

## **EXPLANATORY STATEMENT**

Issued by the authority of the Australian Fisheries Management Authority

*Fisheries Management Act 1991*

*Bass Strait Central Zone Scallop Fishery Management Plan 2002*

Bass Strait Central Zone Scallop Fishery Total Allowable Catch Determination 2006

The proposed Determination would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

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 or a part of the fishery in respect of a particular period or periods.

Subsection 27(1) of the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (the Plan) provides that, prior to the start of the fishing season, AFMA must determine the total allowable catch (TAC) for each species of scallop for the fishing year. The fishing season is from 1 May to 20 December.

The *Fisheries Management (Bass Strait Central Zone Scallop Fishery) Regulations 2002* (the Regulations) complement the Plan and prescribe matters in support of the Act relevant to the fishery.

Subsection 27(2) of the Plan provides that the TAC must not be greater than an amount specified in the Regulations for the purposes of this subsection. Subregulation 10(1) states that the TAC at the start of each fishing season must not be greater than 1,000 tonnes for commercial scallops, and must not be greater than 100 tonnes for Doughboy scallops. The level of TAC set by the proposed Determination meets the requirements of this subregulation.

### **The fishery**

The principal target species in the Bass Strait Central Zone Scallop Fishery (BSCZSF) is the commercial scallop (*Pecten fumatus*). The principal harvest method is by a scallop harvester (or dredge). The main markets for scallops have traditionally been France, Hong Kong, USA and the domestic market.

As a result of overfishing and a severe decline in catch in 1998 the fishery was closed to fishing in 1999 and 2000. There has been an area closure of the known scallop beds (or part of these beds) in the eastern part of the fishery since 2001. Scientific surveys undertaken in this area from 2000 to 2005 have provided evidence of stock rebuilding. Unfortunately the rebuilding process has been slower than what was hoped for and may have been hindered by fishing outside the closure area. Partly because of these closures in the fishery, there have been some marketing challenges faced by scallop operators. These relate mainly to continuity of supply to support export markets and competition with cheaper imported product which became accepted by the domestic market in the absence of local product.

## Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement was not required for the proposed Determination (ORR ID 8084).

## Consultation

AFMA's management philosophy (as foreshadowed in its governing legislation) involves a partnership approach to the management of marine resources under its jurisdiction. Cooperation with relevant stakeholders, such as the fishing industry, government agencies, the community and others with an interest in the sustainable management of the Commonwealth's fisheries resources, is a vital part of this approach. This approach provides opportunities for stakeholders to have input into the management process through, in the case of the BSCZSF, the Bass Strait Central Zone Scallop Fishery Management Advisory Committee (ScallopMAC).

Subsection 27(3) of the Plan provides that, before deciding the TAC for a fishing year, AFMA must consult the Committee and consider their views. AFMA consulted with ScallopMAC at their March 2006 meeting.

Details of the Determination are set out below:

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| <b>Clause 1</b> | Provides for the Determination to be cited as <i>Bass Strait Central Zone Scallop Fishery Total Allowable Catch Determination 2006</i>        |
| <b>Clause 2</b> | Provides for the commencement and period of application of the Determination.   |
| <b>Clause 3</b> | Provides that expressions used in the Determination that are also used in the Plan have the same meaning in the Determination as in the Plan. |
| <b>Clause 4</b> | Provides the total allowable catch of commercial and Doughboy scallops that may be taken.   |