

EXPLANATORY STATEMENT

Issued by the Authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Western Tuna and Billfish Fishery Management Plan 2005

Western Tuna and Billfish Fishery Total Allowable Commercial Catch Determination 2013

Subsection 17(5) of the *Fisheries Management Act 1991* (the Act) provides that a plan of management made under the Act is to set out, amongst other things, the objectives of the plan of management and measures by which the objectives are to be attained.

Paragraph 17(6)(aa) of the Act provides that a plan of management made under the Act may provide for the Australian Fisheries Management Authority (the Authority) to determine the fishing capacity permitted for the fishery or a part of the fishery in respect of a particular period or periods.

Subsection 11(1) of the *Western Tuna and Billfish Fishery Management Plan 2005* (the Plan) provides that the Authority must determine a total allowable commercial catch (TACC) for each quota species for the fishing season before the fishing season commences. A determination of a TACC must specify the TACC expressed in whole weight or a specified other weight.

Subsection 11(2) of the Plan provides that, before the Authority determines a TACC for a quota species for a fishing season, it must consider information given by the advisory committee, other interested Australian and international bodies and other interested persons; the total estimated catch by the commercial, recreational, indigenous and any other users of the fishery; information about the sustainability of marine species in the area of the fishery; the reference points set for the stocks of quota species; the precautionary principle; any decision made by the Minister or an intergovernmental Ministerial Council about resource sharing in the fishery; any decision rule used for setting the TACC; and the likely effect, for the fishing season, of any overcatch permitted.

The instrument determines the total allowable commercial catch for quota species in the Western Tuna and Billfish Fishery (the Fishery) for the 2013 fishing season which commences on 1 February 2013 and ends on 31 January 2014.

The Fishery

The Fishery covers the area of waters in the Australian Exclusive Economic Zone (EEZ) included on the west coast of Australia, westward from Cape York Peninsula (142°30'E) off Queensland to 34°S off the west coast of Western Australia. It also extends eastward from 34°S off the west coast of Western Australia, across the Great Australian Bight to 141°E at the South Australian/Victorian border. The Fishery also includes Australian waters outside of 12 nm off Christmas Island and Cocos Keeling Islands. The Plan also applies to Australian boats fishing on the high seas within the Indian Ocean Tuna Commission's (IOTC) Area of Competence.

Management in the Fishery has been through output controls in the form of individually transferable quotas since the Plan was determined in 2005.

Consultation

Extensive consultation was undertaken to establish the TACCs. Advice from the Tropical Tuna Resource Assessment Group (TTRAG) was considered by the Tropical Tuna Management Advisory Committee (TTMAC). TTMAC discussed the TACC recommendations. When considering the TACC recommendations, TTMAC took into account broader considerations in order to recommend a TACC. These include the Commonwealth Harvest Strategy Policy, stock levels assessed by Indian Ocean Tuna Commission, any whole of government position on catches, total catches from other commercial, recreational and indigenous sectors and any decisions or considerations on resource sharing.

The recommended TACCs for all quota species in the Fishery were then sent to the Authority's Commission for determination along with all advice from TTMAC and TTRAG.

Regulation Impact Statement

The Office of Best Practice Regulation 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 prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

The Authority assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that this legislative instrument is compatible with human rights. The Authority's Statement of Compatibility is attached as a supporting document.

Details of the Determination are set out below:

- Clause 1** Provides for the Determination to be cited as the *Western Tuna and Billfish Fishery Total Allowable Commercial Catch Determination 2013*.
- Clause 2** Provides for the commencement of the Determination.
- Clause 3** Provides that the Determination ceases as if revoked on 1 February 2014.
- Clause 4** Defines terms used in the Determination.
- Clause 5** Determines the total allowable commercial catch for quota species for the 2013 fishing season commencing on 1 February 2013 and ending on 31 January 2014.
- Clause 6** Revokes a previous TACC Determination titled *Western Tuna and Billfish Fishery Management Plan 2005 – 2010 WTBF TACC D1*.