

Statement of Compatibility with Human Rights

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

Small Pelagic Fishery Total Allowable Catch (Quota Species) Determination 2015

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

Section 17 of the *Small Pelagic Fishery Management Plan 2009* (the Plan) provides that AFMA 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 AFMA 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 2015* determines the TAC for each quota species and sub-area for the 2015-16 fishing season.

Advice from the Small Pelagic Fishery Resource Assessment Group (RAG) was considered by the South East Management Advisory Committee (the Committee). The Committee discussed the TAC recommendations at their meeting of 13 April 2015.

The recommended TAC for each quota species for each sub-area in the Fishery were then sent to AFMA's Commission for determination along with all comments from the Committee and RAG.

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. The AFMA Commission is satisfied that the instrument is consistent with AFMA's obligation to pursue its statutory objectives. The instrument is machinery in nature and sets the catch limits for quota species in the fishery thereby allowing statutory fishing right holders the ability to take a proportion of that total allowable catch for the 2015 fishing season.