

## **EXPLANATORY STATEMENT**

### **Fisheries Management Plans Amendment 2016**

Issued by the authority of the Minister for Agriculture and Water Resources

*Fisheries Management Act 1991*

Subsection 17(1) of the *Fisheries Management Act 1991* (the Act) provides that the Australian Fisheries Management Authority (AFMA) is to determine plans of management for all fisheries.

Subsection 20(1) of the Act provides that AFMA may at any time amend a plan of management.

AFMA has determined the *Fisheries Management Plans Amendment 2016* (the Plan Amendment) to amend the:

- *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (the BSCZSF Plan);
- *Eastern Tuna and Billfish Fishery Management Plan 2010* (the ETBF Plan);
- *Heard Island and McDonald Islands Fishery Management Plan 2002* (the HIMI Plan);
- *Macquarie Island Toothfish Fishery Management Plan 2006* (the MIT Plan);
- *Southern Bluefin Tuna Fishery Management Plan 1995* (the SBT Plan); and
- *Western Tuna and Billfish Fishery Management Plan 2005* (the WTBF Plan).

It is intended to remove the no longer necessary requirement, in relevant plans of management, to carry a copy of the extract of the register of Statutory Fishing Rights (SFRs) (the Extract) on the boat.

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

### **Need for Amendments**

Historically, the obligation to carry a copy of the extract was necessary to provide evidence of the concession under which a boat is fishing should it be requested by an AFMA official, or fisheries officer.

With the introduction of remote access technologies, AFMA compliance officers can now confirm if a boat is authorised to fish, including the conditions they must comply with, from the field. As such it is no longer necessary for concession holders to be able to produce their extract of register while undertaking fishing activities

## Consultation

Section 20(7) of the Act requires that before determining an amendment to remove a provision of a plan of management AFMA must, within one year of the proposed amendment is to take effect, consult with the management advisory committee (MAC) for the plan's fishery and the peak body representing the holders of SFRs under the plan. Where there is no such MAC or peak industry body AFMA must consult with the holders of the licences, permits or rights for the fishery.

AFMA wrote to the following MAC and industry association notifying them of the proposed amendments and seeking comment:

- Bass Strait Central Zone Scallop Fishery
  - Scallop MAC
  - Tasmanian Scallop Fisherman's Association
  - Victorian Scallop Fisherman's Association
- Eastern Tuna and Billfish Fishery and the Western Tuna and Billfish Fishery
  - Tropical Tuna MAC
- Heard Island and McDonald Islands Fishery and the Macquarie Island Toothfish Fishery
  - South MAC
- Southern Bluefin Tuna Fishery
  - Southern Bluefin Tuna MAC

AFMA also consulted with the Commonwealth Fisheries Association on the proposed amendments.

All MACs and associations consulted supported the proposed amendment.

## Statement of compatibility prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

This legislative instrument does not infringe any of the applicable rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. Accordingly, in AFMA's assessment, this legislative instrument is compatible with human rights.

Details of the Plan Amendment are set out below:

**Part 1** provides for the Plan Amendment to be known as the *Fisheries Management Plans Amendment 2016*.

**Part 2** provides that the Plan Amendment commences on the day after it is registered.

**Part 3** provides that the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* is to be amended in accordance with Schedule 1.

**Part 4** provides that the *Eastern Tuna and Billfish Fishery Management Plan 2010* is to be amended in accordance with Schedule 2.

**Part 5** provides that the *Heard Island and McDonald Islands Fishery Management Plan 2002* is to be amended in accordance with Schedule 3.

**Part 6** provides that the *Macquarie Island Toothfish Fishery Management Plan 2006* is to be amended in accordance with Schedule 4.

**Part 7** provides that the *Southern Bluefin Tuna Fishery Management Plan 1995* is to be amended in accordance with Schedule 5.

**Part 8** provides that the *Western Tuna and Billfish Fishery Management Plan 2005* is to be amended in accordance with Schedule 6.

**Schedule 1 Item 1** omits subsection 22(h) from the BSCZSF Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 1 Item 2** omits note (6) from section 22 of the BSCZSF Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 2 Item 1** omits subsection 5.1(c) from the ETBF Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 3 Item 1** omits subsection 30(h) from the HIMI Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 4 Item 1** omits subsection 29(e) from the MIT Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 5 Item 1** omits subclause 24.2 from the SBT Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

**Schedule 6 Item 1** omits subsection 38(e) from the WTBF Plan which relates to the need to carry a copy of the extract from the Register on board the nominated boat.

## **Statement of Compatibility with Human Rights**

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

### **Fisheries Management Plans Amendment 2016**

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 17(1) of the *Fisheries Management Act 1991* (the Act) provides that the Australian Fisheries Management Authority (AFMA) is to determine plans of management for all fisheries.

Subsection 20(1) of the Act provides that AFMA may at any time amend a plan of management.

AFMA has determined the Fisheries Management Plans Amendment 2016 (the Plan Amendment) to amend the:

- BSCZSF Plan;
- ETBF Plan;
- HIMI Plan;
- MIT Plan;
- SBT Plan; and
- WTBF Plan.

The amendment removes the obligation on concession holders to carry a copy of the extract of the Register on board the nominated boat while undertaking fishing activities.

#### **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 instrument removes an obligation on concession holders as it is no longer required.