

EXPLANATORY STATEMENT

Issued by the authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Small Pelagic Fishery Management Plan 2009

SMALL PELAGIC FISHERY TOTAL ALLOWABLE CATCH (QUOTA SPECIES) DETERMINATION 2014

Section 17 of the *Fisheries Management Act 1991* (the Act) provides for the Australian Fisheries Management Authority (the 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 the Authority 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 17 of the *Small Pelagic Fishery Management Plan 2009* (the Plan) provides that the Authority must determine a Total Allowable Catch (TAC) for each quota species for a sub-area of the fishery for a season before the start of the season. The determination of a TAC must specify the TAC expressed in whole weight or a specified other weight and must specify the sub-area of the fishery to which the TAC applies, or if the TAC applies to a part of the sub-area, that part of the sub-area.

Section 18 of the Plan provides that, before the Authority determines a TAC for a quota species for a sub-area or part of a sub-area for a season, 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 and may consider the views of any other interested person. It must also take into account all fishing mortality from all sub-areas 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.

The *Small Pelagic Fishery Total Allowable Catch (Quota species) Determination 2014* (the Determination) determines the TAC for each quota species and sub-area for the 2014-15 fishing season.

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Fishery

The Small Pelagic Fishery (the Fishery) extends from the Queensland/New South Wales border, typically outside 3 nautical miles, around southern Australia to a line at latitude 31° south (near Lancelin, north of Perth). The Fishery is currently divided into two sub areas East and West of latitude 146°30'00".

Management in the Fishery is through output controls in the form of individually transferable quotas with a Total Allowable Catch determined for each quota species for each fishing year. The main target species in the Fishery are Jack Mackerel, Blue Mackerel, Redbait and Australian Sardine. The target species are caught primarily for the domestic market and are used for fishmeal, bait and human consumption.

Consultation

The Authority's consultation process was initiated by relevant species stock assessments, which were presented by scientific members to industry, management members and observers for discussion by the Resource Assessment Group (RAG) on 11 March 2014. The RAG considered the information from the stock assessments, and provided advice on recommended biological catches (RBCs) for each quota species under the Plan, consistent with the Small Pelagic Fishery Harvest Strategy. The RBC provides the best scientific advice on what the total sustainable level of mortality should be for each species or stock, taking into account fishing and natural mortality and any ecological implications of harvesting the species.

The RBCs were used to set appropriate TACs. The TAC represents the recommended Commonwealth commercial catch for each species or stock, and is derived by subtracting the mortality expected from incidental catch, discards, and landings in other jurisdictions from the RBC and by applying decision rules contained in the Harvest Strategy. The TACs require final endorsement from the Authority's Commission.

Advice from the RAG was considered by the South East Management Advisory Committee (the Committee). The Committee discussed the TAC recommendations at their meeting of 31 March 2014. The recommended TAC for each quota species for each sub-area in the Fishery were then sent to the Authority's Commission for determination along with all comments from the Committee and RAG.

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:

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| Clause 1 | Provides for the Determination to be cited as the <i>Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2014</i> . |
| Clause 2 | Provides that the Determination commences on the day after registration on the Federal Register of Legislative Instruments. |
| Clause 3 | Provides that the Determination ceases as if it was revoked on 1 May 2015 unless earlier revoked. |
| Clause 4 | Provides that a term used in the Determination and in the Plan or Act has the same meaning in the Determination as in the Plan or Act. |
| Clause 5 | Determines the total allowable catch (TAC) for each quota species and sub-area in the Fishery for the 2014 fishing season. |