

# **Statement of Compatibility with Human Rights**

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

## **Bass Strait Central Zone Scallop Fishery Management Plan Amendment 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**

Subsection 27(4) of the Management Plan provides that after determining the Total Allowable Catch (TAC) AFMA must notify all Statutory Fishing Right holders of the TAC at least 28 days prior to the start of the fishing season.

The fishing season in the Bass Strait Central Zone Scallop Fishery (BSCZSF) is managed by the registration of a closure Direction. Each year AFMA closes the BSCZSF to fishing for a defined period which gives effect to setting the season dates. The Direction provides an exemption to the closure for a small defined area should the area be shown to have sufficient scallop beds for harvesting as a result of pre-season surveys.

Subsection 27(4) restricts AFMA to registering the closure Direction until 28 days has passed after the registration of the TAC Determination. This restriction means industry cannot commence fishing until the 28 day notice period has concluded and the season is opened.

Delays in opening viable fishing areas have historically resulted in scallops losing condition and in 2011 a natural mortality event occurred during the 28 day period preventing any harvesting. This loss in harvesting opportunity has resulted in decreased profits for concession holders.

Historically the intention of the 28 day notice period has been to allow concession holders to structure their businesses in readiness for the commencement of the fishing season. With only a small number of committed operators remaining in the fishery, the 28 day notice period now restricts the flexibility of the industry to commence fishing following the Determination of the TAC. Further, industry have explained at the Scallop Management Advisory Committee (ScallopMAC) meetings during 2012 and 2013 that the 28 day rule needs to be removed to ensure harvesting can take place as soon as possible, should commercial scallops be viable for harvesting.

The Plan Amendment reduces the notification period from 28 days to 7 days.

### **Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms. The instrument provides greater flexibility to industry by allowing concession holders to commence fishing 7 days after the setting of the TAC rather than having to wait for 28 days.

### **Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.