



Australian Government

Australian Fisheries Management Authority

Explanatory Statement

Fisheries Management Act 1991

Southern and Eastern Scalefish and Shark Fishery Management Plan 2003

Temporary Order - *Southern and Eastern Scalefish and Shark Fishery (GAB Boundary) Temporary Order 2008*

Section 43 of the *Fisheries Management Act 1991* (the Management Act) provides for the Australian Fisheries Management Authority (the Authority) to make an order to enable quick action to deal with (*inter alia*), circumstances where urgent action is required for purposes related to the management of a fishery. Pursuant to section 92(1) of the *Fisheries Administration Act 1991*, the Authority has delegated its powers and functions under section 43 of the Management Act to the Chief Executive Officer of the Authority.

In this instance, the Authority has exercised its powers to create this Temporary Order to amend the boundaries of the Great Australian Bight (GAB) Trawl Fishery to correct a drafting error when the SESSF plan was first implemented in 2003.

The purpose of this Temporary Order is to amend items 14 and 15 of the table in clause 3 of Part 2 of Schedule 1 of the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* for the extension of the GAB boundary, until such time as a Plan amendment can be made under section 17 of the *Fisheries Management Act*.

By its nature, the Temporary Order is a temporary 'fix' to introduce the required management measures for the GAB boundary amendment under the SESSF Management Plan. The Temporary Order will have effect for the maximum period allowed, being 6 months. Whilst the Temporary Order is in force, only one further order, the same in substance as the first order, may be made, provided that the further order is made prior to the expiry date of the initial order. What this means is the new management measures for the GAB boundary amendment under the SESSF Plan can only last for a maximum of 12 months, during which time, the Authority, following consultation with industry, will amend the SESSF Management Plan to incorporate the amendment. The Temporary Order is also classified as a disallowable instrument.

The Southern and Eastern Scalefish and Shark Fishery

The Southern and Eastern Scalefish and shark fishery is a multi-method multi-species fishery that lands fresh scalefish and shark for the Australian market and for export. The area of the Fishery stretches south from Fraser Island in southern Queensland, around Tasmania to Cape Leeuwin in southern Western Australia. It comprises a number of historically separate fisheries which had substantial overlap in their areas of operation and species targeted. These fisheries were:

- The South East Trawl Fishery;
- The Gillnet, Hook and Trap Fishery (formerly the South East Non-trawl Fishery and the Southern Shark Fishery) and
- The Great Australian Bight Trawl Fishery.

The Fishery also encompasses the Commonwealth Victorian Inshore Trawl Fishery and the East Coast Deepwater Zone which adjoined the area of the South East Trawl Fishery. Together, all of these fisheries produce annual commercial catches with an estimated value of \$90 million.

Most of the commercially important species in the fishery are by Total Allowable Catches through Quota Statutory Fishing Rights (SFRs). Quota SFRs are fully tradeable and can either be permanently transferred or leased. The exceptions to this are the main target species in the East Coast Deepwater Zone, alfonsino and the three main target species in the Great Australian Bight Trawl Fishery, bight redfish, deepwater flathead and orange roughy.

Background to the fishery

The *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* was determined by AFMA's Managing Director on 5 September 2003. The fishery is managed by a combination of output controls (that limit the amount of fish that can be taken from the fishery) in the form of quota statutory fishing rights and input controls (that limit the number of vessels and type of gear that can be used in the fishery). Operators are required to have a boat SFR to fish in the fishery and quota SFRs to cover their catch of all quota species.

Consultation

Consultation on the amendment was initiated by industry during 2005 as an action item from the Great Australian Bight Trawl Management Advisory Committee (GABMAC) which was followed by a formal request from the Great Australian Bight Fishing Industry Association Inc (GABIA). All concession holders in the GAB fishery are members of GABIA, and that Association indicated unanimous support for the amendment from industry. The Authority has also undertaken consultation with the South Australian Government in regard to the need to apply management measures for the boundary amendment covered by the order. The Authority is satisfied the Temporary Order is a necessary action to remove confusion between operators and AFMA as to where the extent of the boundary is located and where an offence is likely to take place.

Regulation Impact Statement

The Office of Best Practice Regulation advised AFMA that a Regulation Impact Statement is not required for the *Southern and Eastern Scalefish and Shark Fishery (SESSF Reconciliation Periods) Temporary Order 2006*. (OBPR ID 9709)

The Order

Details of the Order are set out below:

- Clause 1** Provides that the order is the *Fisheries Management (Southern and Eastern Scalefish and Shark) Temporary Order 2008*.
- Clause 2** Provides for the commencement of the Order.
- Clause 3** Provides for the extension of the Commonwealth GAB Trawl Sector boundary from the reference point 33° 41'S, 132° 00'E, to the new reference point 33° 32'S, 132° 00'E, which effectively moves the boundary, at longitude 132° 00', 9nm north. This extension is effected by amendment to the table in clause 3 of Part 2 of Schedule 1 to the *Southern and Eastern Scalefish and Shark Management Plan 2003*, as follows:

- Item 14 of the table will now read “North-westerly along the geodesic to 33° 56’ 00”S, 132° 30’ 00”E.”
- Item 15 of the table will now read “Westerly along the geodesic to 33° 32’ 00”S, 132° 00’ 00”S.”