to advise the QFMA on the development of a management plan for the ECTF. There is representation from all major interest groups on TrawlMAC.

Consultation undertaken in relation to the management plan to date has included—

- A Discussion Paper was released by the QFMA in December 1996 seeking public comment on issues associated with the ECTF; and

- Twelve public and industry meetings were held by the QFMA in major Queensland ports to seek comment on the issues included in the Discussion Paper; and
- The QFMA considered all responses (approximately 220) to the Discussion Paper including comments obtained from industry and public meetings; and
- A Strategic Statement for the ECTF was released by the QFMA in August 1997 seeking comment on issues proposed for inclusion in a draft management plan for the fishery; and
- Nine industry meetings were held in major Queensland ports to seek comment on the issues included in the Strategic Statement; and
- The QFMA considered all responses to the Strategic Statement including comments provided at industry meetings; and
- A paper entitled “Proposed Management Arrangements for the Queensland Trawl Fishery - East Coast and Moreton Bay 1998-2005” was released by the QFMA in January 1998 seeking comment on major issues associated with the ECTF; and
- Four industry meetings were held in major Queensland ports to seek comment on the issues included in the paper “Proposed Management Arrangements for the Queensland Trawl Fishery - East Coast and Moreton Bay 1998-2005”; and
- The QFMA considered issues arising from the industry meetings, together with major policy initiatives developed by TrawlMAC for inclusion in a management plan for the ECTF in December 1998.

Throughout the above consultation process there has been general support from the recreational, indigenous and conservation sectors as well as the general community for the introduction of a capping of effort and an effort reduction scheme for the ECTF. These sectors are also supportive of the inclusion of indicators in the plan by which the sustainability of target species in the fishery may be measured. A proposal to include separate management arrangements for Moreton Bay in the plan has also received support.

Other benefits arising from the proposed management plan which are specifically supported by these sectors include—

- That the total maximum effort in the ECTF is maintained at sustainable levels; and
- That appropriate monitoring and stock assessment is implemented to determine the extent to which resources taken in the fishery may be exploited; and
- That review events are included in the plan which will indicate when recruitment overfishing is occurring; and
- That provisions will be included in the management plan which will measure the sustainability of ecosystems impacted upon by trawling and non-target fish and other animals; and
- That the Moreton Bay trawl fishery is to be managed according to specific arrangements which take into account the unique characteristics of the area.

The Queensland Boating and Fisheries Patrol (QBFP) is concerned about the effective enforcement of the proposed provisions associated with Allocated Days. These concerns relate mainly to the following—

- The detection of operators who operate their boats in excess of the number of days to which they are entitled; and
- How the number of days that each trawler has operated will be determined; and
- Establishing those trawlers that are being used to fish under fishery symbols other than those for the ECTF (with the exception of the river and inshore trawl fisheries).

The vast area of the ECTF provides specific reason for these concerns. In this context it is considered vital that all licensed trawlers have electronic Vessel Monitoring System (VMS) units installed if the proposed management arrangements under the management plan are implemented.

Extensive consultation has been undertaken with the trawl sector of the commercial fishing industry throughout the process of developing the draft plan. The process began with the release of a Discussion Paper by the QFMA seeking comments on issues associated with the ECTF.

Two further documents, the Strategic Statement for the Queensland Trawl Fishery and Proposed Management Arrangements for the Queensland Trawl Fishery (East Coast And Moreton Bay), were subsequently released and industry meetings were held in major ports following the release of each of these documents.

There has been general acceptance of the inclusion of sustainability indicators in the proposed plan and of the Moreton Bay region being managed under specific arrangements. A significant consultation process has occurred with the trawl industry with a view to determining an appropriate effort reduction scheme. It has been recognised by the industry that, given that maximum sizes for boats, nets and engines have already been determined for the fishery, further effort reduction can only be achieved through either restrictions on boat numbers or by reducing the total amount of time that boats can access the fishery, or both. Alternatives for achieving effort capping and reduction have been considered. Essentially, two options present themselves; the implementation of time and/or effort units in the fishery or a buy-back scheme.

Proposals for buy-back schemes were not supported by industry on the basis of high cost, perceived inequity and inability to remove latent, rather than real effort, over an extended period. However, industry considered that a buy-back scheme could be implemented following the reduction of latent effort following the implementation of a time/effort units scheme in the ECTF.

Throughout the consultation process, a proposal to limit the number of days, which each boat may operate in the fishery, has received general industry acceptance. The allocation of these days to individual operators however, has been the subject of much debate. In this context it has been proposed that the method of allocating days (or Allocated Days that equate to a 24 hour period) should be determined according to the fishing history of individual boats and that logbook information held by the QFMA covering the years 1988 to 1997 (inclusive) should be used as evidence of that history. When the QFMA approved this proposed allocation process it was recognised that the total time allocation across the fleet would exceed the most number of days ever fished in the fishery in any one year. However, in order to avoid disadvantaging any operator in the ECTF, the QFMA determined that the maximum number of days fished in any year from 1988 to 1997 for each boat should be allocated as that boat's Allocated Days.

In recognition that under such a proposal the total allocation of days would exceed the most number of days ever fished an effort reduction scheme, requirements for surrender of Effort Units in certain circumstances have also been proposed for inclusion in the plan by the QFMA. These requirements are directed at reducing and maintaining fishing effort in the ECTF to 1996 levels or below. The QFMA recognises that further reductions of effort could also be achieved through the operation of a buy-back scheme or reduction of Effort Units on a pro-rata basis across the fleet.

However, these options are not proposed to be further considered unless the requirements mentioned above do not achieve the desired level of effort reduction. It is still likely that some operators in the trawl industry will not be supportive of the introduction of Allocated Days in the fishery. However, in order to achieve sustainability of resources in the ECTF, the QFMA considers that capping and reduction of effort in the fishery is essential. While such a system will not satisfy all operators it is considered to be the most effective method and has received more industry support than other possible methods.

Restrictive impacts of proposed measures and resource management considerations

Under the proposed allocation of effort units within the ECTF, operators would be restricted in their operations by the number of days that they could fish in a year and the size of boat that they could use.

The restriction on fishing days can be viewed as having restrictive impacts across the whole fishery as there is currently no limit on the number of days that any boat may be used to fish during a year. Also, some licence holders will receive higher allocations than others, based upon their historical participation in the fishery. As part of this examination of the potential restrictive impacts of the draft management plan, it should be noted that even though there would be restrictions placed on operators, these are to be based upon the largest historical number of fishing days recorded over a ten year period in each case. It could therefore be argued that therefore the allocation of effort units is not totally of a restrictive nature in the sense that it is only potential future increases in effort that are being limited.

There are a number of restrictions which already apply to the ECTF, including a cap on the number of boats in the fishery, maximum sizes for boats, nets, and engines.

While these measures have restricted the effort to a certain extent, it is considered by the QFMA that further restrictions need to be introduced. This can only be achieved through either restrictions on boat numbers or by reducing the total amount of time that boats can access the fishery. Alternatives to achieving effort capping and reduction have been considered through the use of time-effort units or buyback. An initial buyback option was rejected by industry on the basis of cost, perceived inequity and its ability to remove latent, rather than real effort, over an extended period. It was considered that a buyback scheme could be implemented following the reduction of latent effort through the allocation of time and effort units.

A significant consultation process has been undertaken by the QFMA to determine an appropriate effort reduction scheme for the ECTF. Throughout that process, the concept of capping the number of days which boats may operate in the fishery has received general industry acceptance.

The effort reduction scheme is proposed to be undertaken through the introduction of Allocated Days and Effort Units. Allocated Days are proposed to be calendar days allocated to each boat based on the history of the boat in the fishery and Effort Units are proposed to be the product of multiplying Allocated Days by Hull Units. All boats in the ECTF already have Hull Units allocated to them.

A scheme of surrendering Effort Units is proposed to be included in the management plan so that, when a boat licence is transferred, units themselves are transferred or a boat is replaced, a percentage of units will be required to be surrendered. This is the principal mechanism proposed under the plan for the reduction of the maximum effort level in the fishery.

The ten year period from 1988 to 1997 (inclusive) is proposed to be used for the purpose of determining future access to the fishery by individual boats. Under this arrangement, the highest number of days fished by a boat in any one of those years will be allocated to the boat. In effect this means that, where a boat can now potentially be operated for 365 days in a year, it will be restricted to only being able to be used for that highest number of days.

Under the allocation process proposed above, most boats would receive different allocations of fishing days. Those boats with high historical fishing activity would be expected to be allocated a comparatively large allocation of days, while other boats that had not been used much in the fishery would end up with low allocations.

There are some concerns within the industry that this process appears inequitable. However, the primary purpose of the proposed allocation method is to allow fishers to continue fishing in the same manner as it has been demonstrated they have done in the past.

Other jurisdictions

The new management measures proposed in the draft management plan are not unique to Queensland. In the Torres Strait Protected Zone (a fishery jointly managed by the Commonwealth and Queensland), the prawn fishery is managed through a system of fishing days, similar to the one proposed for the ECTF. The allocation of days fishing time to individual operators was based on historical performance in the fishery the same as proposed for the ECTF. However the Torres Strait allocation was based on the maximum participation in the fishery in any one-year during a four year period whereas it is proposed that a ten year period be used for the ECTF.

The use of sustainability indicators is a fisheries management technique that is used throughout Australia and worldwide in many different forms.

Many other management approaches included in the draft plan, including closed waters, boat and apparatus restrictions, requirements for unit surrender on transfer and replacement and catch limits are commonly in use in fisheries management throughout the world.

Sunset/Review of arrangements

Under the provisions of the *Statutory Instruments Act 1982*, the proposed management plan will be subject to sunset arrangements which will mean that it automatically expires ten years after it is made. However, the *Fisheries Act 1994* provides that a management plan may be repealed or amended only in accordance with the provisions of the plan. Therefore it is important that the term of the management plan and the associated review and assessment procedures are clearly defined in the plan.

It is proposed that the management plan for the ECTF remain in force for seven years, with a review of the plan commencing after five years.

Cost-benefit assessment

The likely benefits and costs of implementing the management plan are set out below. This evaluation has been done in a qualitative manner as most costs and benefits cannot be quantified in dollar terms. For instance, there will be many benefits which result from ensuring the sustainability of the resource. It is impossible for these benefits to be accurately predicted without making numerous assumptions and to attempt to do could be misleading.

Benefits to government

- (a) enhanced capacity to reflect ESD principles in management of the ECTF
- (b) a greater range of management mechanisms to ensure the long-term objectives of the Act are met
- (c) the total maximum effort in the fishery is maintained at sustainable levels
- (d) the capacity for management agencies to be more responsive to the needs of the resource is strengthened
- (e) the use of fish stocks is kept sustainable through the development and use of sustainability indicators to determine if or when recruitment overfishing occurs
- (f) the protection of the ecosystems and non-target fish and animals through the development and use of sustainability indicators
- (g) the protection of the Moreton Bay Trawl Fishery through the introduction of separate management arrangements for the area

Costs to government

- (a) cost of developing, implementing and reviewing the Effort Unit scheme

- (b) costs associated with appropriate monitoring and stock assessment used in determining the extent to which resources are and should be used by the trawl fishery
- (c) costs associated with providing adequate enforcement of the provisions of the plan

Benefits to industry

- (a) greater certainty in the long-term sustainability of the ECTF
- (b) enhanced economic viability of operators
- (c) separate management arrangements introduced for Moreton Bay to meet the specific needs of that fishery
- (d) enhanced ability for management arrangements to respond to industry needs
- (e) greater flexibility for upgrading boats through the introduction of effort units
- (f) greater capacity for financial and strategic planning by operators
- (g) greater control over the direction of industry development
- (h) a reduction of fishing effort with corresponding flow on benefits for remaining operators over time
- (i) reduced risk of Commonwealth and/or other State agencies intervening in fisheries management
- (j) establishment of the image of the industry as environmentally responsible

Costs to industry

- (a) allocation of days to individual boats whereby in every case the allocation would be less than the 365 days that, under current arrangements, all boats may potentially operate per year
- (b) greater contribution to management costs attributable to the ECTF

Benefits to society

- (a) improved management of the ECTF together with increased community confidence in the ability of management agencies and resource users to properly manage the ECTF
- (b) reduced effort applied to fishing grounds thereby minimising environmental disturbance
- (c) improved protection of trawl fishery resources
- (d) immediate and long-term reductions in the contribution by society to the costs of managing the ECTF
- (e) shared access between trawl fisheries and other interest groups
- (f) reduced catch of fish species which are important to other fishers

Costs to society

There may be some social costs associated with operators leaving the fishery, however these are considered to be minimal compared to other types of industry restructuring.

Summary

The objectives contained in the draft management plan have been developed to ensure the ECTF is managed in accordance with the principles of ecologically sustainable development practices. A major section of the draft management plan deals with how these objectives are to be achieved.

The introduction of the Effort Unit scheme for the ECTF will require an initial investment of funds by government before any real savings are attained. Increased management costs, including administration, enforcement and research will initially be high, but will be offset in the long-term by matters such as the achievement of long-term sustainability of the fishery, increased returns and economic efficiency for operators and industry contributions by the industry to the costs of managing the fishery.

The proposed management plan does not represent a significant change in the fundamental approaches to fisheries management. It will, however, provide for greater protection of trawl fishery resources and greater security and flexibility for fishery participants.

Management costs would obviously be lower under either the “no legislative intervention” or “self management” option. However, the risks to the future sustainability of the fishery would significantly increase and the viability of all sectors of the industry would be threatened.

This would be an unacceptable risk for the government as custodian of the fishery for current and future generations. Such an approach has not received any support from government, industry or the community to date.

Fundamental legislative principles

The proposed management plan is consistent with fundamental legislative principles.

The proposed management plan does not extinguish the right of Aborigines and Torres Strait Islanders to take, use or keep fisheries resources under Aboriginal tradition or under Island custom.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Primary Industries.