

EXPLANATORY STATEMENT

Australian Fisheries Management Authority

Fisheries Management Act 1991

Macquarie Island Toothfish Fishery Management Plan 2006

Macquarie Island Toothfish Fishery Total Allowable Catch Determination 2014

Section 17 of the *Fisheries Management Act 1991* (the 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 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 11 of the *Macquarie Island Toothfish Fishery Management Plan 2006* (the Plan) provides that AFMA must, before the beginning of each fishing year, determine the total allowable catch (TAC) for Patagonian toothfish and catch limits for other species for the fishing year. 'Fishing year' is defined in the Plan as the period determined by AFMA. The period has been determined to be the period of 12 months beginning on 1 May in any year and ending on 30 April of the following year.

The instrument determines the TAC for Patagonian toothfish and catch limits for other species in the Macquarie Island Toothfish Fishery (the Fishery) for the 2014/2015 fishing year. The instrument ceases on 1 May 2015.

Background

The Fishery lies in waters adjacent to Macquarie Island. Macquarie Island falls under Tasmanian jurisdiction and is located outside the Antarctic convergence, approximately 1500 kilometres south east of Hobart. The waters surrounding the Island out to 200 nautical miles are part of the Australian Fishing Zone which is managed by AFMA.

The Plan provides that access to the Fishery is limited to those operators holding statutory fishing rights (SFRs) granted under the Plan.

SFRs granted under the Plan allow a quantity of Patagonian toothfish to be taken in the Fishery. Under the Plan, a person must hold at least 25.5% of the total SFRs to fish in the Fishery. The weight allocated to an SFR for Patagonian toothfish for the fishing year is worked out by dividing the TAC by the total number of SFRs in force at the start of the fishing year.

Consultation

In determining the TAC AFMA must have regard to reference points for the species determined under section 10 of the Plan and consider the views of the Management Advisory Committee (MAC) and the Resource Assessment Group (RAG).

The TAC and catch limits were reviewed by the RAG and the MAC. The RAG and the MAC both provided TAC recommendations which were accepted by the AFMA Commission and are reflected in the Determination.

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*

AFMA assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that this legislative instrument is compatible with human rights. AFMA'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 *Macquarie Island Toothfish Fishery Total Allowable Catch Determination 2014*.
- Clause 2** provides that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.
- Clause 3** provides the Determination ceases as if it was revoked on 1 May 2015.
- Clause 4** defines the particular terms used in the Determination.
- Clause 5** specifies the total allowable catch for Patagonian toothfish and the catch limits for other species in the Fishery for the 2014/2015 fishing year.