EXPLANATORY STATEMENT

Issued by the Authority of the Managing Director
of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003

2006 SESSF TAC Determination No. 02

Subsection 17(5) of the Fisheries Management Act 1991 (the Management Act) provides that a plan of management made under the Management Act may provide for the Australian Fisheries Management Authority (AFMA) to give particular determinations for the purposes of attaining the objectives of the plan of management.

Subsection 17(6aa) of the Act provides that a plan of management may determine or provide for AFMA to determine the fishing capacity measured, by that method or those methods permitted for the fishery or a part of the fishery in respect of a particular period or periods.

Section 15 of the Southern and Eastern Scalefish and Shark Management Plan 2003 (the Plan) provides that AFMA may determine a total allowable catch (TAC) for a non-quota species for a period specified in the determination. In determining a TAC for a non-quota species or a non-quota species fished with a particular method or in a particular area of the fishery AFMA must have regard to reference points for the species determined under section 9 of the Plan. The determination of a non-quota TAC must specify the TAC expressed in whole weight or a specified other weight and must specify the particular parts of the fishery area to which the TAC applies and fishing methods to which the TAC applies.

Section 16 of the Plan provides that, before AFMA determines a TAC for a non-quota species for a fishing year, it must consult and consider the views of each relevant management advisory committee. It must take into account advice from the relevant fishery assessment group about the stock status of a quota species and may consider the views of any other interested person. It must also take into account all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries, the ecological implications of harvesting the TAC, the distribution and population structure of the species and the precautionary principle.

The Fishery

The Southern and Eastern Scalefish and Shark Fishery (SESSF) covers the area of waters from around 80nm off the coast near Fraser Island Queensland to Cape Leeuwin, Western Australia. The area of this fishery covers nearly half of the waters within the Australian Fishing Zone (AFZ) of mainland Australia and Tasmania. The SESSF has complex jurisdictional arrangements, because of different Offshore Constitutional Settlements (OCS) with all Australian States.

The SESSF is managed using a mixture of input and output controls. There is a limit on the number of boats that operate in each sector as well as limits on mesh size and the amount of fishing gear that can be used. Individual Transferable Quotas (ITQs) were
introduced into the SETF in 1992 for 16 scalefish species. In the SENTF, ITQs were introduced for 3 key species in 1998, with the remaining SETF scalefish species in 2002. ITQs for School and Gummy Shark were introduced to SSF, SETF and GABTF in 2001, ITQs for Elephant Fish family and Saw Shark were introduced in 2002 to the SETF, SSF and GABTF. ITQs for all the shark species were introduced in the SENTF in 2003. For 2005, ITQs were introduced into the SESSF for deepwater species, Smooth Dory – Cascade Plateau, Smooth Dory – all of SESS except Cascade Plateau, Oreo (mixed basket of warty, spiky, rough and black oreo), Deepwater Sharks (east and west sectors) and Ribaldo Cod. For 2006 ITQs have been introduced into the SESSF for Alfonsino, Deepwater Flathead, Bight Redfish and Orange Roughy GAB Esperance and Albany. Blue Warehou has also been split into east and west sectors which are implemented through management controls rather than separate ITQs for the 2006 fishing season.

For 2006, Non-Quota TACs for the East Coast Deepwater (ECDW) trawl sector of SESSF have remained the same as they were in 2005. With Alfonsino now an ITQ species, Boarfish and Orange Roughy are the remaining species for which Non-Quota TACs are set. The Non-Quota TACs for these 2 species act as a trigger limit with the main management strategy being to limit effort targeted at Alfonsino which will in turn limit catches of Boarfish and Orange Roughy. If catches do exceed the Non-Quota TACs for the season then that species’ TAC will come under review via a Harvest Strategy Framework (HSF) in accordance with Part 1, Section 6 of the Southern and Eastern Scalefish and Shark Management Plan 2003.

SESSF Determination No. 02 determines the total allowable catch for non-quota species in the East Coast Deepwater Trawl Sector of the SESSF for the 2006 fishing year.

Consultation

The AFMA consultation process began with Resource Assessment Groups (RAGs) where scientific members presented industry and management members and observers with relevant species stock assessments for comment. This year, stock assessments within the HSF included a recommended biological catch (RBC) which takes into account all fishing and natural mortality for the species and the ecological implications of harvesting the TAC. Management Advisory Committee’s (MACs) of the South East Trawl (SETMAC), Great Australian Bight (GABMAC) and Gillnet, Hook and Trap (GHATMAC) considered the advice of their RAGs individually then presented their arguments for each species TAC at a combined JointMAC meeting. From this meeting AFMA management and MAC TAC recommendations were sent to the board along with all comments expressed at JointMAC.

Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement was not required for the Determination of non-quota species TACs for the 2006 season. (ORR ID 7761).

Details of the Determination are set out below:

**Clause 1** provides for the Determination to be cited as 2006 SESSF TAC D2.
Clause 2 provides for the commencement of the Determination.

Clause 3 defines terms used in the Determination.

Clause 4 sets out the period of application of this Determination, the determined amounts and the area by which the determined amounts can be taken.

2006 SESSF TAC D2