

10 October 2022

Proposed amendment to commercial fishing regulations

Consultation Paper 16

Eastern Rock Lobster Fishery – trap ropes

Overview of activity

Lobster traps are used in the Rock Lobster Fishery which operates in NSW ocean and estuary waters subject to marine parks, aquatic reserves, and fisheries closures. 83 fishers are endorsed to take lobsters by hand or commercial lobster trap. Eastern Rock Lobster is the main species taken and the quantity that is allowed to be taken is managed by quotas and a Total Allowable Catch (TAC), with the TAC reviewed annually by the independent Total Allowable Fishing Committee.

Current arrangement

A lobster trap rope must have a weight of not less than 50 grams suspended not less than 1.5 metres under the float (or buoy), so that no rope is floating on the surface of the water.

This requirement was introduced in the late 1990's in response to a surfer allegedly becoming tangled in a lobster trap rope off Cronulla.

Proposed change

Replace the requirement for a weight to be attached to the rope with a requirement that no rope is floating on the surface of the water, consistent with arrangements applying to buoy ropes in other fisheries.

What is the problem being resolved?

This somewhat prescriptive rule is an unnecessary restriction that:

- Limits adoption of alternate technology or ways to minimise risks to surfers, boats, and others
 - Limits opportunity for fishers to use other material readily available and suitable
 - Increase fishers' risk of unintentional non-compliance (using a weight less than 50 grams or more than 1.5 metres from the buoy)
 - Impose inconsistencies in the way different fisheries are managed (the outcome based approach already applies in other fisheries)
 - Impose a burden on government enforcing prescriptive regulation
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Outcomes

The proposed change would deliver the following outcomes and benefits:

- Give fishers options that achieve the same outcome and improved business efficiency
- Reduced costs (fishers may be able to use other material readily available)
- Reduce risk of enforcement action for non-compliance with highly prescriptive regulation
- Reduce red tape
- No impact on fisheries resources or the environment

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