



Australian Government

Australian Fisheries Management Authority

**FISHERIES MANAGEMENT ACT 1991
SOUTHERN AND EASTERN SCALEFISH AND SHARK FISHERY
MANAGEMENT PLAN 2003
2008 SESSF D3**

**SOUTHERN AND EASTERN SCALEFISH AND SHARK FISHERY
OVERCATCH AND UNDERCATCH (2008 Fishing Year)
DETERMINATION**

The Australian Fisheries Management Authority makes the following determination under section 24 of *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.

Dated this 19 March 2008

Peter Witheridge



The Common seal of the Australian Fisheries Management Authority was affixed in accordance with a resolution of the Board

Citation

1. This Determination may be cited as 2008 SESSF D3.

Commencement

2. This Determination commences on the day after registration on the Federal Register of Legislative Instruments.

Interpretation

3. (a) In this determination, the terms 'East' and 'West' in the table in clause 4, in relation to the species 'Deepwater shark' mean:
 - (i) East – the Gemfish eastern zone, as defined in Part 3 of Schedule 1 to the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.
 - (ii) West – the Gemfish western zone, as defined in Part 3 of Schedule 1 to the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.
- (b) Otherwise, a term used in this Determination:
 - (i) Takes the meaning given to it in the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*; or

- (ii) If no meaning is given to the term in the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*, takes the meaning given to that term under the *Fisheries Management Act 1991*.

Determination of overcatch and undercatch

4. Under section 24 of the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*, the 'determined amount' and determined percentages' for each quota species for the 2008 Fishing Year (1 May 2008 to 30 April 2009) are:

Quota Species	Determined Percentage (Overcatch – s22 and s22A)	Determined Percentage (Undercatch – s23)	Determined Amount (s22A) (kg)
Alfonsino	10	10	2,000
Bight Redfish	10	10	2,000
Blue Eye Trevalla	10	10	2,000
Blue Grenadier	10	10	2,000
Blue Warehou	10	10	2,000
Deepwater Flathead	10	10	2,000
Deepwater Shark Basket - East	10	10	2,000
Deepwater Shark Basket - West	10	10	2,000
Elephant Fish	0	10	2,000
Flathead	10	10	2,000
Gemfish Eastern	10	10	2,000
Gemfish Western	10	10	2,000
Gummy Shark	0	10	2,000
Jackass Morwong	10	10	2,000
John Dory	10	10	2,000
Mirror Dory	10	10	2,000
Ocean Perch	10	10	2,000
Orange Roughy Cascade	10	10	2,000
Orange Roughy Eastern	10	10	2,000
Orange Roughy Southern	10	10	2,000
Orange Roughy Western	10	10	2,000
Orange Roughy GAB Albany/Esperance	10	10	2,000
Oreo, Smooth – Cascade	10	10	2,000

Quota Species	Determined Percentage (Overcatch – s22 and s22A)	Determined Percentage (Undercatch – s23)	Determined Amount (s22A) (kg)
Oreo, Smooth – Other	10	10	2,000
Oreo, Basket	10	10	2,000
Pink Ling	10	10	2,000
Redfish	10	10	2,000
Ribaldo	10	10	2,000
Royal Red Prawn	10	10	2,000
Saw Shark	0	10	2,000
School Whiting	10	10	2,000
School Shark	0	10	2,000
Silver Trevally	10	10	2,000
Silver Warehou	10	10	2,000

EXPLANATORY STATEMENT

Issued by the Authority of the Managing Director
of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003

Southern and Eastern Scalefish and Shark Fishery overcatch and undercatch (2008 Fishing Year) Determination

Subsection 17(5) 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 give particular determinations for the purposes of attaining the objectives of the plan of management.

Subsection 17(6aa) of the Act provides that a plan of management may determine, or provide for AFMA to determine, the fishing capacity for a fishery measured by that method or those methods permitted for the fishery or a part of the fishery in respect of a particular period or periods.

Section 24 (1) of the *Southern and Eastern Scalefish and Shark Management Plan 2003* (the Plan) provides that AFMA must, no later than 31 March immediately before the commencement of each fishing year, determine amounts and percentages for sections 22, 22A and 23 for each quota species for the fishing year. These provisions concern the calculation of undercatch and overcatch.

Section 24 (3) of the Plan provides that, before AFMA determines an amount or percentage for a quota species for a fishing year, it must consult and consider the views of each relevant management advisory committee; it must take into account advice from the relevant fishery assessment group about the stock status of a quota species and may consider the views of any other interested person; it must also take into account the precautionary principle; and, it may consider the views (if any) of any interested person.

The Fishery

The Southern and Eastern Scalefish and Shark Fishery (SESSF) covers the area of waters from around 80nm off the coast near Fraser Island, Queensland to Cape Leeuwin, Western Australia. The area of this fishery covers nearly half of the waters within the Australian Fishing Zone (AFZ) of mainland Australia and Tasmania. The SESSF has complex jurisdictional arrangements, because of different Offshore Constitutional Settlements (OCS) with all Australian States.

The SESSF is managed using a mixture of input and output controls. There is a limit on the number of boats that operate in each sector as well as limits on mesh size and the amount of fishing gear that can be used. Individual Transferable Quotas (ITQs) were introduced into the South East Trawl Fishery (SETF) in 1992 for 16 scalefish species. In the South East Non Trawl Fishery (SENTF), ITQs were introduced for 3 key species in 1998, with the remaining SETF scalefish species in 2002. ITQs for School and Gummy Shark were introduced to Southern Shark Fishery (SSF), SETF and Great Australian

Bight Trawl Fishery (GABTF) in 2001, ITQs for the Elephant Fish family and Saw Shark was introduced in 2002 to the SETF, SSF and GABTF. ITQs for all the shark species were introduced in the SENTF in 2003. In 2005 ITQs were introduced into the SESSF for deepwater species, Smooth Dory – Cascade Plateau, Smooth Dory – all of SESSF except Cascade Plateau, Oreos (mixed basket of warty, spiky, rough and black oreo), Deepwater Sharks (east and west sectors) and Ribaldo Cod. In 2006 ITQs were introduced into the SESSF for Alfonsino, Deepwater Flathead, Bight Redfish and Orange Roughy GAB Esperance and Albany. Blue Warehouse was also been split into east and west sectors which are implemented through management controls rather than separate ITQs for each sector.

Overcatch, undercatch and determined amounts are provisions in the management plan that allow for small variations in catch composition, towards the end of the fishing season, that are not able to be accurately predicted by commercial operators.

Overcatch percentages act as an administrative penalty that reduces the need for AFMA to pursue operators for small amounts of overcatch without the need for legal action.

Undercatch percentages provide a positive incentive for operators to fish within their entitlements allowing them to carryover uncaught quota, equivalent to the amount of undercatch, capped at a maximum of 10%, to the next fishing season.

The determined amount is also an administrative penalty which is subtracted from an operator's quota holding at a rate of 2 to 1. Like overcatch this is a cost effective way to ensure operators maintain their annual catches to within a reasonable approximation of their quota holdings. Catches above the determined amount automatically attract legal proceedings.

These amounts are set at levels that take into consideration relevant AFMA policies to manage fish stocks while maintaining the effective operation of the commercial market in ITQs.

The Southern and Eastern Scalefish and Shark Fishery Overcatch and Undercatch (2008 Fishing Year) Determination, determines the overcatch and undercatch percentages and determined amounts, for quota species in the SESSF for the period 1 May 2008 to 30 April 2009. The terms 'determined amount' and 'determined percentage' are defined in section 21A of the Plan.

Consultation

The AFMA consultation process began with Resource Assessment Groups (RAGs) where scientific members presented industry and management members and observers with relevant species stock assessments for comment. This year, stock assessments within the Harvest Strategy Framework (HSF) included a recommended biological catch (RBC) which takes into account all fishing and natural mortality for the species and the ecological implications of harvesting the TAC. Management Advisory Committee's (MACs) of the South East Trawl (SETMAC), Great Australian Bight (GABMAC) and Gillnet, Hook and Trap (GHATMAC) considered the advice of their RAGs individually then presented their arguments for the TAC for each species at a combined JointMAC meeting. GABMAC also met separately from the JointMAC. From these meetings AFMA management and MAC TAC recommendations for all GAB species and the majority of SESSF species, including the agreed undercatch and overcatch percentages and

determined amounts, were sent to the AFMA Board along with all comments expressed at JointMAC and GABMAC. There was need for further consultation with Deepwater RAG and SETMAC (out-of-session) following the JointMAC and Board meeting in order to finalise the 5 remaining SESSF TAC recommendations. From these meetings AFMA management and MAC TAC recommendations were sent to the AFMA Board along with all comments expressed by Deepwater RAG and SETMAC.

Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement (RIS) was not required for the determination of overcatch and undercatch percentages and determined amounts for quota species in the SESSF for the 2008 season. (ORR ID 9463).

Details of the Determination are set out below:

Clause 1 provides for the Determination to be cited as 2008 SESSF D3.

Clause 2 provides for the commencement of the Determination.

Clause 3 defines terms used in the Determination.

Clause 4 sets out the period of application of the Determination, the determined overcatch and undercatch percentages and the determined amounts, under sections 22, 22A and 23 of the Plan.