



**Australian Government**

**Australian Fisheries Management Authority**

## **Explanatory Statement**

*Fisheries Management Act 1991*

*Bass Strait Central Zone Scallop Fishery Management Plan 2002*

Temporary Order - *Bass Strait Central Zone Scallop Fishery Management Plan Temporary Order 2009*

Section 43 of the *Fisheries Management Act 1991* (the Management Act) provides for the Australian Fisheries Management Authority (the Authority) to make a temporary order to enable quick action to be taken to deal with circumstances where urgent action is required for purposes related to the management of a fishery. Pursuant to subsection 92(1) of the *Fisheries Administration Act 1991* (the Administration Act), the Authority has delegated its powers and functions under section 43 of the Management Act to the Chief Executive Officer of the Authority.

The purpose of *Fisheries Management (Bass Strait Central Zone Scallop Fishery) Temporary Order 2009* (the Order) was to make the fishing season prescribed in section 3 of the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (the Management Plan) consistent with the Harvest Strategy for the Bass Strait Central Zone Scallop Fishery (the Fishery). A copy of the Management Plan can be found on the Authority's website at [www.afma.gov.au](http://www.afma.gov.au).

Harvest Strategies were developed for all Commonwealth managed fisheries in response to a Ministerial Direction made in December 2005 by the then Minister for Fisheries, Forestry and Conservation under section 91 of the Administration Act. These Harvest Strategies introduced a new approach for controlling fishing intensity in Commonwealth managed fisheries to ensure their long term economic and environmental sustainability. The Ministerial Direction also required the Authority to set the total allowable catch (TAC) for commercial and doughboy scallops at zero for a minimum of three years from January 2006 (excluding official stock surveys).

The Harvest Strategy provides for a flexible fishing season length with the default prescribed being from 1 June to 31 January. However, recently the Bass Strait Central Zone Scallop Fishery Management Advisory Committee (ScallopMAC) recommended a fishing season from 1 June to 31 December for the 2009 fishing season to protect juvenile scallop stocks. The fishing season prescribed in the Management Plan was 1 May to 20 December.

A survey was undertaken in late 2008 to determine whether stock rebuilding had been sufficient to allow commercial fishing to recommence in 2009. Results from the survey indicated that there had been considerable rebuilding of the commercial scallop stock. Due to the unpredictable nature of commercial scallop stock recruitment dynamics, this outcome was not expected.

In accordance with subsection 43(4) of the Management Act, the Order will have effect for a maximum period of 6 months. During this time the Authority, following consultation with stakeholders, intends to amend the Management Plan to reflect the new dates as made by the Order. The Authority anticipates that the amended Management Plan will commence by the end of 2009.

### **Consultation**

The Bass Strait Central Zone Scallop Fishery Resource Assessment Group (ScallopRAG) and ScallopMAC were consulted on the new dates for the fishing season. This issue was discussed at meetings on, for ScallopRAG, 22 February 2008 and 27 February 2009 and for ScallopMAC, 18 March 2008 and 18-19 March 2009. These groups consist of scientific, industry, State, Commonwealth and environmental representatives. ScallopMAC was also involved in providing critical advice during the development of the Harvest Strategy for the Fishery. Both ScallopRAG

and ScallopMAC supported the change to the fishing season as a way forward on managing the fishery consistent with the Harvest Strategy for the Fishery.

### **Regulation Impact Statement**

The Office of Best Practice Regulation determined that a Regulation Impact Statement was not required for the Order (ID10224).

Details of the Order, which commenced on the day after registration on the Federal Register of Legislative Instruments, are set out below.

#### **Clause 1**

Provides that the order is the *Bass Strait Central Zone Scallop Fishery Management Plan Temporary Order 2009*.

#### **Clause 2**

Provides that the Order commenced on the day after registration on the Federal Register of Legislative Instruments.

#### **Clause 3**

Provides that Schedule 1 amends the Management Plan.

#### **Schedule 1**

Amends the default fishing season to be 1 June to 31 December, inclusive.