

EXPLANATORY STATEMENT

Fisheries Management Act 1991* *Eastern Tuna and Billfish Fishery Management Plan 2010* **ETBF Fishing Season Determination 2011*

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

Section 1.3 of the *Eastern Tuna and Billfish Fishery Management 2010* (the Plan) provides that 'fishing season' under the Plan means the period determined by AFMA.

The fishery

The *Eastern Tuna and Billfish Fishery (ETBF)* covers the area of waters in the Australian Exclusive Economic Zone (EEZ) included on the east coast of Australia between the south Australia/Victoria border and Cape York in the North. The ETBF also includes a restricted entry zone in the Coral Sea and a high seas zone that provides specific arrangements for fishing in the ETBF beyond the Australian EEZ.

Management in the ETBF has recently moved to output controls in the form of individually transferable quotas under the Plan, which came into force on 22 January. The Plan replaced the *Eastern Tuna and Billfish Fishery Management Plan 2005* (the previous Plan). Under the previous Plan the 'fishing season' was defined in Regulations. The Regulations provided that, apart from the initial season, the fishing season each year is 1 March to the end of February in the following year.

This Determination determines the same period for the fishing season in the ETBF as the Regulations.

Consultation

The season dates for the 2011 fishing season were developed through consultation with members of the Eastern Tuna Management Advisory Committee (now the Tropical Tuna Management Advisory Committee) that is comprised of representatives from industry, scientists, non-government organisations and state agencies.

The fishing season dates are considered the optimal dates for the fishery by industry and management and the fishing season that commenced in 2009 was extended to 16 months in order to allow the annual fishing season commencing on 1 March.

Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement was not required for the determination of season dates in the ETBF for the 2011 season. (OBPR ID 12225).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as ETBF Fishing Season Determination 2011.

Clause 2 provides that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

Clause 3 defines terms used in the Determination.

Clause 4 determines that the 'fishing season' in the ETBF is the period starting on 1 March in a year and ending on the last day of February in the following year.