

Statement of Compatibility with Human Rights

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

Western Tuna and Billfish Fishery Overcatch and Undercatch Determination 2014

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 11(1) of the *Western Tuna and Billfish Fishery Management Plan 2005* (the Plan) provides that the Authority must, during the course of the season, determine a percentage (the ‘determined percentage’) and or weight (the ‘determined weight’) for the purpose of applying the overcatch provisions to individual Statutory Fishing Right (SFR) holders who exceed their quota for the season. Subsection 11(1) of the Plan further provides that the Authority must, during the course of the season, determine a percentage (the ‘determined percentage’), for the purpose of applying the undercatch provisions to individual SFR holders whose catch is less than their quota for the season.

This instrument determines the amounts and percentages for each quota species in relation to undercatch and overcatch for the fishing season commencing on 1 February 2014 and concluding on 31 January 2015. Undercatch and overcatch provides for ‘carry over’ or ‘carry under’ of a small amount of end of season quota between fishing seasons thereby allowing 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.

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 Authority’s Commission determined the undercatch and overcatch percentages and determined weight at its meeting on 24 February 2014.

The Commission was satisfied that the percentages and amount it determined were consistent with the Authority’s obligation to pursue its statutory objectives, specified in section 3 of the Act and section 6 of the *Fisheries Administration Act 1991*.