

EXPLANATORY STATEMENT

Issued by the Authority of the Chief Executive Officer
of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Fisheries Management (Eastern Tuna and Billfish Fishery Management Plan 2005)
Temporary Order 2009

ETBF FIXED BRANCHLINE CLIPS DETERMINATION 2009

Subsection 17(5) of the *Fisheries Management Act 1991* (the Act) provides that a plan of management made under the Management 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 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 20 of the *Eastern Tuna and Billfish Fishery Management Plan 2005* (the Plan) prescribes a formula for determining the amount of fishing effort expended by the holders of statutory fishing rights (SFRs). That formula includes the number of branchline clips recorded for a holder, for each longline fishing operation, under section 48 of the Plan.

The *Fisheries Management (Eastern Tuna and Billfish Fishery Management Plan 2005) Temporary Order 2009*, made under s43 of the Act (the Temporary Order), suspends section 48 of the Plan and prescribes another method for recording the number of branchline clips used by a SFR holder in each longline fishing operation.

This Determination determines, in accordance with the Temporary Order, the number of branchline clips to be recorded for a holder for the purposes of section 20 of the Plan.

The Fishery

The Eastern Tuna and Billfish fishery (the Fishery) covers all waters of the Australian Fishing Zone (including around Norfolk and Lord Howe Islands) on the east coast, from Cape York to the Victorian and South Australian border.

It is a multi-species, multi-method pelagic line fishery. The primary species are Yellowfin, Bigeye and Albacore Tunas, Broadbill Swordfish and Striped Marlin. The majority of catch and effort is attributable to the pelagic longline sector, with low minor line activity.

From 1 November 2009 when the Plan comes into effect, effort in the fishery will be managed by a total allowable effort (TAE) determined for the longline and minor sectors of the Fishery. Pelagic longline and minor line SFRs will provide holders with a proportional share of the TAE and allow the holder to expend that level of fishing effort in terms of longline clips attached to those pelagic longline or minor line SFRs.

The branchline clip deduction system

Replacement of the current requirement for a longline drum monitor as prescribed under section 48 of the Plan with the proposed fixed number system requires amendment of the Plan. However, as SFRs are due to come into force on 1 November 2009, AFMA has put in place the Temporary Order so that the fixed number system will be in place when the fishing season commences on 1 November 2009.

The Temporary Order provides that:

- AFMA must, before the start of each fishing season, determine a single fixed number of branchline clips that all holders of longline SFRs will be deemed to use during each pelagic longline operation in the Fishery, or a specified part of the fishery, during the season; and
- the fixed number of branchline clips will be the average number of branchline clips used by all holders of longline SFRs during each pelagic longline operation in the Fishery, over a 12 month period determined by AFMA (rounded down to the nearest ten hooks), being a period that commences not more than 2 years before the start of the season and that ends before the start of the season.

The number of branchline clips that are recorded for a holder under the Temporary Order is part of the formula in section 20 of the Plan for determining the number of effort units that the holder of a longline SFR will expend during each longline pelagic fishing operation in the Fishery.

Consultation

In considering this matter, AFMA consulted with the Tropical Tuna Management Advisory Committee (TT MAC) which is the main advisory body for the fishery and provides advice to the AFMA Commission. TT MAC includes a range of stakeholders including industry, scientific, environment/conservation and recreational/charter fishing members.

The MAC advised that the applicable 12 month period would be the 2008 calendar year.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) has advised AFMA that it considers the impacts of the Determination will be 'low', that no further analysis is required and that the preparation of a RIS or quantification of compliance costs is not required (OBPR Reference No.10820).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as the ETBF Fixed Branchline Clips Determination 2009.

Clause 2 provides for the commencement of the Determination.

Clause 3 defines terms used in the Determination.

Clause 4 determines for fishing season commencing on 1 November 2009 and ending on 28 February 2011 that the 12 month period referred to in sub-clause 3(4) of the Temporary Order is the 2008 calendar year

Accordingly, the fixed number of branchline clips that each holder of statutory fishing rights will be deemed to have used during each pelagic longline fishing operation in the fishery during the season is:

- (a) In all areas of the Fishery except the Coral Sea zone: 1250 clips;
- (b) In the Coral Sea zone: 460 clips.