

**STATUTORY FISHING RIGHTS ALLOCATION REVIEW PANEL**

**IN THE MATTER OF:**

**F & B COSTA and F & M PUGLISI**

**Applicant**

**- and -**

**AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY**

**Respondent**

**ORDER**

For the reasons reflected in the Draft Consent Orders signed by the parties and the Explanatory Note to those orders, collectively attached to this Order and marked with the letter “A” the Statutory Fishing Rights Allocation Review Panel orders as follows that:

1. AFMA’s decision of 9 November 2007 as to the persons to whom a grant of Statutory Fishing Rights (**SFRs**) is to be made under the Eastern Tuna and Billfish Fishery Management Plan 2005 be varied so as to provide that the number of statutory fishing rights to be allocated to F. & B Costa and F. & M. Puglisi be calculated on the basis that permit 402195C is categorised as ‘historical/inactive’ for the purpose of the formula found in Section 32(2) of the Plan.

DATED: Twenty-third of December 2008



Peter Baston  
Principal Member  
Statutory Fishing Rights Allocation Review Panel

**STATUTORY FISHING RIGHTS  
ALLOCATION REVIEW PANEL**

No. ETBF2007/03-01

BETWEEN;

**F & B COSTA and F & M PUGLISI**

Applicants

- and -

**AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY**

Respondent

**DRAFT CONSENT ORDERS**

Whereas:

- (a) On 9 November 2007 AFMA made a provisional allocation under the *Fisheries Management Act 1991 (FM Act)* to the Applicants (as published in the Gazette dated 9 November 2007 ) of 3,802 longline and 1 minor line SFRs.
- (b) In making the determination AFMA applied the formula found in Section 32 of the *Eastern Tuna and Billfish Fishery Management Plan (Plan)*.
- (c) In calculating the relative price factor for permit 402195C the Respondent incorrectly categorised the permit as 'northern inshore, southern inshore north, southern offshore west' and 'inactive'. In fact, the correct categorisation is 'historical' and 'inactive'. The Applicants are therefore entitled to an allocation on the correct basis.
- (d) The Applicants have applied to the Statutory Fishing Rights Allocation Review Panel (the Panel) to review the decision.
- (e) AFMA has agreed to the Panel making an Order that reflects the correct position of the Applicants [Statement of Agreed Facts dated 29 February 2008 is attached hereto] and will request that the Order be made on 22 April 2008.

The parties agree as follows:

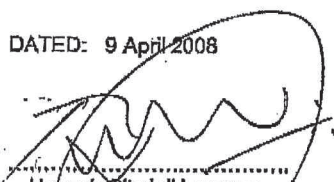
- 1. That the Panel set aside AFMA's decision of 9 November 2007 and order that the decision be varied to provide that the number of statutory fishing rights to be allocated to the Applicants be calculated on the basis that permit 402195C is

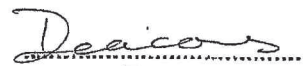
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categorised as 'historical/inactive' for the purpose of the formula found in Section 32(2) of the Plan.

2. That the Panel directs AFMA to provide a calculation of the Applicants' provisional longline statutory fishing rights allocation on that basis.

DATED: 9 April 2008

  
Hozack Glisdell Lawyers  
Solicitors for the Applicants  
B. Benfold

  
Deacons  
Solicitors for the Respondent