



# Western Tuna and Billfish Fishery Management Plan Amendment 2006 (No. 1)

*Fisheries Management Act 1991*

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The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY determines this amendment of the *Western Tuna and Billfish Fishery Management Plan 2005* under section 20 of the *Fisheries Management Act 1991*.

Dated 26 October 2006

PETER WITHERIDGE  
Common seal of the  
Australian Fisheries  
Management Authority

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Accepted on 7 November 2006

ERIC ABETZ  
Minister for Fisheries, Forestry and Conservation

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**1 Name of Management Plan Amendment**

This Management Plan Amendment is the *Western Tuna and Billfish Fishery Management Plan Amendment 2006 (No. 1)*.

**2 Commencement**

This Management Plan Amendment commences on the day after it is registered.

**3 Amendment of *Western Tuna and Billfish Fishery Management Plan 2005***

Schedule 1 amends the *Western Tuna and Billfish Fishery Management Plan 2005*.

**Schedule 1 Amendments**

(section 3)

**[1] Section 3, definition of *WTBF Regulations***

*omit*

2005.

*insert*

2006.

**[2] Section 20, definition of *best 2 years' catches***

*substitute*

*best 2 years' catches* has the meaning given by section 20B.

**[3] Section 20, after definition of *high seas only permit***

*insert*

*notice period* has the meaning given by subsection 23 (1).

**[4] Section 20, after definition of *relevant period***

*insert*

*sequence* has the meaning given by section 20A.

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**[5] Section 20, definition of *total of best catches***

*substitute*

***total of best catches***, for a species of fish and a sequence of old longline permits or a sequence of old minor line permits, means the total of the best 2 years' catches of that species taken in the fishery under all sequences of old longline permits or old minor line permits, as the case may be.

**[6] After section 20**

*insert*

**20A Sequence of permits**

- (1) For this Division, a ***sequence*** of old longline permits means a number of those permits:
  - (a) each of which is connected to another of them; and
  - (b) the earliest of which was in force during the relevant period and the latest of which was held by an eligible person at the end of the notice period.
- (2) For this Division, a ***sequence*** of old minor line permits means a number of those permits:
  - (a) each of which is connected to another of them; and
  - (b) the earliest of which was in force during the relevant period and the latest of which was held by an eligible person at the end of the notice period.
- (3) For subsections (1) and (2), two permits are ***connected*** if:
  - (a) each entitled the holder to fish in the same area of the fishery using the same fishing method; and
  - (b) one permit commenced after the other ceased to have effect; and
  - (c) the later permit was granted to the person that:
    - (i) was the holder of the earlier permit when it ceased to have effect; and
    - (ii) applied to AFMA for the grant; and
  - (d) the later permit was granted because the person held the earlier permit.
- (4) In this Division, a reference to fish taken or caught, or longlines set, ***under a sequence of permits*** is a reference to fish taken or caught, or longlines set, under a permit or permits that form part of the sequence.

**20B Meaning of *best 2 years' catches***

For this Division, the *best 2 years' catches* for a species of fish and a sequence of old longline permits or a sequence of old minor line permits is determined as follows:

**Step 1.** Determine the 2 years, within the relevant period, during which the greatest calculated weight of fish of the species was taken under the sequence of permits.

**Step 2.** The best 2 years' catches is the total calculated weight of that species taken under the sequence in the 2 years.

**[7] Section 24**

*omit*

held,

*insert*

held at the end of the notice period,

**[8] Subsection 25 (1)**

*omit*

held,

*insert*

held at the end of the notice period,

**[9] Subsections 25 (2) and (3)**

*substitute*

(2) For paragraph (1) (a), the number of striped marlin SFRs is:

$$\frac{\text{total number of striped marlin SFRs to be granted}}{\text{total number of sequences of old minor line and sequences of old longline permits held}}$$

(3) For paragraph (1) (b), the number of bigeye SFRs is:

$$(\text{RPV} + \text{CH} \times \text{M:F}) \times \text{total bigeye SFRs to be granted} \times 0.5$$

where:

**CH** (or *catch history*) is:

$$\frac{\text{best 2 years' catches of BET under the person's sequence of old minor line permits}}{\text{total of best 2 years' catches of BET under all sequences of old minor line permits}}$$

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***M:F*** (or ***minor line – fishery ratio***) is:

$$\frac{\text{sum of best 2 years' catches under all sequences of old minor line permits}}{\text{sum of best 2 years' catches under all sequences of old minor line and all sequences of old longline permits}}$$

***RPV*** (or ***relative permit value***) is:

- (a) 0.001215; or
- (b) if the sequence of old minor line permits applied only to the old Southern Tuna and Billfish Fishery or only to the old Western Tuna and Billfish Fishery — 0.000911.

**[10] Subsection 25 (4), definition of *CH***

*substitute*

***CH*** is:

$$\frac{\text{best 2 years' catches of BBS under the person's sequence of old minor line permits}}{\text{total of best 2 years' catches of BBS under all sequences of old minor line permits}}$$

**[11] Subsection 25 (5), definition of *CH***

*substitute*

***CH*** is:

$$\frac{\text{best 2 years' catches of YFT under the person's sequence of old minor line permits}}{\text{total of best 2 years' catches of YFT under all sequences of old minor line permits}}$$

**[12] Section 25, at the foot**

*insert*

*Note* The last in a sequence of old minor line permits or old longline permits is held by an eligible person at the end of the notice period: see section 20A.

**[13] Subsection 26 (1)**

*omit*

held,

*insert*

held at the end of the notice period,

**[14] Subsections 26 (2) and (3)**

*substitute*

(2) For paragraph (1) (a), the number of striped marlin SFRs is:

$$\frac{\text{total number of striped marlin SFRs to be granted}}{\text{total number of sequences of old minor line and sequences of old longline permits held}}$$

(3) For paragraph (1) (b), the number of bigeye SFRs is:

$$(\text{RPV} + (\text{CH} \times 0.7 + \text{SH} \times 0.3) \times \text{L:F}) \times \text{total bigeye SFRs to be granted} \times 0.5$$

where:

**CH** (or *catch history*) is:

$$\frac{\text{best 2 years' catches of BET under the person's sequence of old longline permits}}{\text{total of best 2 years' catches of BET under all sequences of old longline permits}}$$

**L:F** (or *longline – fishery ratio*) is:

$$\frac{\text{sum of best 2 years' catches under all sequences of old longline permits}}{\text{sum of best 2 years' catches under all sequences of old minor line and old longline permits}}$$

**RPV** (or *relative permit value*) is:

- (a) 0.013164; or
- (b) if the sequence of old longline permits applied only to the old Southern Tuna and Billfish Fishery or only to the old Western Tuna and Billfish Fishery — 0.008101.

**SH** (or *set history*) is calculated as follows:

**Step 1.** Determine the 2 years, within the relevant period, during which a longline was set under the sequence of old longline permits the greatest number of times.

**Step 2.** Count, from logbook records held by AFMA, the total number of times a longline was set under the sequence in the 2 years determined in Step 1, giving the best 2 years' sets for the sequence.

**Step 3.** Calculate the total number of best 2 years' sets for all sequences of old longline permits.

**Step 4.** Divide the best 2 years' sets for the sequence of old longline permits by the result of Step 3, giving the set history for the sequence of permits.

**[15] Subsection 26 (4), definition of CH***substitute***CH** is:
$$\frac{\text{best 2 years' catches of BBS under the person's sequence of old longline permits}}{\text{total of best 2 years' catches of BBS under all sequences of old longline permits}}$$
**[16] Subsection 26 (5), definition of CH***substitute***CH** is:
$$\frac{\text{best 2 years' catches of YFT under the person's sequence of old longline permits}}{\text{total of best 2 years' catches of YFT under all sequences of old longline permits}}$$
**[17] Section 26, after note 2***insert*

*Note 3* The last in a sequence of old minor line permits or old longline permits is held by an eligible person at the end of the notice period: see section 20A.

**[18] Subsection 27 (1)***substitute*

- (1) If:
- (a) an eligible person holds a sequence of permits; and
  - (b) but for this section, fewer SFRs would be available to the eligible person under section 25 or 26 because of a serious misfortune suffered, during the relevant period, by the eligible person or a previous holder of a fishing permit in the sequence;

AFMA may:

- (c) in calculating the number of SFRs to be available to the eligible person under section 25 or 26, as the case requires, calculate the best 2 years' catches of a species of fish under the sequence of permits by using, for the period of the serious misfortune, the average catch of the species in the fishery under all sequences of that kind (old longline or old minor line, as the case may be) during that period; and
- (d) in calculating the number of SFRs to be available to the eligible person under section 26, calculate the best 2 years' sets for the relevant sequence of permits for Step 1 of the definition of SH in subsection 26 (3), by using, for the period of the serious misfortune, the average number of times a longline was set in the fishery under all sequences of old longline permits during that period.

**[19] Section 27, at the foot**

*insert*

*Note* If the holder of an old longline permit or old minor line permit suffered a serious misfortune that affected the holder's ability to fish under more than 1 permit, the total time of the misfortune is taken into account.