

EXPLANATORY STATEMENT

Issued by the Authority of the
Australian Fisheries Management Authority

Fisheries Management Act 1991
Eastern Tuna and Billfish Fishery Management Plan 2010

E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015 NO. 2

Subsection 40A of the *Fisheries Management Act 1991* (the Management Act) provides that the Australian Fisheries Management Authority (the Authority) may make a written direction requiring any person who holds a fishing concession, or a scientific permit, of a class prescribed in the direction, to comply with obligations that are prescribed in the direction relating to the e-monitoring of fishing related activity or prescribed restrictions on engaging in fishing if any obligation in the direction has not been, or is not being complied with.

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

The Fishery

The Eastern Tuna and Billfish Fishery (ETBF) covers the area of waters in the Australian Exclusive Economic Zone (EEZ) included on the east coast of Australia between the south Australia/Victoria border and Cape York in the North. The ETBF also includes a restricted entry zone in the Coral Sea and a high seas zone that provides specific arrangements for fishing in the ETBF beyond the Australian EEZ.

Management in the ETBF is by output controls in the form of individually transferable quotas granted under the Plan.

Background to Direction

The Authority is established under the *Fisheries Administration Act 1991* (FA Act) and the objectives that it must pursue are contained in section 3 of the Management Act and section 6 of the FA Act.

In order to effectively carry out its legislative objectives and functions, AFMA requires accurate and comprehensive data on fishing activity. Under legislation, AFMA is required to ensure that the exploitation of fisheries resources is ecologically sustainable, to implement efficient and cost-effective fisheries management and to collect information about possible breaches of the law and the management of and research into fisheries and the marine environment.

E-monitoring involves the electronic recording of fishing and related activities for data collection and compliance purposes, through the use of specialised equipment installed on boats. E-monitoring equipment can include cameras, global positioning systems or sensors, and vessel monitoring systems, and can therefore generate a range of visual and non-visual e-monitoring data. E-monitoring complements other monitoring techniques, such as logbooks and observers and, over time, is expected to largely replace the use of observers.

E-monitoring has previously been trialled in the ETBF since 2006 with a large scale 10 boat trial in 2009-10. E-monitoring has been found to meet all of the independent monitoring needs in the ETBF and is more cost effective than using human observers.

The Direction

The E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015 NO. 2 directs concession holders in the ETBF to comply with e-monitoring obligations. The direction requires certain concession holders in the ETBF to have an e-monitoring system installed and operating on a nominated boat by 1 July 2015.

The direction also requires concession holders to monitor the functioning of the e-monitoring system and provide certain information to the Authority.

Consultation

AFMA consulted widely before developing this direction.

AFMA consulted with the Tropical Tuna Management Advisory Committee (TTMAC) on 26 March 2015. TTMAC provided comments and suggested some changes to the draft direction. All recommended changes suggested by TTMAC have been incorporated into the direction.

AFMA also consulted with individual fishing concession holders, a number of whom made submissions which were taken into account by the Authority.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this direction consistent with the agreement in place to cover all regulatory changes deemed to be of a minor or machinery nature (ID:17027).

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

The direction 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. The direction places limitations on the prohibition on interference with privacy and the right to work; however, those limitations are reasonable, necessary and proportionate.

Details of the direction are set out below:

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| Clause 1 | Provides for the direction to be cited as the <i>E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015 NO. 2</i> . |
| Clause 2 | Provides that the direction commences on the day after it is registered on the Federal Register of Legislative Instruments. |
| Clause 3 | Provides that the direction ceases on 31 December 2024 unless earlier revoked. |
| Clause 4 | Revokes the E-MONITORING (EASTERN TUNA AND BILLFISH FISHERY) DIRECTION 2015. |

- Clauses 5-9** Provides definitions for certain terms mentioned in the direction and that terms used in the direction that are defined in the Eastern Tuna and Billfish Fishery Management Plan 2010 (the Plan) and the Management Act, have the same meanings they have in the Plan and Management Act.
- Clauses 10-13** Provides for the requirements to install and operate an e-monitoring system.
- Clauses 14-19** Provides for the requirements to monitor the functioning of an e-monitoring system and provide to e-monitoring data.
- Clauses 20-21** Provides for the requirements to provide certain information to AFMA.
- Clauses 22-24** Provides for miscellaneous requirements.