EXPLANATORY STATEMENT

Issued by the Australian Fisheries Management Authority

Fisheries Management Act 1991
Macquarie Island Toothfish Fishery Management Plan 2006

Determination No. MITF TAC D4
Total Allowable Catch Determination - 2009/2010 Season

Macquarie Island Toothfish Fishery

Subsection 17(6)(aa) 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 determine the fishing capacity permitted for the fishery, in respect of a particular period or periods.

Background

The Macquarie Island Toothfish Fishery Management Plan 2006 (the Plan) provides for the grant of statutory fishing rights (SFRs) as the right for access to the Macquarie Island Toothfish Fishery (the Fishery).

SFRs issued under the Management Plan allow a quantity of Patagonian toothfish to be taken in the two sectors (Aurora Trough and Macquarie Ridge) of the Fishery. Under the Plan, a person must hold at least 25.5% of the SFRs to fish in the Fishery. A total weight for Patagonian toothfish for each sector will be allocated to the Fishery for each fishing season. Fishers will then be limited in the amount of Patagonian toothfish they can take each year by the number of SFRs they hold for each sector.

Section 11 of the Plan provides for AFMA to determine the total allowable catch (TAC) before the beginning of each fishing year, for each species of fish for the fishing year. For 2009/10 the fishing year is defined in the Plan as the period beginning on 1 July 2009 and ending on 14 April 2010. Thereafter the fishing year will be annual with a commencement date of 15 April.

Consultation

Section 11 of the Plan outlines the procedures for determining the TACs and catch limits and states that AFMA must consult and consider the views of the Sub-Antarctic Resource Assessment Group (SARAG) and the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC). SARAG and SouthMAC have provided TAC recommendations for all sectors of the MITF, which are reflected in the Determination made by the Commission.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) has advised that no regulatory impact analysis, in the form of a Business Cost Calculator report or Regulation Impact Statement, is required for the Determination (OBPR ID 10431).

Determination

Details of the Determination are set out below:
Paragraph 1
This paragraph provides for the Determination to be cited as the MITF 2009/10 TAC D4 Determination.

Paragraph 2
This paragraph provides that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Paragraph 3
This paragraph provides that a term used in this Determination that is defined in the Plan has the same meaning in this Determination as it has in the Plan.

Paragraph 4
This paragraph specifies the total allowable catches for the target species of Patagonian toothfish for the 2009/10 season. The paragraph also specifies the total allowable catch of bycatch species for that same period.