**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Southern and Eastern Scalefish and Shark Fishery Total Allowable Catch (Non-Quota Species) Determination 2014**

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*.

**Overview of the Legislative Instrument**

This instrument determines the total allowable catch for each non-quota species in the area of the East Coast Deepwater Trawl Sector of the Southern and Eastern Scalefish and Shark Fishery for the 2014 fishing year beginning on 1 May 2014 and ending on 30 April 2015.

Section 15 of the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (the Plan) provides that AFMA may determine a Total Allowable Catch (TAC) for a non-quota species for a period specified in the Determination. In determining a TAC for a non-quota species or a non-quota species fished with a particular method or in a particular area of the fishery, AFMA must have regard to reference points for the species determined under section 9 of the Plan. The determination of a non-quota TAC must specify the TAC expressed in whole weight or a specified other weight and must specify the particular parts of the fishery area to which the TAC applies and fishing methods to which the TAC applies.

Section 16 of the Plan provides that, before AFMA determines a TAC for a non-quota species, 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 non-quota species and may consider the views of any other interested person. AFMA must also take into account all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries, the ecological implications of harvesting the TAC, the distribution and population structure of the species and the precautionary principle.

**Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues. AFMA is satisfied that the instrument is consistent with AFMA’s obligation to pursue its statutory objectives. The instrument is machinery in nature and allows for the take of non-quota species in the fishery up to the specified limit for fishing concession holders.