

## 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*

*Southern and Eastern Scalefish and Shark Fishery* (quota species) Total Allowable  
Catches (2008 Fishing Year) Determination

Subsection 17(5) 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 give particular determinations for the purposes of attaining the objectives of the plan of management.

Subsection 17(6aa) 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 of the *Southern and Eastern Scalefish and Shark Management Plan 2003* (the Plan) provides that AFMA must no later than 31 March of the year preceding each fishing year, determine a total allowable catch (TAC) for each quota species for the fishing year. In determining a TAC for a quota species or a quota species in a particular area of the fishery AFMA must have regard to reference points for the species determined under section 9 of the Plan. A determination of a TAC must specify the TAC expressed in whole weight or a specified other weight and must specify the particular parts of the fishery to which the TAC applies.

Section 12 of the Plan provides that, before AFMA determines a TAC for a quota species for a fishing year, it must consult and consider the views of each relevant management advisory committee. It must take into account advice from the relevant fishery assessment group about the stock status of a quota species and may consider the views of any other interested person. It must also take into account all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries, the ecological implications of harvesting the TAC, the distribution and population structure of the species and the precautionary principle.

### **The Fishery**

The Southern and Eastern Scalefish and Shark Fishery (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.

The SESSF is an amalgamation of four previously separately managed fisheries; the South East Trawl Fishery (SETF), South East Non Trawl Fishery (SENTF), Southern Shark Fishery (SSF) and the Great Australian Bight Trawl Fishery (GABTF). The fishery

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 Quotas (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 SETF, SSF 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. In 2005, ITQs were introduced into the SESSF for the deepwater species, Smooth Dory – Cascade Plateau, Smooth Dory – all of SESSF except Cascade Plateau, Oreos (mixed basket of warty, spiky, rough and black oreo), Deepwater Sharks (east and west sectors) and Ribaldo Cod. In 2006 ITQs were introduced into the SESSF for Alfonsino, Deepwater Flathead, Bight Redfish, Oreos, Deepwater Sharks and Orange Roughy GAB Esperance and Albany. Blue Warehou was also split into east and west sectors which are implemented through management controls rather than separate ITQs for each sector.

### **Consultation**

The AFMA consultation process began with Resource Assessment Groups (RAGs) where scientific members presented industry and management members and observers with relevant species stock assessments for comment. This year, stock assessments within the Harvest Strategy Framework (HSF) included a recommended biological catch (RBC) which takes into account all fishing and natural mortality for the species and the ecological implications of harvesting the TAC. Management Advisory Committee's (MACs) of the South East Trawl (SETMAC), Great Australian Bight (GABMAC) and Gillnet, Hook and Trap (GHATMAC) considered the advice of their RAGs individually then presented their arguments for the TAC for each species at a combined JointMAC meeting. GABMAC also met separately from the JointMAC. From these meetings AFMA management and MAC TAC recommendations for all GAB species and the majority of SESSF species, including the agreed undercatch and overcatch percentages and determined amounts, were sent to the AFMA Board along with all comments expressed at JointMAC and GABMAC. There was need for further consultation with Deepwater RAG and SETMAC (out-of-session) following the JointMAC and Board meeting in order to finalise the 5 remaining SESSF TAC recommendations. From these meetings AFMA management and MAC TAC recommendations were sent to the AFMA Board along with all comments expressed by Deepwater RAG and SETMAC.

### **Regulation Impact Statement**

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement (RIS) was not required for the Determination of quota species TACs for the 2008 season. (ORR ID 9465).

Details of the Determination are set out below:

**Clause 1** provides for the Determination to be cited as 2008 SESSF TAC D1.

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

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

**Clause 4** sets out the period of application of the Determination and the determined amounts.