EXPLANATORY STATEMENT

Fisheries Management Act 1991

Heard Island and McDonald Islands Fishery Management Plan 2002

HIMIF 2009/2010 TAC D8 Determination
Total Allowable Catch Determination - 2009/2010 Season

The purpose of HIMIF 2009/2010 TAC D8 Determination is to determine the total allowable catch (TAC) for target species and catch limits for bycatch species within the Heard Island and McDonald Islands (HIMI) Fishery for the 2009/2010 season. The target species are Patagonian Toothfish and Mackerel Icefish.

Subsection 17(6)(aa) of the Fisheries Management Act 1991 (the Management Act) may set out in the management plan for a fishery that the Australian Fisheries Management Authority (AFMA) determine the fishing capacity permitted for that Fishery, in respect of a particular period or periods.

Background

The Heard Island and McDonald Islands Fishery Management Plan 2002 (the Management Plan) provides for the grant of statutory fishing rights (SFRs) as the vehicle for access to the HIMI Fishery.

SFRs issued under the Management Plan allow a quantity of Patagonian Toothfish or Mackerel Icefish to be taken in the HIMI Fishery. Under the Management Plan, a person must hold at least 25.5% of the total SFRs to fish in the HIMI Fishery. The weight allocated to an SFR for each target species and fishing year is worked out by dividing the TAC for the species in the fishing year by the total number of SFRs in force for the species at the start of the fishing year.

Section 11 of the Management Plan provides for AFMA to determine the TAC and catch limits before the beginning of each fishing year, for each species of fish for the fishing year.

Fishing year is defined in the Management Plan as a period of 12 months beginning on 1 December in any year.

Objective

To determine the TAC for target species and catch limits for bycatch species within the HIMI Fishery for the 2009/2010 fishing season.

Consultation

Section 11 of the Management Plan outlines the procedures for determining the TACs and catch limits, in particular the requirement to consult and consider the view of the Sub-Antarctic Resource Assessment Group (SARAG) and the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC).
The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) prescribed the TACs and catch limits which were reviewed by SARAG and SouthMAC. SouthMAC and SARAG recommended to the AFMA Commission that the TACs and catch limits, which are adopted in this Determination, be approved. The approval was given by the AFMA Commission prior to the start of the season.

**Regulation Impact Statement**

A Regulation Impact Statement is not required on the basis that the Determination is of a minor or machinery nature that does not substantially alter existing arrangements. The exemption reference from the Office of Best Practice Regulation is 10904.

**Determination**

Details of the Determination are set out below:

*Paragraph 1*

Paragraph 1 provides for the Determination to be cited as HIMIF 2009/2010 TAC D8 Determination.

*Paragraph 2*

Paragraph 2 provides that the Determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

*Paragraph 3*

Paragraph 3 states the persons to whom the Determination applies.

*Paragraph 4*

Paragraph 4 defines the particular terms used in the Determination.

*Paragraph 5*

Paragraph 5 specifies the total allowable catch for target species and catch limits for bycatch species in the HIMI Fishery for the 2009/2010 season.