EXPLANATORY STATEMENT

Australian Fisheries Management Authority

Fisheries Management Act 1991
Western Tuna and Billfish Fishery Management Plan 2005

WESTERN TUNA AND BILLFISH FISHERY FISHING SEASON DETERMINATION 2012

Section 17 of the Fisheries Management Act 1991 (the Act) provides for the Australian Fisheries Management Authority (AFMA) to determine plans of management for a fishery.

Paragraph (aa) of subsection 17(6) 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 3 of the Western Tuna and Billfish Fishery Management Plan 2005 (the Plan) provides that AFMA must determine the fishing season.

This instrument determines the fishing season for the purposes of section 3 of the Plan.

The Fishery

The Western Tuna and Billfish Fishery (WTBF) covers the area of waters in the Australian Exclusive Economic Zone (EEZ) included on the west coast of Australia, westward from Cape York Peninsula (142°30'E) off Queensland to 34°S off the west coast of Western Australia. It also extends eastward from 34°S off the west coast of WA, across the Great Australian Bight to 141°E at the South Australian/Victorian border. The fishery also includes Australian waters outside of 12 nm off Christmas Island and Cocos Keeling Islands. The Plan also applies to Australian boats fishing on the high seas within the Indian Ocean Tuna Commission’s (IOTC) Area of Competence.

Management in the WTBF has been through output controls in the form of individually transferable quotas since the Plan was determined in 2005.

Consultation

Consultation was undertaken with the Tropical Tuna Resource Assessment Group (TTRAG) and the Tropical Tuna Management Advisory Committee (TTMAC).

The recommended fishing season was then sent to the AFMA Commission for determination.

Statement of Compatibility

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Regulation Impact Statement
The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this Determination consistent with the agreement in place to cover all regulatory changes deemed to be of a minor or machinery nature.

Details of the Determination are set out below:

**Clause 1**
Provides for the Determination to be cited as the Western Tuna and Billfish Fishery Fishing Season Determination 2012.

**Clause 2**
Provides for the commencement of the Determination.

**Clause 3**
Defines terms used in the Determination.

**Clause 4**
Defines the fishing season.