



Australian Government

Australian Fisheries Management Authority

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CORAL SEA FISHERY

Statement of Management Arrangements

Important Note

Every effort has been made to ensure that the information contained in this document is correct and accurate at the time of printing. However, the information provided is intended to serve as a guide only, and therefore AFMA shall in no way be liable for any loss caused, whether due to negligence or otherwise, arising from the use of or reliance upon this document. The document is not intended to replace any operator's concession concerning the conditions under which they are required to operate. Depending on the conditions attached to a concession, some of the items discussed in this document may not apply to a particular fishing operation.



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Executive summary

AFMA prepares a Statement of Management Arrangements for those Commonwealth fisheries that do not have statutory management plans. A Statement of Management Arrangements provides a means of communicating the overarching management regime for a fishery to all stakeholders, including industry, government and the wider community. The Statement of Management Arrangements for a fishery also assists in the strategic assessment accreditation process required under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

While not a statutory instrument, a Statement of Management Arrangements describes the management policy arrangements in place for the fishery. The management arrangements for the Coral Sea Fishery (CSF) are outlined in further detail in the annual management arrangements booklet and the Harvest Strategy (under development at the time of writing and due to be implemented in 2008).

AFMA manages the CSF in a precautionary manner in accordance with the objectives of the *Fisheries Management Act 1991*. The CSF is primarily managed under permit conditions using controls such as limited entry, gear restrictions, size and total allowable catch limits and spatial controls. There are many species targeted in the fishery and for most of these species there is very little known. AFMA has implemented a program of data collection and verification to improve understanding of the CSF resources. AFMA is striving to achieve a sustainable fishery with low cost management arrangements while maximising opportunities for collecting relevant information on stocks and interactions. AFMA seeks to provide an operational environment that maximises the net economic returns to the Australian community.



Introduction

The *Fisheries Management Act 1991* (the Act) provides the overarching legal framework for the management of the fishery. The Act outlines the objectives which must be pursued by the Minister in the administration of the Act and this fishery is managed in line with these objectives.

This Statement of Management Arrangements provides the overarching management policy for the Coral Sea Fishery (CSF). The fishery is managed in accordance with this Statement of Management Arrangements.

AFMA prepares an annual management arrangements booklet. This booklet provides a detailed outline of the management arrangements and conditions in place for the fishery and highlights any changes that have occurred in the fishery since the previous fishing season. Any changes to management arrangements and conditions are made taking into account the provisions of the Act and the Statement of Management Arrangements.

A harvest strategy is being prepared for the CSF and is due for implementation in 2008. This document will provide the various harvest strategies for the fishery and include decision rules for the setting of total allowable catches and trigger points and subsequent actions should these catch levels be reached.

Annual fishing permits are granted under *section 32* of the Act. There are five broad types of fishing permit in the CSF, distinguished by their conditions. These five permit types define the sectors of the fishery and are referred to as the Line, Trawl, Lobster and trochus, Sea cucumber and Aquarium sectors. Different permit conditions apply for each sector to reflect the different management arrangements in place for the various fishing methods and target species. Permits provide the legal mechanism for establishing and enforcing the management arrangements specific to this fishery and to each fishing sector. Permits are also subject to certain statutory conditions set out in *section 32(5)* of the Act in addition to the conditions specified in the permit.

Management arrangements for the CSF are reviewed on an annual basis. AFMA actively involves a wide range of stakeholders in the process of developing, implementing and reviewing fisheries management arrangements. This approach is supported by specific consultative processes embodied in the Authority's governing legislation and undertaken as part of good fisheries management practice. Consultation is undertaken with the stakeholder committee established for this fishery. This allows AFMA to take into account any representations received when making management decisions. AFMA also informs the Department of the Environment and Water resources (DEW) of any amendments to the management arrangements.

AFMA cooperates with relevant jurisdictions to pursue complementary management and research of shared stocks for all target and by-product species, which may be affected by management of the CSF.



Definitions

In this Statement of Management Arrangements:

The Act means the *Fisheries Management Act 1991*.

adjacent area, in relation to a State, has the same meaning as it has in the *Petroleum (Submerged Lands) Act 1967*.

approved form means the form approved by AFMA for the purposes of the section in which the term is used.

area of the fishery means the area described in Appendix 1.

Coral Sea Fishery means fishing for lobster, trochus, sea cucumber, aquarium fish, or by demersal line, trap or otter trawl in the area of the fishery.

Permit means a right to use a nominated boat in the area of the fishery.

certificate, for a permit, means a certificate given under subsection 22 (2) of the Act as evidence of the grant of the statutory fishing right.

Committee means the Coral Sea Fishery Stakeholder Group established under Section 9 of the *Fisheries Administration Act 1991* or any other formal committee established to represent the fishery.

eligible person means a person who is registered as an eligible person for a grant of a permit right under section 32 of the Act.

fishery means the Coral Sea Fishery.

fishing year means a period of 12 months beginning on 1 July in any year.

holder, at a particular time, for a permit or scientific permit, means the person who holds the right or permit at that time because of a grant, lease or transfer, under the Act.

identification code, for a boat, means the identification code allocated by AFMA to the boat under regulation 12 of the *Fisheries Management Regulations 1992*.

interested person, in relation to a direction or determination, means:

- (a) a person who is able to show a continuing connection with the fishery that is likely to be affected by the direction or determination; or
- (b) an organisation or association (whether incorporated or not) whose objects or purposes include, or whose activities largely relate to, the fishery.

Examples Interested persons could include the following:

- (a) environmental organisations with an interest in the area of the fishery;
- (b) persons carrying out other activities in the area of the fishery;
- (c) persons involved in processing scallops from the fishery.

lease means a lease mentioned in section 26.

nominated boat, for a permit, means a boat of which the details are entered in the Register, under section 45 of the Act, as a nominated boat for the right.

owner, for a permit, means:

- (a) the person who is granted the right under section 18; or
- (b) if the right has been transferred under section 24 — the most recent transferee of the right under that section.

quota, for a permit, means the amount of particular species that may be taken, in a fishing year, under the fishing right.



total allowable catch, for a species, means the total weight of that species that may be taken under a permit in a fishing year by fishing in the area of the fishery, as determined by AFMA.

trip means a voyage by boat that:

- (a) begins at a place in Australia; and
- (b) proceeds to and from, or through, the area of the fishery; and
- (c) ends at a place in Australia where the product taken using the boat is unloaded.

Note Unless otherwise stated, a term used in this Statement of Management Arrangements has the same meaning in this Statement of Management Arrangements as it has in the Act.



Area of the fishery



Figure 1. Coral Sea Fishery area of waters.

Geographic coordinates for the Coral Sea Fishery are specified in the *Fisheries Management Regulations 1992*.



Spatial controls

Spatial controls may be used within the Coral Sea Fishery (CSF) to help ensure the conservation of biodiversity within the fishery, to manage impacts of the fishery and to ensure sustainability.

Both voluntary and compulsory spatial controls may be used to manage the fishery. Specific spatial controls arrangements in place for the fishery are outlined in the annual management arrangements booklet. These may be reviewed. Before deciding on any amendments to spatial controls AFMA:

- a) Must consult the Committee and consider the Committee's views; and
- b) May consider the views of other interested parties.

Spatial controls may also be implemented under arrangements outside of the Act. Such controls include marine protected areas declared under the *Environment Protection and Biodiversity Conservation Act 1999*.

Fishery arrangements

Persons to whom the Statement of Management Arrangements applies

This Statement of Management Arrangements applies to the holder of a permit authorising fishing in the CSF.

Fishing in the Coral Sea Fishery

A CSF fishing permit allows fishing for those species, subject to methods and restrictions specified in the permit and outlined in this document, the Harvest Strategy and annual management arrangements booklet for this fishery.

Legislation and Agreements

Persons fishing in the Coral Sea Fishery must comply with the following legislation and agreements:

- *Fisheries Management Act 1991*;
- *Fisheries Management Regulations 1992*;
- *Fisheries Administration Act 1991*;
- *Fisheries (Administration) Regulations 1992*;
- *Environment and Protection Biodiversity Conservation Act, 1999*;
- International Convention for the prevention of pollution from Ships 1973 (MARPOL);
- Offshore Constitutional Settlement (OCS) Agreement with Queensland (3 February 1995) and any subsequent amendments; and
- annual management arrangements booklet.

General obligations

The permit, or a true copy of the permit, must be carried on board the boat nominated to the specific permit at all times.

Input restrictions

Input controls such as gear restrictions, and temporal and spatial controls are specified in the annual management arrangements booklet and permit conditions.

Permit conditions may be altered. Before deciding on any ongoing amendments AFMA:

- a) Must consult the Committee and consider the Committee's views; and
- b) May consider the views of other interested parties.



Obligations relating to carrying observers

Observer coverage requirements are outlined in annual management arrangements booklet and permit conditions. Information systems for the fishery including cost recovery arrangements are outlined in the annual management arrangements booklet.

AFMA or its delegate may request permit holders to carry an observer. Permit holders must facilitate the carriage of fisheries observers on the boat in accordance with any requirements specified in the annual management arrangements booklet for the CSF.

If a permit holder does not believe that the boat can safely carry an observer, he/she must provide AFMA with written confirmation to this effect for assessment.

AFMA may review Observer coverage requirements. Before deciding on any ongoing amendments AFMA:

- a) Must consult the Committee and consider the Committee's views; and
- b) May consider the views of other interested parties.

Reporting requirements

The permit holder must ensure that relevant information about fish taken in the area of the CSF is accurately and fully recorded and submitted to AFMA by the required format. The required format is outlined in the annual management arrangements booklet.

Permits

Fishing Sectors

Permits are issued for five separate fishing sectors:

- Demersal line and trap sector – methods include demersal longlines, trotlines, droplines, setlines, handlines, and demersal finfish trap
- Demersal and midwater trawl and trap sector – methods include otter board trawl gear for fish and crustaceans, and demersal finfish trap
- Sea cucumber collection sector - hand collection
- Aquarium collection sector – hand collection (includes use of cast net, seine and scoop nets), and trial use of demersal finfish trap
- Lobster and trochus collection sector - hand collection

Permit conditions vary between sectors.

Fishing for new species or by new methods

Permit holders may make application to AFMA to trial the take of new species or to trial the use of alternative fishing methods. AFMA will consider each application on its own merits and take into account all current AFMA policy, including policy relating to exploratory fishing.

Where practical, preference for such trial fishing activities will be given to holders of CSF current fishing concessions, subject to any relevant AFMA policy.

Nomination of boat

Before a permit can be used to fish in the CSF the boat which is to be used to fish must be nominated to that permit. A boat can only be nominated to permits held in the name of one person at any one time.

Only Australian boats as defined in section 4 (1) of the *Fisheries Management Act 1991* can be nominated to a CSF permit(s).



Transfer of permits

The holder of a permit may apply to transfer the permit to another person. The required procedure is outlined in the annual management arrangements booklet.

Specific ecosystem requirements

General

In the event that an area, method, species or activity is identified by the Ecological Risk Assessment (ERA) for Commonwealth fisheries as being high risk, AFMA management will implement measures to minimise any impacts identified by the ERA. Measures will be implemented after full consultation with stakeholders and consistent with AFMA's legislative objectives.

By-catch

A by-catch work plan will be developed within AFMA's by-catch and discarding program to ensure that any interactions with threatened, endangered and protected species identified in the ERA are at an acceptable level commensurate with the scale of the fishery and that there is an appropriate monitoring plan.

Permit holders must take all reasonable steps to ensure that their activities undertaken under a CSF permit minimise bycatch and habitat destruction.

Obligations for recording the catch and discard of any non-target species are outlined in the annual management arrangements booklet. Data will be used by AFMA to report on the progress made towards addressing bycatch issues and for catch statistics in annual data summaries.

AFMA may review its approach to by-catch management. Before deciding on any amendments AFMA:

- a) Must consult the Committee and consider the Committee's views; and
- b) May consider the views of other interested parties.

Wildlife interactions

Fishing in accordance with a CSF permit does not exempt operators from the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provisions including, but not limited to, the take of protected species.

Reporting requirements and procedures relating to interactions with species listed under the EPBC Act are outlined in the annual management arrangements booklet.

The deliberate take of species listed under the EPBC Act requires approval under the EPBC Act. Permit holders wishing to take such species should seek approval from the Department of the Environment and Water Resources.

Reference points and total allowable catch

Reference and trigger points and total allowable catch limits are developed within the context of the Harvest Strategy for the fishery. Reference and trigger points are specified in the Harvest Strategy and, where appropriate, in the permit conditions. These may be reviewed. Before deciding on any amendments to reference and trigger points and total allowable catches AFMA:

- a) Must consult the Committee and consider the Committee's views; and



- b) May consider the views of other interested parties.

Compliance

AFMA authorised fisheries officers conduct both vessel and fish receiver premises inspections in accordance with section 84 of the *Fisheries Management Act 1991* (FMA) to ensure compliance.

Specific compliance requirements are included in permit conditions and the annual management arrangements booklet and may be changed as required by AFMA.

Obligations relating to interactions with certain species and marine communities

- (1) The holder of a permit must take all reasonable steps to ensure that by-catch and the impact of fishing operations on the marine environment are kept to a minimum.
- (2) In particular, the holder must take all reasonable steps to:
 - (a) avoid interactions with the following:
 - (i) cetaceans;
 - (ii) marine species listed for section 248 of the EPBC Act;
 - (iii) migratory species listed for section 209 of the EPBC Act;
 - (iv) threatened ecological communities listed for section 181 of the EPBC Act;
 - (v) threatened species listed for section 178 of the EPBC Act; and
 - (b) ensure that anything that may harm the marine environment (especially an object used to hold a light-emitting chemical) is not disposed of at sea.
- (3) If the activities of the nominated boat for an permit result in an interaction with a species or community mentioned in subsection (2), the holder of the permit must:
 - (a) record details of the interaction in a logbook kept for that purpose; and
 - (b) if there is an observer on the boat:
 - (i) immediately tell the observer about the interaction, and allow the observer to observe its consequences; and
 - (ii) give whatever assistance is necessary for the observer to collect any data, or make any observations, requested by AFMA; and
 - (c) if the interaction results in an injury to a member of the species or community, do everything that can practicably be done to give aid to it; and
 - (d) if the interaction results in the death of a member of the species or community, and it is necessary to discharge its carcass from the boat, do so in a way that does not attract birds or mammals to the boat; and
 - (e) if the interaction results in the death of, or an injury to, a member of the species or community, report the interaction in accordance with regulations made for the purposes of this section.



Miscellaneous

Certificates

Procedures for the amendment or replacement of a certificate are outlined in the annual management arrangements booklet.

Notices

In this section:

residential, office, postal or e-mail address, or fax number, for the holder of a gear SFR, means the holder's residential, office, postal or e-mail address, or fax number, stated in the Register.

notice means a notice that is required, or allowed, by this Statement of Management Arrangements to be given in writing.

working day, in a place, means a day that is not:

- (a) a Saturday or a Sunday; or
 - (b) a public holiday in the place.
- (2) A notice to the holder of a permit is taken to be given to the holder if it is:
- (a) delivered to the holder's residential or office address; or
 - (b) posted to the holder's postal address; or
 - (c) sent by fax to the holder's fax number; or
 - (d) sent by e-mail to the holder's e-mail address.
- (3) A notice to AFMA must be addressed to the Manager, Licensing and Quota Management, Australian Fisheries Management Authority, and:
- (a) delivered to the reception desk at:
 - Level 6
 - 73 Northbourne Avenue
 - CANBERRA ACT 2600; or
 - (b) posted to:
 - Box 7051
 - Canberra Business Centre
 - ACT 2610; or
 - (c) sent by fax (from within Australia) to:
 - (02) 6225 5426; or
 - (d) sent by fax (from outside Australia) to:
 - 612 6225 5426; or
 - (e) sent by e-mail to:
 - licensing@afma.gov.au; or
 - (f) delivered, posted or sent by fax or e-mail to another office address, postal address, fax number or e-mail address notified by AFMA by notice published in the *Gazette* and a newspaper circulating in the State or Territory in which the address or fax receiver is located.

