

EXPLANATORY STATEMENT

Issued by authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991

Southern Squid Jig Fishery Management Plan 2005

Southern Squid Jig Fishery (Total Allowable Effort) Determination 2021

Legislative Authority

Subsection 17(5) of the *Fisheries Management Act 1991* (the Act) provides that a plan of management 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.

Paragraph 17(6)(aa) of the Act provides that a plan of management made may determine or provide for the Australian Fisheries Management Authority (AFMA) to determine the fishing capacity permitted for the fishery or a part of the fishery in respect of a particular period or periods.

Subsection 11(1) of the *Southern Squid Jig Fishery Management Plan 2005* (the Management Plan) provides that, prior to the start of each fishing year, AFMA must determine the total allowable effort (TAE) for the Southern Squid Jig Fishery (the Fishery) for the fishing year.

The Southern Squid Jig Fishery (Total Allowable Effort) Determination 2021 (the Determination), made under subsection 11(1) of the Management Plan, is a legislative instrument for the purposes of the *Legislation Act 2003* (see subsection 17(6B) of the Act).

Purpose

The Determination determines the TAE for the 2022 fishing year, commencing on 1 January 2022 and ending on 31 December 2022 in the Fishery. The TAE is determined to be 550 standard squid jigging machines.

The TAE determined in section 6 of the Determination is considered to be consistent with the objectives of the Management Plan to ensure ecological sustainability of the target stocks and bycatch, and to maximise economic efficiency in the exploitation of the Fishery resource.

Background

The Fishery is a low impact, single method, single species fishery that covers almost half of the Australian Fishing Zone. The major landing ports are located in Portland (Victoria), Queenscliff (Victoria) and Triabunna (Tasmania). Gould's squid (*Nototodarus gouldi*, also known as arrow squid) is the key commercial species targeted in the Fishery.

Management arrangements in the Fishery are primarily implemented to manage effort; including restricting the number of boats and regulating gear type. The permitted fishing gear in the Fishery is a ‘standard squid jigging machine,’ which is defined in section 3 of the Management Plan as: “... *a squid jigging machine that has two elliptical spools with one jig line on each spool.*” There are no restrictions on the amount of line, number or type of squid jigs that can be used with each standard jig machine.

Consultation

Subsection 11(2) of the Management Plan provides that before determining the TAE for a fishing year, AFMA must consult, and consider the views of the Southern Squid Jig Fishery Resource Assessment Group (SquidRAG) and the South East Management Advisory Committee (SEMAC); and may consult, and consider the views of, any other interested person.

AFMA consulted on the proposed TAE for the 2022 fishing year with SquidRAG on 8 October 2021 and with SEMAC on 27 October 2021. The TAE determined for the 2022 fishing year is consistent with the advice provided by both SquidRAG and SEMAC.

SquidRAG is the research and scientific committee which contributes to the management of the Fishery and provides advice to SEMAC and AFMA. Industry, fisheries scientists and economists are represented on SquidRAG.

SEMAC is an overarching committee that provides management advice to AFMA for the Southern and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and the Fishery. SEMAC advice is about efficient and cost-effective fisheries management, taking into account scientific advice. SEMAC receives advice from SquidRAG and uses such advice to inform its recommendations. Similar to SquidRAG, industry, state government, research, recreational, environment and other interested groups are represented on SEMAC.

Regulation impact statement

The Office of Best Practice Regulation does not require a Regulatory Impact Statement for the Determination consistent with carve-out arrangements with AFMA for instruments of a minor or machinery nature such as the setting of a total allowable effort for a fishery (OBPR reference 14421).

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

This legislative instrument does not infringe any of the applicable rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. Accordingly, in AFMA’s assessment, this legislative instrument is compatible with human rights. A statement of compatibility is included at Attachment A.

Details of the Determination are set out below:

- Section 1** Provides that the name of the instrument is the *Southern Squid Jig Fishery (Total Allowable Effort) Determination 2021*.
- Section 2** Provides that the Determination commences on 1 January 2022.
- Section 3** Provides that the Determination ceases on 1 January 2023.
- Section 4** Provides that the Determination is made under section 11 of the Management Plan for the purpose of paragraph 17(6)(aa) of the Act.
- Section 5** Provides relevant definitions for the Determination. The note explains a number of expressions used in the Determination are defined in the definitions section, section 3 of the Management Plan, including ***fishing year***, ***standard squid jigging machine***; and ***total allowable effort*** or ***TAE***.
- fishing year*** means a calendar year.
- standard squid jigging machine*** means a squid jigging machine that has 2 elliptical spools with 1 jig line on each spool.
- total allowable effort*** or ***TAE***, for a fishing year, means the total number of standard squid jigging machines that may be used for squid jigging in the fishery in the fishing year.
- Section 6** Section 6 determines the TAE for the fishery for the 2022 fishing year as 550 standard squid jigging machines. This TAE is consistent with the Management Plan and the advice received from the SquidRAG and SEMAC.

Statement of Compatibility with Human Rights

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

Southern Squid Jig Fishery (Total Allowable Effort) Determination 2021

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 17(5) of the *Fisheries Management Act 1991* (the Act) provides that a plan of management 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.

Paragraph 17(6)(aa) of the Act provides that a plan of management made under the Act may determine or provide for the Australian Fisheries Management Authority (AFMA) to determine the fishing capacity permitted for the fishery or a part of the fishery in respect of a particular period or periods.

Subsection 11(1) of the *Southern Squid Jig Fishery Management Plan 2005* (the Management Plan) provides that, prior to the start of each fishing year, AFMA must determine the total allowable effort (TAE) for the Southern Squid Jig Fishery (the Fishery) for the fishing year.

The *Southern Squid Jig Fishery (Total Allowable Effort) Determination 2021* (the Determination) sets the TAE for the 2022 fishing year in the Fishery as 550 standard squid jigging machines.

The TAE determined is considered to be consistent with the objectives of the Management Plan to ensure ecological sustainability of the target stock and bycatch, and maximise the economic efficiency in the exploitation of the fishery resource.

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.