EXPLANATORY STATEMENT
Issued by the Authority of the Chief Executive Officer of the Australian Fisheries Management Authority

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

Southern and Eastern Scalefish and Shark Fishery overcatch and undercatch (2009 Fishing Year) Determination

Subsection 17(5) of the Fisheries Management Act 1991 (the Act) provides that a plan of management made under the 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 for a fishery 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 Southern and Eastern Scalefish and Shark Management Plan 2003 (the Plan) provides that AFMA must, no later than 31 March immediately before the commencement of each fishing year, determine amounts and percentages for sections 22, 22A and 23 for each quota species for the fishing year. These provisions concern the calculation of undercatch and overcatch.

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; and, it may consider the views (if any) of any interested person.

The Fishery
The Southern and Eastern Scalefish and Shark Fishery (SESSF) covers the area of waters from approximately 80 nautical miles off the coast near Fraser Island in Queensland, south around Tasmania and west to Cape Leeuwin in Western Australia. The area of this fishery encompasses almost half of the waters within the Australian Fishing Zone. The SESSF operates in both Commonwealth and state waters under complex jurisdictional arrangements, because of different Offshore Constitutional Settlements (OCS) arrangements with each state.

Management in the SESSF is mainly through output controls in the form of total allowable catch (TAC) limits allocated as individual transferable quotas (ITQs). Input controls used include a limit on the number of boats that operate in each sector as well as gear requirements such as limits on mesh size and the amount of fishing gear that can be used.

AFMA Explanatory Statement for Undercatch and Overcatch - 2009
Consultation
The AFMA consultation process is initiated by relevant species stock assessments, which were presented by scientific members to industry, management members and observers for discussion at Resource Assessment Groups (RAGs). The stock assessments are based on the SESSF Harvest Strategy Framework (HSF) and include a recommended biological catch (RBC). The RBC provides the best scientific advice on what the total mortality should be for each species or stock, taking into account fishing and natural mortality and any ecological implications of harvesting the species.

The RBCs were translated into proposed total allowable catches (TACs). The TAC represents the recommended commercial catch for each species or stock, and is derived by subtracting from the RBC the expected mortality from incidental catch, discards, and landings in other jurisdictions, and by applying decision rules determined in the 2009/10 SESSF TAC setting principles.

Advice from the RAGs were then considered by Management Advisory Committees (MACs) for the South East Trawl (SETMAC) and the Gillnet, Hook and Trap (GHATMAC). The MACs discussed the TAC recommendations, as well as undercatch and overcatch percentages and determined amounts which provide for ‘carryover’ or ‘carry under’ of quota between fishing seasons. These provisions allow fishers the flexibility to catch a certain amount of fish over or under their quota, and when applicable, debit or credit this to next season’s fishing quota. TACs for the Great Australian Bight sector were established after the industry association considered the TAC decisions and rules previously endorsed by the Great Australian Bight Management Advisory Committee (GABMAC).

The recommended TACs for all species in the SESSF, and agreed undercatch and overcatch percentages and determined amounts, were then sent to the AFMA Commission for endorsement along with all comments from the MACs.

The Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch (2009 Fishing Year) Determination determines the overcatch and undercatch percentages and determined amounts for quota species in the SESSF, for the period 1 May 2009 to 30 April 2010. The terms ‘determined amount’ and ‘determined percentage’ are defined in section 21A of the Plan.

Regulation Impact Statement
The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement (RIS) was not required for the determination of overcatch and undercatch percentages and determined amounts for quota species in the SESSF for the 2009 season. (ORR ID 10138).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as 2009 SESSF D3.
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 the Determination, the determined overcatch and undercatch percentages and the determined amounts, under sections 22, 22A and 23 of the Plan.