

EXPLANATORY STATEMENT

Issued by the Authority of the Australian Fisheries Management Authority

*Fisheries Management Act 1991
Western Tuna and Billfish Fishery Management Plan 2005*

Western Tuna and Billfish Fishery (Total Allowable Commercial Catch) Determination (No.2) 2024

Paragraph 17(6)(aa) of the *Fisheries Management Act 1991* (**the Act**) provides that a plan of management made under the Act may 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 *Western Tuna and Billfish Management Plan 2005* (**Management Plan**) provides that AFMA must, before the start of each fishing season, determine the Total Allowable Commercial Catch (**TACC**) for each quota species for the season. Subsection 11(3) of the Management Plan provides that a determination of the TACC must specify the TACC, expressed as a whole weight or another weight, as specified in the determination. Section 3 of the Management Plan provides that fishing season means the period determined by AFMA. Section 6 of the *Western Tuna and Billfish Fishery (Fishing Season) Determination 2022* determines that the fishing season in the Western Tuna and Billfish Fishery is the period starting on 1 February in a year and ending on 31 January in the following year.

Subsection 11(2) of the Management Plan provides that, before AFMA determines a TACC for a quota species for a fishing season, it must consider information given by the advisory committee, other interested Australian and international bodies and other interested persons; the total estimated catch by the commercial, recreational, indigenous and any other users of the fishery; information about the sustainability of marine species in the area of the fishery; the reference points set for the stocks of quota species; the precautionary principle; any decision made by the Minister or an intergovernmental Ministerial Council about resource sharing in the fishery; any decision rule used for setting the TACC; and the likely effect, for the fishing season, of any overcatch permitted.

The instrument determines the total allowable commercial catch for quota species in the Western Tuna and Billfish Fishery (**the Fishery**) for the 2025-26, 2026-27 and 2027-28 fishing seasons.

The *Western Tuna and Billfish Fishery (Total Allowable Commercial Catch) Determination (No.2) 2024* (**the Determination**) is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Fishery

The Fishery covers the area of waters in the Australian Exclusive Economic Zone (**EEZ**) included on the west coast of Australia, westward from Cape York Peninsula (142°30'E) off Queensland to 34°S off the west coast of Western Australia. It also extends eastward from 34°S off the west coast of Western Australia, across the Great Australian Bight to 141°E at the South Australian/Victorian border. The Fishery also includes Australian waters outside of 12 nm off Christmas Island and Cocos Keeling Islands. The Management Plan also applies to Australian boats fishing on the high seas within the Indian Ocean Tuna Commission's (**IOTC**) Area of Competence.

Management in the Fishery has been through output controls in the form of individually transferable quotas since the Management Plan was determined in 2005.

Consultation

The Tropical Tuna Resource Assessment Group (**TTRAG**) provides scientific advice on TACCs, and other scientific fisheries matters, for the ETBF. TTRAG comprises scientific, industry, recreational fishing and management stakeholders who are appointed following a public application process. Casual observers, together with invited participants, also attend TTRAG meetings. Tuna Australia, the peak industry body, is an invited participant to TTRAG. Advice from TTRAG is considered by the Tropical Tuna Management Advisory Committee (**TTMAC**) (comprising the same stakeholder groups as TTRAG), which subsequently recommends TACCs for each quota species to the AFMA Commission.

The AFMA Commission considered advice from TTMAC and TTRAG and determined the TACCs for all quota species at its meeting on 12-13 November 2024.

The AFMA Commission determined the TACCs for Yellowfin Tuna, Bigeye Tuna, Broadbill Swordfish and Striped Marlin for a period of three years.

Impact Assessment

The Office of Impact Analysis has advised that a detailed Impact assessment is not required for this determination, consistent with the agreement in place to cover all regulatory changes of a minor or machinery nature (OIA reference OIA23-06107).

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

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

Details of the Determination are set out below:

- Clause 1** Provides for the Determination to be cited as the *Western Tuna and Billfish Fishery (Total Allowable Commercial Catch) Determination (No.2) 2024*.
- Clause 2** Provides that the Instrument commences on 1 February 2025.
- Clause 3** Provides that the Instrument is made pursuant to paragraph 17(6)(aa) of the *Fisheries Management Act 1991* and under sections 3 and 11 of the *Western Tuna and Billfish Fishery Management Plan 2005*.
- Clause 4** Provides that a number of the expressions used in this instrument are defined in the section 3 of the Management Plan, including the following:

fishing season means the period determined by AFMA.

Western Tuna and Billfish Fishery means fishing for fish of primary species, secondary species or both, in the area of the fishery.

TACC, or total allowable commercial catch, for a quota species and a fishing season, means the total weight of fish of that species that, under this Management Plan, may be taken during that season.

quota species means a primary species that is subject to a quota.

Clause 5 Provides that the instrument ceases on 31 January 2028 unless revoked earlier.

Clause 6 Determines the total allowable commercial catch for quota species: Bigeye Tuna, Yellowfin Tuna, Broadbill Swordfish and Striped Marlin, in the Western Tuna and Billfish Fishery, for the 2025-26 fishing season commencing on 1 February 2025 and ending on 31 January 2026, the 2026-27 fishing season commencing on 1 February 2026 and ending on 31 January 2027, and the 2027-28 fishing season commencing on 1 February 2027 and ending on 31 January 2028.

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 (Total Allowable Commercial Catch) Determination (No.2) 2024

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

This Instrument sets the total allowable commercial catch for quota species: Bigeye Tuna, Yellowfin Tuna, Broadbill Swordfish and Striped Marlin, in the Western Tuna and Billfish Fishery, for the 2025-26 fishing season commencing on 1 February 2025 and ending on 31 January 2026, the 2026-27 fishing season commencing on 1 February 2026 and ending on 31 January 2027, and the 2027-28 fishing season commencing on 1 February 2027 and ending on 31 January 2028.

Assessment of human rights implications

As this legislative instrument is of a mechanical nature, it 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.