

## **EXPLANATORY STATEMENT**

**Issued by the authority of the Torres Strait Protected Zone Joint Authority**

*Torres Strait Fisheries Act 1984*  
*Torres Strait Prawn Fishery Management Plan 2009*

### **Torres Strait Prawn Fishery Fishing Season Determination 2015**

The *Torres Strait Prawn Fishery Fishing Determination 2015* (the Determination) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Section 15A of the *Torres Strait Fisheries Act 1984* (the Act) provides that the Minister may, by legislative instrument, determine a plan of management for a fishery in an area of Australian jurisdiction. A management plan made under the Act is to set out, amongst other things, the objectives of the plan of management and measures by which the objectives are to be attained.

Subsection 2.3(1) of the *Torres Strait Prawn Fishery Management Plan 2009* (the Plan) provides that, subject to subsection (2), the fishing season is the period from 6 pm on 1 March to 6 am on 1 December local time in a year (the *usual period*).

Subsection 2.3(2) of the Plan provides that the Protected Zone Joint Authority (PZJA) may determine that the fishing season in a particular year is to be a period other than the usual period.

Subsection 2.3(3) of the Plan provides that a determination made under subsection 2.3(2) for a year must:

- a) be made at least 2 weeks before the start of the fishing season or, if the determination is extending the fishing season, at least 2 weeks before the end of the fishing season; and
- b) be published on the PZJA website, and if practicable, notified to all holders of Torres Strait Prawn Fishery (TSPF) licences and TSPF Treaty endorsements.

The Determination determines the fishing season for the TSPF for the 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025 fishing seasons as the period from 6 pm on 1 February in the respective year to 6 am on 1 December local time in the same year.

### **Consultation**

At the PZJA meeting on 5 August 2015, the PZJA agreed to an earlier opening date (1 February) in the TSPF starting in the 2016 season. The decision initiated the process for changing the season dates, which also required, and included a Native Title notification

period, under the requirements of the *Native Title Act 1993* allowing Native Title holders to comment on the proposed changes.

The determination allows for fishing activity to commence in the TSPF one month earlier than provided for in the usual period specified in the Plan. This will allow concession holders in the TSPF more time to supply product to market in time for the Easter period.

### **Regulation Impact Statement**

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this Determination due to it being minor in nature. (OBPR ID: 19680)

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

The PZJA assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that this legislative instrument is compatible with human rights. The PZJA's Statement of Compatibility is attached.

Details of the Determination are set out below:

- Clause 1** Provides for the Determination to be cited as the *Torres Strait Prawn Fishery Fishing Season Determination 2015*.
- Clause 2** Provides that the Determination commences on the day after registration on the Federal Register of Legislative Instruments.
- Clause 3** Provides that a term used in the Determination and in the Plan or Act has the same meaning in the Determination as in the Plan or Act.
- Clause 4** Determines the fishing season for the Torres Strait Prawn Fishery for the 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025 fishing seasons as the period from 6 pm on 1 February in the respective year to 6 am on 1 December local time in the same year.

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

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

### **Torres Strait Prawn Fishery Fishing Season Determination 2015**

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 2.3(1) of the *Torres Strait Prawn Fishery Management Plan 2009* (the Plan) provides that, subject to subsection (2), the fishing season is the period from 6 pm on 1 March to 6 am on 1 December local time in a year (the *usual period*).

Subsection 2.3(2) of the Plan provides that the Protected Zone Joint Authority (PZJA) may determine that the fishing season in a particular year is to be a period other than the usual period.

The Determination determines the fishing season for the Torres Strait Prawn Fishery for the 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025 fishing seasons as the period from 6 pm on 1 February in the respective year to 6 am on 1 December local time in the same year.

#### **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 determination allows for fishing activity to commence in the TSPF one month earlier than provided for in the usual period specified in the Plan. This will allow concession holders in the TSPF more time to supply product to market in time for the Easter period.