

## **EXPLANATORY STATEMENT**

**Issued by the Authority of the Commission  
of the Australian Fisheries Management Authority**

***Fisheries Management Act 1991  
Eastern Tuna and Billfish Fishery Management Plan 2010***

### ***2012 Eastern Tuna and Billfish Fishery Total Allowable Commercial Catch Determination***

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

Paragraph (aa) of subsection 17(6) of the FM 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 3.2 of the *Eastern Tuna and Billfish Fishery Management Plan 2010* (the Plan) provides that AFMA must determine a total allowable commercial catch (TACC) for each quota species for the fishing year before the fishing season commences.

A determination of a TACC must specify the TACC expressed in whole weight or a specified other weight. The quota for each statutory fishing right (SFR), for a quota species, is determined by dividing the TACC for the species by the number of SFRs in force at the start of the fishing season.

Section 3.2 (4) of the Plan provides that, before AFMA determines a TACC for a quota species for a fishing year, it must consider information given by the advisory committee, established under section 56 of the *Fisheries Administration Act 1991* (the FA Act) to assist the Commission in the performance of its functions, other interested Australian and International bodies and other interested persons. It must also take into account all fishing mortality from all sectors including commercial, recreational indigenous and other users of the fishery. It must abide by the Commonwealth Harvest Strategy policy and the Eastern Tuna and Billfish Fishery harvest strategy and consider information about the sustainability of marine species in the area of the fishery, the precautionary principle, any decision made by the minister or intergovernmental ministerial council about resource sharing and the likely effect of any overcatch or undercatch provisions.

### **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. The fishery was previously managed under the *Eastern Tuna and Billfish Fishery Management Plan 2005* that utilised input controls to restrict the number of hooks that could be set in the fishery. The new quota arrangements came into effect in the ETBF on 1 March 2011.

## **Consultation**

AFMA consulted widely before determining the TACCs. The Recommended Biological Commercial Catch (RBCC) for each quota species, determined in accordance with the ETBF harvest strategy, and species stock assessments conducted on the broader western central pacific stock, were presented to the Tropical Tuna Resource Assessment Group (TTRAG). This group comprises scientific, industry and management representatives as well as observers. The RBCC 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 TTRAG was considered by the relevant management advisory committee, the Tropical Tuna Management Advisory Committee, which recommended TACCs for each quota species to the Commission.

AFMA also consulted with individual fishing concession holders, a number of whom made submissions which were taken into account by the Commission.

## **Regulation Impact Statement**

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this Determination consistent with the agreement in place to cover all regulatory changes deemed to be of a minor or machinery nature.

## **Statement of Compatibility**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

## **The Commission's Decision**

The AFMA Commission determined the TACC for each quota species on 20 December 2011. As required by section 3.4 of the Plan, prior to the start of the season, all owners of quota SFRs were notified in writing, in respect of each quota species, of the TACC for the fishery and the species for the season; the number of quota SFRs for the species held by the owner; the quota that applies to an SFR for the species for the season, and the owner's quota for the season.

In making its decision, the Commission took into account each of the matters specified in section 3.2(4) of the Plan.

The Commission was satisfied that the TACCs it determined were consistent with AFMA's obligation to pursue its statutory objectives, specified in section 3 of the FM Act and section 6 of the FA Act. The Commission considered that significant weight should be given to the objective of ensuring that the exploitation of fisheries resources are conducted in a manner consistent with the principles of ecologically sustainable development, which includes the exercise of the precautionary principle (paragraphs 3(1)(b) of the FM Act and 6(b) of the FA Act).

Details of the Determination are set out below:

**Clause 1** provides for the Determination to be cited as the 2012 Eastern Tuna and Billfish Fishery Total Allowable Catch Determination.

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

**Clause 3** provides that the determination ceases on 28 February 2013 unless revoked earlier.

**Clause 4** provides that terms used in the Determination have the meaning given to them in the Plan.

**Clause 5** specifies the Total Allowable Commercial Catch for each of the five quota species: Albacore Tuna, Bigeye Tuna, Broadbill Swordfish, Striped Marlin and Yellowfin Tuna for the season 1 March 2012 to 28 February 2013.