Heard Island and McDonald Islands Fishery Management Plan Amendment 2011

Fisheries Management Act 1991

The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY determines this amendment of the Heard Island and McDonald Islands Fishery Management Plan 2002 under section 20 of the Fisheries Management Act 1991.

Dated 22 December 2011

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

Ryan Murphy
Executive Secretary
Australian Fisheries Management Authority

Accepted on 14 February 2012

The Hon. Joe Ludwig
Minister for Agriculture, Fisheries and Forestry
1 **Name of Management Plan Amendment**

This Management Plan Amendment is the *Heard Island and McDonald Islands Fishery Management Plan Amendment 2011*.

2 **Commencement**

This Management Plan Amendment commences on the day after it is registered.

3 **Amendment of *Heard Island and McDonald Islands Fishery Management Plan 2002***

Schedule 1 amends the *Heard Island and McDonald Islands Fishery Management Plan 2002*.
Schedule 1  Amendments

[1]  Section 3
Insert
MAC means the Management Advisory Committee established under section 54 of the Fisheries Administration Act 1991.

[2]  Section 3, definition of SAFAG
Substitute
RAG means the Resource Assessment Group established by AFMA to provide advice in relation to the research needs, stock status, environment and economics of Southern Ocean fisheries.

[3]  Section 3, definition of SouthMAC
Omit

[4]  Section 3
Insert
trawl methods means fishing using:
(a) demersal otter trawl gear; or
(b) mid-water trawl gear.

[5]  Section 4
Omit
1972 (WGS72)
substitute
1984 (WGS84)

[6]  Section 6, paragraph (b)
Omit
SAFAG, SouthMAC
substitute
the RAG, the MAC

[7]  Section 6, paragraph (f)
Omit

[8]  Section 7, paragraph (d)
Substitute
(d) that the requirements of section 12 are met; and
[9] **Section 7, subsection (2)**

*Omit*

SouthMAC  
*substitute*  
the MAC

[10] **Section 7, subsection (4)**

*Omit*

SouthMAC  
*substitute*  
the MAC

[11] **Section 8, subsection (1)**

*Omit*

implement a bycatch action plan to

[12] **Section 8, subsection (2)**

*Omit*

The bycatch action plan  
*substitute*  
AFMA

[13] **Section 8, subsection (3)**

*Omit*

[14] **Section 9, paragraph (3)(a)**

*Omit*

SouthMAC, SAFAG  
*substitute*  
the MAC, the RAG

[15] **Section 11, paragraph (3)(b)**

*Omit, substitute*  
(b) must consult, and consider the views of, the MAC and the RAG.

[16] **After section 11**

*Insert*

11A **Determination of fishing capacity**

(1) AFMA must determine the minimum quota for trawl methods, expressed as a percentage of statutory fishing rights, for a fishing year.

(2) The determination:

(a) may apply to one or more fishing years; and
(b) for a determination that applies to one fishing year, must be made before the start of that fishing year; and
(c) for a determination that applies to more than one fishing year, must be made before the start of the first fishing year to which it relates.

(3) Before the beginning of each fishing year, AFMA must give to the holder of each statutory fishing right a notice stating the determined minimum quota for trawl methods.

(4) If this provision comes into force during a fishing year, AFMA must make the determination for that fishing year within one month of this provision coming into force.

[17] Section 12
Substitute

12 Who may fish in the fishery
Subject to section 15, a person may fish in the fishery only if the person:
(a) if using trawl methods, holds, or is acting for a person who holds, the minimum quota for trawl methods as determined by AFMA under subsection 11A(1) for each trawler; and
(b) if using non-trawl methods, holds, or is acting for a person who holds, statutory fishing rights; and
(c) in either case, is using the boat that is nominated for those fishing rights.
NOTE: For example, if AFMA determines the minimum quota at 25.5%, a person would need to hold at least 51% to operate a second trawler.

[18] Section 13, subsection (1)
Omit
at least 25.5% of the

[19] Section 20, paragraph (2)(a)
Omit
SouthMAC and SAFAG
substitute
the MAC and the RAG

[20] Section 24
Substitute

24 Nomination of boat
AFMA must not register a boat as the nominated boat for a person if:
(a) the boat does not meet the requirements for an Australian boat, within the meaning given by subsection 4(1) of the Act; or
(b) a nominated surveyor has not conducted a safety assessment of the boat and has not issued a statement of compliance indicating that the boat passed the safety assessment.