

## 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*

SESSF Direction No. 01

Subsection 17(5A) 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 directions for the purposes of attaining the objectives of the plan of management. The subsection also requires that the directions be made after the consultations (if any) that are set out in the plan of management.

Subsection 56(1) of the Plan provides that AFMA may direct that fishing is not to be engaged in the fishery, or a part of the fishery, during a particular period or periods. Section 5 of the Plan provides objectives of the Plan, including the implementation of efficient and cost effective management of the fishery.

Subsection 56(2) of the Plan provides that, before AFMA issues a direction, it must consult and consider the views of, each relevant management advisory committee about the content of the direction unless the direction is issued in circumstances of an emergency.

Section 92 of the *Fisheries Administration Act 1991* provides for AFMA to delegate its powers and functions to, among others, the Managing Director of AFMA. Subsection 17(11) of the Management Act permits AFMA to delegate its powers to make directions (among other things) only to the Managing Director. AFMA has delegated its power to make directions to the Managing Director.

Historically, the Southern and Eastern Scalefish and Shark Fishery (SESSF) has been managed as four separate fisheries, the South East Trawl Fishery (SETF), the South East Non-trawl Fishery (SENTF), the Southern Shark Fishery (SSF) and the Great Australian Bight Trawl Fishery (GABTF). In 2002, the SENTF and the SSF were merged to form the Gillnet, Hook & Trap Fishery (GHATF).

The 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.

AFMA has brought all these fisheries together through the development of the *Southern and Eastern Scalefish and Shark Management Plan 2003* to best pursue the future direction for this fishery.

Under this new structure the fishery will be divided into a number of different sectors. These are the South East Trawl Sector, Great Australian Bight Trawl Sector, Scalefish Hook Sector, Shark Hook Sector and Gillnet Sector.

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 Quota (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 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. For 2005, ITQs will be introduced into the SESSF for deepwater species. These will be smooth dory – Cascade Plateau, smooth dory – all of SESS except Cascade Plateau, oreos (mixed basket of warty, spiky, rough and black oreo), deepwater sharks (east and west sectors) and ribaldo cod.

There are a small number of permanent closures in the area of the SESSF. These are detailed in this Direction. Previously, these closures were listed as conditions on various fishing permits that have now been integrated under the SESSF Plan. These relate to complementary arrangements with the States as a result of OCS agreements (ie Murats Bay netting closure, 41° South), conservation (Lord Howe Island, Balls Pyramid, Victorian Marine Parks, Tasmanian Seamounts, GAB Benthic Protection Zone, East Coast Deepwater Zone trawl Exclusion Zone), shark pupping area closures (Head of the Bight and Pages Island) and fisheries closures (Cascade Plateau, St Helens Hill).

SESSF Direction No. 01 establishes permanent closures in specified areas of the fishery. The Direction sets out the permanent closure boundaries and prevents fishing in nine specific areas within the fishery during defined periods for various fishing methods.

AFMA consulted with SETMAC, GABMAC and GHATMAC prior to making the Direction and SETMAC, GABMAC and GHATMAC support the making of this Direction.

Details of the Direction are set out below:

**Clause 1** provides for the Direction to be cited as SESSF Direction No. 01.

**Clause 2** provides for the commencement of the Direction.

**Clause 3** states to whom the Direction applies.

**Clause 4** sets out the period of application of this Direction.

**Clause 5** defines certain terms used in the Direction and provides that terms used in the Direction that are defined for the purposes of the Plan have the same meanings as they have in the Plan. The note indicates that terms defined in the Management Act have the same meaning in the Direction.

**Clause 6** prohibits commercial fishing in areas of the fishery detailed in Schedules 1 to 15.

*Clause 7* provides for an exemption to for persons who otherwise fish in accordance with another plan of management in force under the Management Act, or State or Territory law applying in the area of the fishery.

*Schedules 1 to 9* describe the areas that are closed to fishing referred to in clause 6.

**SESSF No. 01**