

<b>TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE</b>	<b>Meeting No. 16 23-24 June 2015</b>
<b>MANAGEMENT Amendments to Turtle Excluder Device (TED) legislation</b>	<b>Agenda Item No. 4.4 For Discussion</b>

### RECOMMENDATION

That the Torres Strait Prawn Management Advisory Committee (TSPMAC):

**4.4.1 DISCUSSES** the suggested amendments to the current TSPF TED regulations to bring them into alignment with the United States TED requirements.

**4.4.2 RECOMMENDS** that FMI 81 be amended by a legislative drafter to enact the suggested changes.

**4.4.3 NOTES** the final wording of the amended legislation may vary but the intention will remain the same.

### BACKGROUND

It is mandatory for all boats operating in the Torres Strait Prawn Fishery (TSPF) to use Turtle Excluder Devices (TEDs) in all nets excluding the try net. Torres Strait Fisheries Management Notice number 81 outlines the legal obligations relating to the structure of TEDs. These regulations were last amended on 19 December 2006.

In 1996, the United States banned all imports of prawns from fisheries not using TEDs as a conservation measure, which effectively banned all Australian exports of 'wild caught' prawns to the US.

In 2005, five Australian trawl fisheries, including TSPF were certified by the US as compliant with their import regulations regarding the use of TEDs. The US congress periodically change the requirements for certification as TED technology improves and fisheries are required to implement these new standards if they wish to maintain export accreditation. The US are also leading in the efficiency of TEDs so implementing their standards and regulations where possible will ensure the TSPF is using the latest and most effective TED technology.

### DISCUSSION

Under US Regulations, a TED oriented as a bottom shooter must have enough flotation to get it up off the bottom to allow a turtle to pass through it. During the 2014 Australian TED accreditation visit, US officials noted that some boats operating in Australian fisheries were not compliant with the float requirements. In addition, the current legislative requirements for the TSPF do not require the use of floats on bottom shooter TEDs.

The float specifications need to be clear, easy to implement and easy to measure and enforced by compliance. The requirements drafted into the amended fisheries

management notice, which detail specific length and diameters of floats, prove easiest to monitor, and are simplest for industry to use. These float specifications were tested by the US and found to be the minimum requirements to ensure the TEDs stay off the bottom to facilitate turtle escape.

Suggested amendments to the instrument have been made in Attached 4.4A. While amendments are being made, the TSPMAC should also discuss options for simplifying instrument by removing any redundant options that are not being used by fishers, such as the removal of the single or double flap triangular escape openings. This escape opening design generally leaves an opening between the flaps because of their length. This is good for allow large animals such as sharks and turtles to escape, however can increase prawn loss. Rectangular openings are still effective but reduce the risk of prawn loss.

The TSPMAC should discuss the suggested amendments and any other amendments that may be required.

#### **FINANCIAL IMPLICATIONS**

There is a small costs associated with registering a new legislative instrument on the Federal Register of Legislative Instruments once it has been drafted.