

## **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 Total Allowable Effort Determination 2015**

The *Torres Strait Prawn Fishery Total Allowable Effort 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 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 15A(4) of the Act provides that the Minister may in a plan of management for a fishery, determine the manner in which the fishing capacity of the fishery is to be measured; and provide for the periodic determination of the fishing capacity, measured in that manner, permitted for the fishery.

Section 2.5(1) of the *Torres Strait Prawn Fishery Management Plan 2009* (the Plan) provides that at least every three years the Protected Zone Joint Authority (PZJA) may determine a Total Allowable Effort (TAE) for the fishery based on reference points determined under section 2.4 of the Plan. Section 2.5(2) further provides that before making the TAE determination the PZJA must consult with the Torres Strait Prawn Management Advisory Committee and consider their views, and may consult with and consider the views of other interested persons. Section 2.5(4) provides that the TAE determination must be described in terms of fishing days.

The Determination determines the total allowable effort for the Torres Strait Prawn Fishery for the 2015 fishing season at 9,200 fishing days.

#### **Consultation**

The TSPMAC was consulted on the determination of the proposed 2015 TAE limit at its meeting in June 2014. The TSPMAC is the principal advisory body for the PZJA on TSPF management issues and includes members representing industry, Traditional Inhabitants, Government and scientific interests. Relevant Native Title holders were also consulted under the requirements of the *Native Title Act 1993* during October and November 2014.

The recommended TAE limit is considered to be the current environmental and economically sustainable fishing limit for the fishery.

## **Regulation Impact Statement**

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not required for this Determination consistent with the carve out arrangement of 30 June 2014 which specifically includes that AFMA does not need to contact the OBPR for the following regulatory changes:

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Setting Total Allowable Catch (TAC), or Total Allowable Effort (TAE) for a fishery.

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## **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 Total Allowable Effort 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 the Determination ceases as if it was revoked on 1 December 2015 unless earlier revoked.
- Clause 4** 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 5** Determines the total allowable effort for the Torres Strait Prawn Fishery for the 2015 fishing season at 9,200 days.

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

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

### **Torres Strait Prawn Fishery Total Allowable Effort 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**

This instrument determines the total allowable effort for the Torres Strait Prawn Fishery for the 2015 fishing season at 9,200 fishing days.

Section 2.5(1) of the *Torres Strait Prawn Fishery Management Plan 2009* (the Plan) provides that at least every three years the Protected Zone Joint Authority (PZJA) may determine a Total Allowable Effort (TAE) for the fishery based on reference points determined under section 2.4 of the Plan. Section 2.5(2) further provides that before making the TAE determination the PZJA must consult with the Torres Strait Prawn Management Advisory Committee and consider their views, and may consult with and consider the views of other interested persons. Section 2.5(6) provides that the TAE determination must be described in terms of fishing days.

#### **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.