**Statement of Compatibility with Human Rights**

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

 **Small Pelagic Fishery Overcatch and Undercatch 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**

Sections 29 and 30 of the *Small Pelagic Fishery Management Plan 2009* (the Plan) provide that AFMA may determine a percentage of overcatch and undercatch for a quota species for each sub-area of the Small Pelagic Fishery for a fishing season. The Plan limits AFMA to determining a percentage for overcatch or undercatch no greater than 10 per cent.

Overcatch and undercatch provides for ‘carry over’ or ‘carry under’ of up to the determined percentage of quota between fishing seasons. This allows fishers the flexibility to catch a certain amount of fish over or under their quota, and debit or credit this to or from the following season’s quota.

Advice on these values from the Small Pelagic Fishery Resource Assessment Group (SPFRAG) was considered by the South East Management Advisory Committee (the Committee). The recommended values 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 SPFRAG.

The instrument determines the amounts and percentages for each quota species for a sub-area in relation to undercatch, overcatch and determined weight for the fishing season beginning on 1 May 2015 and concluding on 30 April 2016. The instrument ceases on 1 May 2016.

**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 undercatch and overcatch values for quota species in the fishery thereby allowing statutory fishing right holders the ability to take a proportion of quota over or under their holdings that can be debited or credited to or from their holdings in the following season.