



Draft Giant Crab Management Plan

PUBLIC CONSULTATION PAPER SEPTEMBER 2023

In recognition of the deep history and culture of this island, we acknowledge the palawa people as the traditional and original owners and ongoing custodians of land and sea country of lutrawita/Tasmania and pay respects to their elders past and present.



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Photo: Aboriginal fish trap (Aboriginal Heritage Tasmania)

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Introduction

The current Giant Crab Management Plan, known as the *Fisheries (Giant Crab) Rules 2013*, is scheduled to expire at the end of February 2024. As the expiration date approaches, we are obligated to prepare new rules in accordance with the statutory process outlined in the *Living Marine Resources Management Act 1995* (the Act). This process entails a 60-day public consultation period for the proposed new draft management plan.

The purpose of this document is to outline the proposed changes to the Tasmanian Giant Crab Fishery Management Plan as detailed in the draft *Fisheries (Giant Crab) Rules 2023* (the draft Rules). While the draft Management Plan largely mirrors the existing Rules, it incorporates several proposed changes. The primary focus of these changes is to strengthen compliance within the giant crab fishery, with a particular emphasis on monitoring the number of giant crab traps used by commercial giant crab fishers.

It is essential to note that the changes put forth in the draft Rules exclusively pertain to the commercial giant crab fishery. Additionally, we would like to make you aware that, apart from the alterations outlined in this document, the Office of Parliamentary Council (OPC) has made other miscellaneous changes to the wording to enhance clarity.

As part of this consultation process, every rule is available for review, and we invite representations on any or all of the proposed Rules. We value all feedback and input as it is instrumental in shaping the final Management Plan.

Please bear in mind that the content provided in this document is a non-legal explanation of the proposed changes. For a comprehensive understanding, we encourage you to read this document in conjunction with the draft Rules, as the actual legislation remains the definitive reference. The draft Rules can be accessed at www.fishing.tas.gov.au/giant-crab-review.

All stakeholders are thanked for their participation in this crucial consultation process. We look forward to all valuable contributions as we work together to enhance the sustainability and management of the Tasmanian Giant Crab Fishery.

Proposed rule changes

Male giant crab closed season	A one-month male giant crab closed season
Maximum trap set time	A maximum set time of 21 days for giant crab traps set in waters deeper than 120m
Maximum number of traps on a longline	A maximum of 20 traps on a giant crab longline
Buoy lines for six or more traps	A buoy line on each end of longline where six or more traps are set
Leaving port report	A leaving port report to be made each time a fisher departs port or authorised mooring
Entering port report	An entering port report to be made two hours before entering port
Lost or found traps report	On any trip where giant crab traps are lost or found a report is to be made
Recording of dead giant crab - new rule.	A process for recording dead giant crab found on a fishing vessel



How to have your say

This Consultation Paper outlines the more significant rule changes found in the draft legislation, the *Fisheries (Giant Crab) Rules 2023* (the draft Rules) and is available to view at www.fishing.tas.gov.au/giant-crab-review.

You are invited to provide feedback on these proposed changes from Wednesday 27 September to 11:59 pm on Monday, 27 November 2023.

How to provide your feedback:

Email: Send your written response to fisheries.review@nre.tas.gov.au

Post: Giant Fishery Rules Review
Wild Fisheries Management Branch
NRE Tas
GPO Box 44
HOBART TAS 7001

Information about submissions

All submissions, including the names of individual respondents, will be treated as public information, and will be made available on the Fishing Tasmania website.

The following information will not be published:

- private addresses and contact details (including mobile phone numbers)
- defamatory or offensive material
- submissions which breach any laws
- submissions that do not substantively comment on issues relevant to the consultation.

A submission may be publicly withheld when it is not in the public interest to release it, for example to protect personal and other sensitive information (including that of a commercial nature). A request can be made for all or part of a submission (including the name of the submitting person or organisation) to be publicly withheld. Reasons to withhold must accompany a request.

The Right to Information Act 2009 and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be confidential, the statement that details your reasons will be considered in determining whether to release the information in the event of an RTI application for assessed disclosure.



Proposed rule changes

Male giant crab closed season

It is proposed to establish a one-month closure for the commercial male giant crab fishery from 15 October to 14 November, with the male season opening when the female season opens on 15 November.

The female giant crab closed season runs from 1 June to 14 November. No change is proposed to the female giant crab season.

The male giant crab fishery has been open year-round and has not previously had a closed season.

Rationale

A month-long closure is proposed for the male giant crab fishery to provide a period when all giant crab fishing gear must be removed from State waters. This will create a 'reset period' in the fishery for when the fishery for both male and female giant crab opens on 15 November.

Typically, over the past five years less than 300 kilograms of giant crab has been landed in the months of August, September and October combined. Therefore, this is generally a period of low fishing activity and would likely be a suitable time to require all traps to be removed from the water for a seasonal reset.

The Department of Natural Resources and Environment Tasmania is open to considering an alternate one-month period when the male giant crab fishery will be closed between the months of June and November.

Implications of change

When the male giant crab season closes the whole fishery will be closed to the take of giant crab. Commercial giant crab fishers will need to remove all their gear from State waters during the period when both female and male giant crab fisheries are closed, which will enhance compliance with tracking the number of giant crab traps being set in the fishery when it reopens.

The introduction of a closed season for male giant crab would activate rule 13 of the Rules and require:

- a) Making a closed season report after the commencement of the closed season, declaring that all giant crab traps have been removed from State waters;
- b) Weigh any giant crab that have not been unloaded; complete the relevant sections of Part A of a commercial giant crab docket; and send the pink and yellow sheets of the completed commercial giant crab docket to the Secretary; within 14 days of the commencement of the closed season; and
- c) Unload all giant crab before starting the first fishing trip in the next open season for male giant crab.

Relevant rule: 10 (2) – Closed and open seasons



Fishing in two jurisdictions

Reference to an authority from another State to take giant crab has been removed from the draft Rules.

The current Rules stipulate that the holder of a fishing licence (giant crab) who has an authority from another State to take giant crab from that State must not:

- use a fishing vessel to take giant crab if it had been used outside State waters to take giant crab, or
- be in possession of giant crab taken outside State waters while on a fishing trip taking giant crab in State waters, or
- set giant crab traps if traps have been set outside State waters, or
- leave port to undertake a fishing trip in State waters for giant crab unless a leaving port report is made.

Rationale

The Department does not hold records of authorities (licences) held by giant crab fishers from other jurisdictions, so it is appropriate that this rule be re-worded to remove the reference to an authority from another State along with the requirement to make a leaving port report. The leaving port report has been re-purposed as outlined under Reports.

Implications of change

The rule still stipulates that a vessel that has been used to take giant crab, set pots, or possess giant crab from outside State waters must not be used to take giant crab in State waters.

Relevant rule: 42 – Fishing outside State waters

Maximum set time

Currently for giant crab traps set in waters greater than 120 metres deep there is no maximum set (soak) time. For giant crab traps set in waters less than 120 metres a maximum set time of 48 hours applies.

It is proposed to establish a maximum set time of 21 days for giant crab traps set in waters deeper than 120 metres.

Rationale

An extended set time is required as long periods of adverse weather or strong currents out on the edge of the continental shelf (20-30 nautical miles offshore) can often prevent fishers from hauling their gear particularly during winter. Twenty one days is considered an appropriate maximum limit for giant crab traps set in waters greater than 120 metres deep.

Implication of Change

Giant crab fishermen will need to ensure their tarps are hauled within 21 days if they have been set in water deeper than 120 metres.

Relevant rule: 45 (1) (a) – Restrictions on length of time traps may be continuously set



Maximum traps on a giant crab longline

Currently there is no maximum number of giant crab traps that can be set on a giant crab longline. It is proposed to establish a maximum of 20 traps on a giant crab longline.

Rationale

Twenty traps on a giant crab longline is considered the maximum number of traps that can be hauled by marine police officers for inspection purposes.

Implication of Change

Giant crab fishers will not be able to set more than 20 traps on a giant crab longline. Each end of the longline must be marked with a buoy at least 300 millimetres in diameter along with number of traps attached to the longline as outlined in rule 49 (Marker buoy requirements for traps, longlines, and fish caufs).

Relevant rule: 48 (C) – Restrictions on setting of giant crab longlines

Buoy lines for six or more traps attached

Under the current Rules a giant crab longline that consists of two or more traps must have a buoy line at each end of the longline. It is proposed to establish that a buoy line on each end of a giant crab longline is only required when six or more traps are set on a giant crab longline.

Rationale

It is not practical to have a buoy line on each end of short giant crab longlines in deep water, where the buoy lines will become twisted and tangled around each other.

Implication of Change

If giant crab fishers are setting longlines with five or less traps connected, they will only need to have a single buoy line attached to an end of the longline of traps.

Relevant rule: 49 (7) – Marker buoy requirements for traps, longlines and fish caufs

Reports

The draft Rules include three new reports that must be made by the holder of a fishing licence (giant crab). These are a leaving port report, entering port report and lost or found traps report.

Rationale

The reports have been included to allow compliance officers to keep track of the number of giant crab traps set in State waters. Giant crab fishers can use up to two giant crab traps for each rock lobster pot authorised on a fishing licence (rock lobster), up to a maximum of 100 giant crab traps. These traps may be transported and set in batches, depending on the number of traps the fishing vessel is capable of carrying.

Implication of Change

There are three new reports that giant crab fishermen will need to make as outlined below. The reports must be made to an approved reporting service, which will be a telephone reporting service or a reporting app on mobile phone or other device. The reporting app is currently being trialled by some fishers and is



expected to be rolled out to the whole fishery by the end of 2023. The reporting app will make the process of making a report much more efficient for fishers.

Leaving port report

The requirement to make a pre-fishing report has been removed from the Rules and replaced with the requirement to make a leaving port report.

The holder of a fishing licence giant crab is required to make a leaving port report before commencing a fishing trip, that is each time they leave a port or authorised mooring where they intend to target giant crab.

The leaving port report will ask for the number of traps on the fishing vessel, and the number of traps that will be set or used in State waters, noting this will include the number of traps already set in State waters from a previous fishing trip along with any other approved information.

Entering port report

The entering port report is a new report included in the Rules.

The holder of a fishing licence (giant crab) must make an entering port report at least two hours before the fishing vessel returns to port, port of landing or authorised mooring.

The entering port report will ask for the number of traps on the fishing vessel, the number of traps remaining set in State waters and the number of giant crabs on board the fishing vessel along with any other approved information.

Lost or found traps report

From time to time, giant crab fishers may lose traps where they have drifted away, pulled under in current or caught up in other fishing gear. Traps that were lost may be found on another fishing trip. Where any giant crab traps have been lost or found on a fishing trip the holder of a fishing licence (giant crab) must make a lost or found traps report.

The lost or found traps report will ask for the number traps that were lost on the fishing trip or the number traps that have been found on the fishing trip. Where no traps have been lost or found the report does not need to be made.

The report must be made at least two hours before entering port.

Relevant rule: 53 – Lost and found trap reports, leaving port reports, entering port reports and unloading reports

Recording dead giant crab - new rule

It is proposed to include in the Rules a process for recording of and dealing with giant crab found dead on a fishing vessel, including determining whether the dead giant crab will come off the giant crab quota unit balance or not.

Rationale

Giant crab may be found dead in the holding tank of a vessel for a number of reasons, including mechanical failure of water pumps, increased water temperature, exposure to fresh water, or sub-optimal handling practices. Other than instructions in the Commercial Giant Crab Catch Record and Quota Docket Book, the Rules have previously not contained provisions for dealing with significant numbers of dead giant crab. While it is presumed that significant giant crab death events are rare on vessels, should an incidence occur



the Rules require the event to be reported and includes procedure to determine whether the dead giant crab should be deducted from the quota balance.

Implication of Change

Any giant crab found dead on a fishing vessel or fish cauf must be recorded in the appropriate place in the giant crab catch record and quota docket.

If the number of dead giant crab is more than five, then a fisheries officer must be advised, with the weight of dead giant crab to be deducted from the giant crab quota unit balance. If the dead giant crab cannot be weighed, the weight of giant crab to be deducted will be based on a deemed weight which will be an average weight of a legal sized giant crab provided by the Institute for Marine and Antarctic Studies.

The holder of a fishing licence (giant crab) may apply in writing to the Secretary to have the giant crab not to be deducted from the giant crab quota unit balance. Based on the information received, the Secretary may make a determination whether the dead giant crab is to be deducted from the giant crab quota unit balance or not.

In making a determination as to whether any dead giant crab is to be deducted from the quota unit balance, the Secretary is to consider any matters put by the applicant and having regard to any guidelines issued by the Minister.

Guidelines issued by the Minister are likely to include consideration of prior opportunity to unload, efforts made to unload, level of care exercised while possessing fish, excessive fishing trip duration, excessive periods of retention, mechanical brake down, freshwater exposure, vessel capacity, price exploitation, action taken following discovery to prevent other deals and improve viability of remaining giant crabs, compliance with the Rules during that fishing trip, and information provided by a fisheries officer.

Relevant rule: 54 – Recording, &c., of dead giant crabs

Vessel Monitoring System (VMS)

All references to Vessel Monitoring Systems (VMS) have been removed from the *Fisheries (Giant Crab) Rules 2023*. Requirements to use a VMS will be contained in amendments to the *Fisheries Rules 2019*.

Rationale

A requirement to use a VMS in a fishery will be established by a published notice, rather than a notice to the supervisor of a licence directing to fit a VMS. The amendments will improve administration of the Department's VMS program by enabling it to require VMS to be used on commercial fishing vessels using a published 'VMS Notice'. The notice will determine the approved VMS unit/s to be used and the manner in which they are required to be fitted and operated in each fishery.

Implication of Change

Vessels operating in the Tasmanian Giant Crab Fishery will be required to have an operating VMS once the amendments to the Fisheries Rules come into force and the appropriate notice is published.

Ports of landings

Authorised ports of landing contained in Schedule I have been revised.



Rationale

Ports that have not been used for the past five years to unload giant crab have been removed from the Rules. The following ports remain as authorised ports of landing for the purposes of landing giant crab:

- (a) the public wharf at Currie Harbour;
- (b) within Grassy Harbour;
- (c) Fisherman's Wharf at Stanley;
- (d) the main public wharf, Fisherman's Wharf and Strahan Fisheries Wharf at Strahan;
- (e) Waubs Bay ramp and the public wharf at Bicheno;
- (f) the public wharf at Lady Barron;
- (g) the public wharf, Pike's Jetty and Finger Pier at St Helens;
- (h) the public wharf at Beauty Point;
- (i) the public wharf at Kettering;
- (j) North West Bay Marina and the public wharf at Margate

Implication of Change

The holder of a fishing licence (giant crab) must unload their catch from a port listed in Schedule I. Fishers may apply for an endorsement to unload giant crab at an alternate port.

Relevant rule: Schedule I – Ports of Landing

Other minor amendments

Interpretation of a fishing trip

The interpretation of a fishing trip has been amended to clarify the rule and to include the holder of a fishing licence (giant crab).

The actual definition of a fishing trip has not changed, that is: a fishing trip commences when the fishing vessel departs from a port, port of landing or authorised mooring and ends when the fishing vessel returns to a port, port of landing or authorised mooring.

Relevant rule: 3 – Interpretations

Devolution of certain licensing powers from the Minister to the Secretary

The *Living Marine Miscellaneous Amendments (Digital Processes) Act 2021* devolved certain licensing powers from the Minister to the Secretary. In light of this, the *Fisheries (Giant Crab) Rules 2023* will reflect the devolution of power – in particular rules 25-27, 29 and 32, where the Minister has been replaced with the Secretary.

Relevant rules:

25 – Certain fishing licence (giant) crab applications to be granted

27 – Maximum licence holdings

29 – Allocation of giant crab quota units



32 – Restrictions on transfer of quota units.

Completion of giant crab catch record before returning to port or authorised mooring

Clarifies that the holder of a fishing licence (giant crab) must complete the giant crab catch record before the licence holder returns to port of landing or authorised mooring.

Relevant rule: 63 (1) (a) – Records of giant crab catch

Taking giant crab

Rule amended to include a that a person must hold a fishing licence (personal) along with a fishing licence (giant crab) and fishing licence (rock lobster) to take giant crab for commercial purposes.

Relevant rule: 17 (1) (b) – Taking giant crab





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