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
2007 SESSF D3

Southern and Eastern Scalefish and Shark Fishery overcatch and undercatch (2007 Fishing Year) Determination

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 24 (1) of the Plan provides that AFMA must before 5 December of the year before each fishing year, determine amounts and percentages for undercatch and overcatch for each quota species for the fishing year.

Section 24 (3) of the Plan provides that, before AFMA determines an amount or percentage for a 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 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 the 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.
In 2005 ITQs were introduced into the SESSF for deepwater species, Smooth Dory – Cascade Plateau, Smooth Dory – all of SESSF except Cascade Plateau, Oreos (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.

Overcatch, undercatch and determined amounts are provisions in the management plan that allow for small variations in catch composition, towards the end of the fishing season, that are not able to be accurately predicted by commercial operators.

Overcatch percentages act as an administrative penalty that reduces the need for AFMA to pursue operators for small amounts of overcatch without the need for legal action.

Undercatch percentages provide a positive incentive for operators to fish within their entitlements allowing them to carryover uncaught quota, equivalent to the amount of undercatch, capped at a maximum of 10%, to the next fishing season.

The determined amount is also an administrative penalty which is subtracted from an operator's quota holding at a rate of 2 to 1. Like overcatch this is a cost effective way to ensure operators maintain their annual catches to within a reasonable approximation of their quota holdings. Catches above the determined amount automatically attract legal proceedings.

These amounts are set at levels that take into consideration relevant AFMA policies to manage fish stocks while maintaining the effective operation of the commercial market in ITQs.


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, including the agreed undercatch and overcatch percentages and determined amounts 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 overcatch and undercatch percentages and determined amounts for quota species in the SESSF for the 2007 season. (ORR ID 8771).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as Southern and Eastern Scalefish and Shark Fishery overcatch and undercatch (2007 Fishing Year) Determination.

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 overcatch and undercatch percentages and the determined amounts.