

EXPLANATORY STATEMENT

Issued by the Authority of the Commission 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
Overcatch and Undercatch (2011 Fishing Year) Determination

Section 17 of the *Fisheries Management Act 1991* (the Act) provides for the Australian Fisheries Management Authority to determine plans of management for a fishery.

Paragraph (aa) of subsection 17(6) 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.

Subsection 24(1) of the *Southern and Eastern Scalefish and Shark Management Plan 2003* (the Plan) provides that AFMA must, no later than 31 March immediately before the commencement of each fishing year, determine amounts and percentages for sections 22, 22A and 23 for each quota species for the fishing year. These provisions concern the calculation of undercatch and overcatch.

Section 24 (3) of the Plan provides that, before AFMA determines an amount or percentage 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; it must also take into account the precautionary principle; and, it may consider the views (if any) of any interested person.

This instrument determines the amounts and percentages for each quota species in relation to undercatch and overcatch for the 2011 Fishing Year. Undercatch and overcatch provides for 'carry over' or 'carry under' of quota between fishing seasons thereby allowing fishers the flexibility to catch a certain amount of fish over or under their quota, and debit or credit this to or from next season's fishing quota.

The Fishery

The Southern and Eastern Scalefish and Shark Fishery (SESSF) covers the area of waters from approximately 80 nautical miles off the coast near Fraser Island in Queensland, south around Tasmania and west to Cape Leeuwin in Western Australia. The area of this fishery encompasses almost half of the waters within the Australian Fishing Zone. The SESSF operates in both Commonwealth and state waters under complex jurisdictional arrangements, due to different Offshore Constitutional Settlements arrangements with each state.

Management in the SESSF is mainly through output controls in the form of total allowable catch (TAC) limits set under the Commonwealth Harvest Strategy Policy and the specific SESSF Harvest Strategy Framework (HSF). Input controls used include a

limit on the number of boats that operate in each sector as well as gear restrictions such as limits on mesh size and the amount of fishing gear that may be used.

Consultation

The AFMA consultation process was initiated by relevant species stock assessments, which were presented by scientific members to industry, management members and observers for discussion at Resource Assessment Groups (RAGs). The stock assessments are based on the HSF and include a recommended biological catch (RBC). The RBC provides the best scientific advice on what the total mortality should be for each species or stock, taking into account fishing and natural mortality and any ecological implications of harvesting the species.

Advice from the RAGs was then considered by the South East Management Advisory Committees, Great Australian Bight Management Advisory Committee, and the Great Australian Bight Industry Association (GABIA) under co-management arrangements. The undercatch and overcatch percentages and determined amounts, were then finally sent to the AFMA Commission for determination along with all comments received.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) advised AFMA that a Regulation Impact Statement (RIS) was not required for the determination of overcatch and undercatch percentages and determined amounts for quota species in the SESSF for the 2011 season. (OBPR ID 12433).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as the Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch (2011 Fishing Year) Determination.

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, the determined overcatch and undercatch percentages and the determined amounts, under sections 22, 22A and 23 of the Plan.