

EXPLANATORY STATEMENT

Australian Fisheries Management Authority

Fisheries Management Act 1991

Western Tuna and Billfish Fishery Management Plan 2005

WESTERN TUNA AND BILLFISH FISHERY TOTAL ALLOWABLE COMMERCIAL CATCH 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 11(1) of the *Western Tuna and Billfish Fishery Management Plan 2005* (the Plan) provides that AFMA must determine a total allowable commercial catch (TACC) for each quota species for the fishing year before the fishing season commences. A determination of a TACC must specify the TACC expressed in whole weight or a specified other weight.

Section 11(2) of the Plan provides that, before AFMA determines a TACC for a quota species for a fishing year, it must consider information given by the advisory committee, other interested Australian and international bodies and other interested persons; the total estimated catch by the commercial, recreational, indigenous and any other users of the fishery; information about the sustainability of marine species in the area of the fishery; the reference points set for the stocks of quota species; the precautionary principle; any decision made by the Minister or an intergovernmental Ministerial Council about resource sharing in the fishery; any decision rule used for setting the TACC; and the likely effect, for the fishing season, of any overcatch permitted.

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

Extensive consultation to establish the TACCs. Advice from the Tropical Tuna Resource Assessment Group (TTRAG) was considered by the Tropical Tuna Management Advisory Committee (TTMAC). TTMAC discussed the TACC recommendations. When considering the

TACC recommendations, TTMAC took into account broader considerations in order to recommend a TACC. These include the Commonwealth Harvest Strategy Policy, stock levels assessed by Indian Ocean Tuna Commission, any whole of government position on catches, total catches from other commercial, recreational and indigenous sectors and any decisions or considerations on resource sharing.

The recommended TACCs for all species in the WTBF were then sent to the AFMA Commission for determination along with all advice from TTMAC and TTRAG.

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 Western Tuna and Billfish Fishery Total Allowable Commercial Catch Determination 2012.

Clause 2 Provides for the commencement of the Determination.

Clause 3 Provides that the Determination ceases on 1 February 2013.

Clause 4 Defines terms used in the Determination.

Clause 5 Sets out the period of application of the Determination and the determined total allowable commercial catch for quota species.