PROHIBITION ON FISHING

I, Glenn Hurry, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate, make the following Direction under section 17(5A) of the Fisheries Management Act 1991 and section 23(1) of the Bass Strait Central Zone Scallop Fishery Management Plan 2002.

Dated 14 September 2009

Signed – Glenn Hurry

Chief Executive Officer,
Australian Fisheries Management Authority

Citation
1. This Direction may be cited as BSCZSF (Closures) Direction No. 2 2009.

Commencement
2. This Direction commences on 21 September 2009.

Revocation of BSCZSF (Closures) Direction No. 1 2009
3. The BSCZSF (Closures) Direction No. 1 2009 is revoked with effect from the date this Direction commences.

Application
4. This Direction applies to a holder of statutory fishing rights in the Bass Strait Central Zone Scallop Fishery and to a person acting on behalf of the holder.

Period of Application
5. This Direction applies for a period beginning on the date this Direction commences and ending when it is revoked.

Definitions
6. In this direction:
“boat” means a boat that is nominated to statutory fishing rights for the Bass Strait Central Zone Scallop Fishery.

Unless otherwise stated, a term used in this Direction and in the Bass Strait Central Zone Scallop Fishery Management Plan 2002 has the same meaning in this Direction as in the Bass Strait Central Zone Scallop Fishery Management Plan 2002.

Unless otherwise stated, a term used in this Direction and in the Fisheries Management Act 1991 has the same meaning in this Direction as in the Fisheries Management Act 1991.

All geographic coordinates contained within the schedules attached to this document are in terms of the Geocentric Datum of Australia 1994 (GDA94).

Unless otherwise stated, the lines between coordinates are geodesics.

Prohibition on fishing

7. Fishing is prohibited in the area of the Bass Strait Central Zone Scallop Fishery.

Exemption from prohibition

8. The prohibition in clause 7 does not apply to the area of waters contained within and bounded by a line:
   (a) commencing at the point of intersection of the parallel of latitude 39°25.000' South and the meridian of longitude 148°25.000' East;
   (b) and proceeding east along that parallel of latitude to its intersection with the meridian of longitude 148°35.000' East;
   (c) then south along the meridian of longitude to its intersection with the parallel of latitude 39°35.000' South;
   (d) then west along that parallel of latitude to its intersection with the meridian of longitude 148°25.000' East;
   (e) then north along the parallel of latitude to the point of commencement.

9. The prohibition in clause 7 does not apply to navigation in the area of the Bass Strait Central Zone Scallop Fishery except for the areas defined in clauses 10 and 11.

Western Protected Zone

10. Navigation is prohibited in the area of waters contained within and bounded by a line:
    (a) commencing at the point of intersection of the parallel of latitude 39°10.000' South and the meridian of longitude 147°55.000' East;
    (b) and proceeding east along that parallel of latitude to its intersection with the meridian of longitude 148°10.000' East;
    (c) then south along the meridian of longitude to its intersection with the parallel of latitude 39°20.000' South;
    (d) then west along that parallel of latitude to its intersection with the meridian of longitude 147°55.000' East;
    (e) then north along the parallel of latitude to the point of commencement.

Eastern Protected Zone

11. Navigation is prohibited in the area of waters contained within and bounded by a line:
    (a) commencing at the point of intersection of the parallel of latitude 39°10.000' South and the meridian of longitude 148°20.000' East;
    (b) and proceeding east along that parallel of latitude to its intersection with the meridian of longitude 148°32.500' East;
(c) then south along the meridian of longitude to its intersection with the parallel of latitude 39°25.000' South;

(d) then west along that parallel of latitude to its intersection with the meridian of longitude 148°20.000' East;

(e) then north along the parallel of latitude to the point of commencement.

12. To whom do the prohibitions in clauses 7, 10 and 11 not apply

(a) The prohibition of navigation in the areas defined in clauses 10 and 11 does not apply if:
   i. AFMA has given approval for the boat to be navigated in the area because of an unforeseen emergency, or circumstances beyond the control of the master of the boat; and,
   ii. the boat has navigated in the area in accordance with any instructions given by AFMA.

(b) The prohibition of fishing as defined in clause 7 does not apply to a boat, if the boat is fishing in accordance with a scientific permit which gives specific conditions permitting the boat to fish in the prohibited areas of waters.

(c) The prohibition of navigation in the areas defined in clauses 10 and 11 does not apply to a boat, if the boat is navigating in accordance with a scientific permit which gives specific conditions permitting the boat to navigate in the prohibited areas of waters.