Southern and Eastern Scalefish and Shark Fishery Management Plan 2003

as amended

made under section 17 of the

Fisheries Management Act 1991

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Prepared by the Australian Fisheries Management Authority and the Office of Legislative Drafting and Publishing, Attorney-General's Department, Canberra

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Part 1 Preliminary

1 Name of Management Plan [see Note 1]

This Management Plan is the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.

2 Commencement [see Note 1]

This Management Plan commences on gazettal.

Note See subsections 19 (1) and (2) of the Act and section 48 of the *Acts Interpretation Act 1901*.

3 Definitions

In this Management Plan:

Act means the *Fisheries Management Act 1991*.

acting for a person means acting with the consent of, and on behalf of, the person.

adjacent area, in relation to a State, has the meaning given by the *Petroleum (Submerged Lands) Act 1967* in relation to that State.

agent, of the holder of a statutory fishing right, means:

(a) a person responsible for the affairs and property of the holder under a law of the Commonwealth, a State or a Territory, including a receiver, liquidator, trustee or guardian of the holder, or executor or administrator of the holder's estate; or

(b) a person appointed as the holder's agent under section 59.

approved form means the form approved by AFMA for the section in which the term is used.

area of the fishery means the area described in Part 1 of Schedule 1.

boat statutory fishing right means a statutory fishing right that allows the holder of the right to use a nominated boat to fish in an area using the method specified in the certificate of grant.

by-catch means marine life that is:

(a) taken during fishing in the fishery and returned to the sea for any reason; or

(b) affected by fishing equipment in the fishery but not taken.

certificate of grant, for a statutory fishing right, means a certificate given under subsection 22 (2) of the Act as evidence of the grant of the statutory fishing right.

cetacean means a member of the sub-order Mysticeti or Odontoceti of the Order Cetacea.

Class A fishing permit means a fishing permit granted under section 32 of the Act that is classified by AFMA as a Class A fishing permit.

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Commonwealth GAB Trawl Sector means the area described in clause 3 of Part 2 of Schedule 1.

Commonwealth Gillnet Sector means the area described in clause 1 of Part 2 of Schedule 1.

Commonwealth Scalefish Hook Sector means the area described in clause 2 of Part 2 of Schedule 1.

Commonwealth Shark Hook Sector means the area described in clause 1 of Part 2 of Schedule 1.

Commonwealth South East Trawl Sector means the area described in clause 4 of Part 2 of Schedule 1.

discards means any part of a catch that is returned to the sea, whether dead or alive.

East Coast Deepwater Trawl Sector means the area described in clause 5 of Part 2 of Schedule 1.

eligible person means a person who is registered as an eligible person for the grant of a statutory fishing right under section 26 of the Act.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999*.

fish receiver permit means a fish receiver permit that authorises the holder of the permit to receive fish from a person engaged in commercial fishing in the fishery.

Note See section 91 of the Act about the grant of fish receiver permits.

fishery means the Southern and Eastern Scalefish and Shark Fishery.

fishery observer means a person who is authorised by AFMA to carry out the functions of a fishery observer under this Management Plan.

fishing year means:

(a) before 1 January 2007 — a calendar year; and

(b) the period commencing on 1 January 2007 and ending at the end of 30 April 2008; and

(c) on or after 1 May 2008 — a period of 12 months commencing on 1 May.

GAB Albany zone means the area described in clause 11 of Part 3 of Schedule 1.

GAB eastern zone means the area described in clause 10 of Part 3 of Schedule 1.

GAB Esperance zone means the area described in clause 12 of Part 3 of Schedule 1.

GAB Trawl boat statutory fishing right means a boat statutory fishing right that authorises fishing by trawling methods in the Commonwealth GAB Trawl Sector.

gemfish (eastern) means gemfish from the gemfish eastern zone of the fishery.

gemfish (western) means gemfish from the gemfish western zone of the fishery.

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gemfish eastern zone means the area described in clause 1 of Part 3 of Schedule 1.

gemfish western zone means the area described in clause 2 of Part 3 of Schedule 1.

gillnet boat statutory fishing right means a boat statutory fishing right that authorises fishing by gillnet methods in the Commonwealth Gillnet Sector.

gillnet methods means the use of a demersal gillnet.

Gillnet, Hook and Trap Fishery has the meaning given by regulation 4B of the *Fisheries Management Regulations 1992*, as in force immediately before the commencement of this Management Plan.

Great Australian Bight Trawl Fishery has the same meaning as it had in the Great Australian Bight Trawl Fishery Management Plan, determined on 10 May 1993, as in force immediately before the commencement of this Management Plan.

hook methods means the use of any of the following kinds of fishing gear:

(a) demersal longlines;

(b) droplines;

(c) trotlines;

(d) handlines.

identification code, for a boat, means the identification code allocated by AFMA to the boat under regulation 12 of the *Fisheries Management Regulations 1992*.

interested person, in relation to a determination made, or a direction given, under this Management Plan, means:

(a) a person who can demonstrate, to the satisfaction of AFMA, an ongoing involvement in the fishery that is likely to be affected by the determination or direction; or

(b) an organisation or association (whether incorporated or not) the objects or purposes of which include, or the activities of which largely relate to, the fishery.

listed marine species means a species that is included in a list published under section 248 of the EPBC Act.

listed migratory species means a species that is included in a list published under section 209 of the EPBC Act.

listed threatened ecological community means a community that is included in a list published under section 181 of the EPBC Act.

listed threatened species means a species that is included in a list published under section 178 of the EPBC Act.

management advisory committee means a management advisory committee established under section 54 of the *Fisheries Administration Act 1991*.

nominated boat means:

(a) for a statutory fishing right — a boat the details of which are entered in the Register, under section 45 of the Act, as the nominated boat for the purposes of the statutory fishing right; or

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(b) for a fishing permit — a boat the use of which is authorised by the permit under subsection 32 (1A) or (1B) of the Act.

non-quota species means a species of fish not specified in Schedule 2.

North-eastern remote zone means the area described in clause 3 of Part 3 of Schedule 1.

orange roughy (Cascade Plateau) means orange roughy from the orange roughy Cascade Plateau zone of the fishery.

orange roughy (eastern) means orange roughy from the orange roughy eastern zone of the fishery.

orange roughy (GAB Albany and Esperance) means orange roughy taken from the GAB Albany zone or the GAB Esperance zone.

orange roughy (southern) means orange roughy from the orange roughy southern zone of the fishery.

orange roughy (western) means orange roughy from the orange roughy western zone of the fishery.

orange roughy Cascade Plateau zone means the area described in clause 4 of Part 3 of Schedule 1.

orange roughy eastern zone means the area described in clause 5 of Part 3 of Schedule 1.

orange roughy southern zone means the area described in clause 6 of Part 3 of Schedule 1.

orange roughy western zone means the area described in clause 7 of Part 3 of Schedule 1.

outer limit of coastal waters means a line 3 nautical miles seawards of the baselines from which the territorial limits of Australia are defined for the purposes of international law.

provisional grant of a statutory fishing right means a grant of a statutory fishing right under subsection 23 (1) of the Act.

quota, for a statutory fishing right, means the amount (by weight) of fish of a particular quota species that may be taken, in a fishing year, under the right.

quota species means a species of fish specified in an item of Schedule 2, and, in relation to gemfish and orange roughy, means the stock of that species within the relevant zone for that species.

quota statutory fishing right means a statutory fishing right that:

(a) is one of a class of identical rights granted under section 31 of the Act in relation to a quota species; and

(b) allows the holder of the right to use a boat nominated for:

(i) the right; and

(ii) a boat statutory fishing right or a fishing permit;

to take, in each fishing year, an amount of fish of that species equal to the quota for the right for that year.

Note For determination of total allowable catch for quota species, see Division 3.1.

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resource assessment group means a group, established by AFMA, to give advice in relation to:

(a) the stock status, research needs, environment and economics of the fishery; and

(b) any other matter related to the fishery.

scalefish means fish belonging to the Class Osteichthyes (bony fishes), other than the following fish:

(a) fish in the Family Istiophoridae (commonly known as marlins);

(b) fish of the genera Allothunnus, Auxis, Cybiosarda, Euthynnus, Gasterochisma, Gymnosarda, Katsuwonus, Orcynopsis, Sarda or Thunnus in the Family Scombridae (commonly known as tuna and tuna-like fish);

(c) fish of the genera Acanthocybium, Grammatorcynus, Rastrelliger, Scomberomorus or Scomber in the Family Scombridae and fish of the genera Emmelichthys or Trachurus (commonly known as mackerels).

scalefish hook boat statutory fishing right means a boat statutory fishing right that authorises fishing by hook methods in the Commonwealth Scalefish Hook Sector.

shark means fish belonging to the Class Chondrichthyes (cartilaginous fishes).

shark hook boat statutory fishing right means a boat statutory fishing right that authorises fishing by hook methods in the Commonwealth Shark Hook Sector.

South Australian Coastal Waters Sector means the area described in clause 7 of Part 2 of Schedule 1.

South East Trawl Fishery has the same meaning as it had in the South East Trawl Fishery Management Plan 1998.

South Tasman Rise Zone means the area described in clause 9 of Part 3 of Schedule 1.

Southern and Eastern Scalefish and Shark Fishery means commercial fishing (other than recreational fishing or fishing using a charter boat), for scalefish, shark and other fish (other than fish mentioned in paragraph (a), (b) or (c) of the definition of ***scalefish***), by the fishing methods allowed by fishing concessions granted under this Management Plan and the Act, in the area of the fishery.

southern remote zone means the area described in clause 8 of Part 3 of Schedule 1.

Tasmanian Coastal Waters Sector means the area described in clause 8 of Part 2 of Schedule 1.

Tasmanian Rock Lobster Sector means the area described in clause 6 of Part 2 of Schedule 1.

total allowable catch or ***TAC*** means:

(a) for a quota species and fishing year — the total amount (by weight) of fish of that species that may be taken in that year, under all quota statutory fishing rights for that species and year, in accordance with a determination under section 11; and

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(b) for a non-quota species and a period — the total amount (by weight) of fish of that species that may be taken in that period, under all fishing concessions to which the TAC applies, in accordance with a determination under section 15.

trap methods means the use of demersal fish traps.

trawl boat statutory fishing right means a boat statutory fishing right that authorises fishing by trawl methods in the Commonwealth South East Trawl Sector.

trawl methods means the use of any of the following kinds of fishing gear:

(a) mid-water trawl gear;

(b) demersal otter trawl gear;

(c) Danish seine trawl gear;

(d) pair trawl gear.

trunked weight, of a fish of a quota species mentioned in items 21 to 24 of Schedule 2, means the weight of the fish after it has been gutted, and its head removed, but with its fins still attached.

Type N quota statutory fishing right means a quota statutory fishing right, granted to a person described in subsection 27 (1), that authorises the holder of the right to take fish of a quota species specified in the certificate of grant.

Type T quota statutory fishing right means a quota statutory fishing right, granted to a person described in subsection 27 (2), (3), (4), (5) or (5A), that authorises the holder of the right to take fish of a quota species specified in the certificate of grant.

Victorian Coastal Waters Sector means the area described in clause 9 of Part 2 of Schedule 1.

Victorian Inshore Trawl Fishery has the meaning given by regulation 4B of the *Fisheries Management Regulations 1992*, as in force immediately before the commencement of this Management Plan.

whole weight of a fish means the weight of a whole fish before any processing (except washing, sorting, packing or freezing) has occurred.

zone of the fishery means a zone mentioned in Part 3 of Schedule 1.

Note 1 Unless otherwise stated, a term used in this Management Plan and in the Act has the same meaning in this Management Plan as it has in the Act. The following terms are defined in subsection 4 (1) of the Act:

- AFMA
- Australian boat
- charter boat
- coastal waters
- fish
- fishing
- fishing permit
- officer
- Panel
- precautionary principle

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- processing
- Register
- scientific permit
- statutory fishing right
- take.

Note 2 For the purposes of this Management Plan, see section 76 of the Act for the meaning of ***AFZ***.

4 Origin of geographic coordinates

The position of a geographic coordinate mentioned in this Management Plan is to be determined by reference to the Geocentric Datum of Australia (GDA94), as defined in Gazette No. GN 35, 6 September 1995.

5 Objectives (Act s 17 (5))

The objectives of this Management Plan are as follows:

(a) to implement efficient and cost-effective fisheries management of the fishery on behalf of the Commonwealth;

(b) to ensure that the exploitation of the resources of the fishery and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle and, in particular, the need to have regard to the impact of fishing activities on non-target species and the long-term sustainability of the marine environment;

(c) to maximise economic efficiency in the exploitation of scalefish and shark resources within the fishery;

(d) to ensure AFMA's accountability to the fishing industry and to the Australian community in the management of the resources of the fishery;

(e) to reach Government targets for the recovery of the costs of AFMA in relation to the fishery;

(f) to ensure, through proper conservation and management, that the living resources of the fishery are not endangered by over-exploitation;

(g) to ensure the best use of the living resources of the fishery;

(h) to ensure that conservation and management measures in the fishery implement Australia's obligations under international agreements that deal with fish stocks, and other relevant international agreements;

(i) to ensure, as far as practicable, that measures adopted in pursuit of these objectives are not inconsistent with the preservation, conservation and protection of all whale species.

6 Measures by which the objectives are to be attained (Act s 17 (5))

The measures by which the objectives of this Management Plan are to be attained include the following:

(a) monitoring, through a structured program, the impact of fishing on fish species, any other species that are caught as by-catch, ecologically-related species and the marine environment, analysing the impacts and implementing any strategies necessary to ensure:

(i) the sustainability of those species and the marine environment; and

(ii) that by-catch limitations are not exceeded;

(b) periodically checking the accuracy and consistency of information kept in relation to the fishery;

(c) implementing a scheme of entitlements for people to fish in the fishery consisting of boat statutory fishing rights, quota statutory fishing rights and fishing permits;

(d) determining reference points for maintaining ecologically sustainable stocks of each species taken in the fishery;

(e) determining harvest strategies for quota species that will maintain their numbers above reference points, and setting TACs consistent with these harvest strategies, taking account of information from relevant management advisory committees and resource assessment groups;

(f) setting TACs, and determining harvest strategies and reference points, for non-quota species;

(g) developing, implementing and reviewing stock recovery strategies for species identified as being at or below reference points;

(h) ensuring that the resource assessment group compiles regular fishery assessment reports containing the information mentioned in paragraphs (a), (b), (d), (e), (f) and (g);

(i) developing, in cooperation with stakeholders, a plan to strategically address any high risks identified during ecological risk assessments;

(j) developing, implementing and reviewing a strategic compliance program designed to ensure compliance with the management arrangements for the fishery;

(k) issuing directions prohibiting fishing in the fishery, or part of the fishery, during specified periods, informing the holders of fishing concessions about those directions, and requiring the holders to comply with the directions;

(l) developing and implementing a communication strategy in the fishery (including preparation and dissemination of regular reports regarding the status and management of the fishery) that targets fishers, other stakeholders and the Australian community;

(m) consulting with relevant management advisory committees on the management of the fishery;

(n) developing management arrangements that have regard to relevant international agreements;

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(o) preparing an annual budget, in consultation with relevant management advisory committees, of costs associated with managing the fishery, and recommending and collecting levies and fees for the fishery;

(p) implementing long-term management arrangements that pursue economic efficiency for the fishery;

(q) periodically evaluating whether the range and extent of management services provided by AFMA are consistent with cost-effective management.

7 Performance criteria against which measures taken may be assessed (Act s 17 (5))

(1) The performance criteria against which the measures taken may be assessed are as follows:

(a) that cost-effective and high quality research (including independent research) is carried out in relation to the fishery in accordance with a 5 year strategic research plan, the results of which are:

(i) included in the fishery assessment reports that are compiled by the resource assessment group; and

(ii) taken into consideration in determining the total allowable catch, and other management arrangements, in the fishing year;

(b) that data is collected, verified (if necessary) and analysed to enable:

(i) timely evaluation of the effectiveness of the measures implemented to maintain the resources of the fishery at, or rebuild those resources to, an acceptable level; and

(ii) timely modification of those measures;

(c) that the level of discards is estimated and included in the fishery assessment reports that are compiled by the resource assessment group;

(d) that the catch of non-target species is reduced to, or kept at, a minimum, and below a level that will allow stocks of those species to be maintained at ecologically sustainable levels;

(e) that a plan to strategically address any high risks identified during ecological risk assessments is developed within 18 months after the commencement of this Management Plan;

(f) that management actions ensure that the impacts of fishing activities on the marine environment are minimised;

(g) that stocks of quota species, and other species for which reference points have been determined, are above the reference points for the species;

(h) that transferable boat and quota statutory fishing rights and fishing permits are granted to eligible persons;

(i) that changes in commercial fishing activity in each sector are monitored, ecological impacts of those changes are evaluated, and appropriate management responses are developed and implemented;

(j) that access to the fishery is limited through regulating the number of fishing concessions;

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(k) that TACs are set for each fishing year, and (unless provision is made for corresponding reductions in subsequent years) the amount of fish of a species that may be taken in a fishing year is not exceeded in the year;

(l) that concession holders do not fish in excess of their entitlements;

(m) that, if the stock of a species is found to be below the reference point for the species, effective recovery strategies are implemented within 12 months to ensure that, to the extent that the deficit is attributable to factors related to the management of the fishery, the depleted stock is rebuilt;

(n) that a communication strategy is developed and in place;

(o) that information is distributed in a timely manner;

(p) that stakeholders are satisfied with the level of accountability and communication regarding management of the fishery;

(q) that management measures are consistent with international agreements;

(r) that relevant management advisory committees are consulted in the development of the budget for the fishery;

(s) that budgetary objectives of the fishery are achieved;

(t) that levies and fees are collected to enable AFMA to recover costs for the fishery in accordance with government policy;

(u) that economic efficiency of the fishery is assessed periodically using economic data provided, on request, by fishing concession holders;

(v) that the cost-effectiveness of management is assessed periodically.

(2) AFMA and relevant management advisory committees must, at least once every 5 years, assess the effectiveness of this Management Plan, including the measures taken to achieve the objectives of the Plan, by reference to the performance criteria mentioned in subsection (1).

(3) AFMA must include in its annual report for each financial year a statement of the extent to which the performance criteria mentioned in subsection (1) were met in the year.

(4) Each year, relevant management advisory committees must assess the extent to which the performance criteria mentioned in subsection (1) have been met in that year.

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Part 2 Specific ecosystem requirements

8 By-catch (Act s 17 (6D))

(1) AFMA must develop and implement a by-catch action plan, or by-catch action plans, for the fishery.

(2) AFMA must review each by-catch action plan at least once every second year, while it is in force.

(3) A by-catch action plan must:

(a) set out appropriate by-catch limits; and

(b) require action to ensure that:

(i) information is gathered about the impact of the fishery on by-catch species; and

(ii) all reasonable steps are taken to minimise incidental interactions with seabirds, marine reptiles, marine mammals and fish of a kind mentioned in sections 15 and 15A of the Act; and

(iii) the ecological impacts of fishing operations on habitats in the area of the fishery are minimised and kept at an acceptable level; and

(iv) by-catch is reduced to, or kept at, a minimum, and below a level that might threaten by-catch species, including, as appropriate, by:

(A) meeting targets for by-catch reduction set in the plan; and

(B) implementing by-catch reduction measures within time periods set in the plan.

(4) In developing a by-catch action plan, AFMA must take into account:

(a) the protection given to whales and other cetaceans under Division 3 of Part 13 of the EPBC Act; and

(b) the requirements under the EPBC Act for the protection of:

(i) listed threatened species; and

(ii) listed migratory species; and

(iii) listed marine species; and

(iv) listed threatened ecological communities.

(5) If information gathered under a by-catch action plan shows it is necessary to do so, AFMA must consider making appropriate amendments to this Management Plan or changes to the conditions imposed on the holders of fishing concessions.

Note Obligations have been placed on the holders of fishing concessions under section 46 (General obligations) to ensure that by-catch is kept to a minimum.

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9 Determination of reference points

(1) As soon as practicable after this Management Plan comes into force, AFMA must determine, for each quota species, reference points that are appropriate for maintaining ecologically viable stocks of those species and an ecologically sustainable fishery.

(2) AFMA may review the reference points determined under subsection (1) to ensure that they remain appropriate for maintaining ecologically viable stocks of the quota species and an ecologically sustainable fishery.

(3) AFMA may determine, for a non-quota species, reference points that are appropriate for maintaining ecologically viable stocks of those species and an ecologically sustainable fishery.

(4) AFMA must:

(a) monitor catch information on non-quota species; and

(b) if concerns about a species are identified, determine reference points that are appropriate for maintaining ecologically viable stocks of that species.

Note Further ecosystem safeguards are contained in requirements under Part 3 (Total allowable catch),.

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Part 3 Total allowable catch

Division 3.1 Total allowable catch — quota species

10 Purpose of Division 3.1

This Division describes how total allowable catch is determined for a quota species.

11 Determination of TAC

(1) AFMA must determine a TAC for each quota species for a fishing year no later than:

(a) for the fishing year specified in paragraph (b) of the definition of fishing year — 5 December 2006; and

(b) for each other fishing year — 31 March immediately before the commencement of the fishing year.

(2) In determining a TAC for a quota species, AFMA must have regard to the reference points for the species determined under section 9.

(3) AFMA may determine specific TACs for a quota species for particular parts of the area of the fishery.

(4) A determination of a TAC must specify:

(a) the TAC, expressed in:

(i) whole weight; or

(ii) other weight, as specified in the determination; and

(b) if AFMA has determined specific TACs for particular parts of the area of the fishery — the specific TACs and the parts to which they apply.

12 Consultation and matters that must be taken into account

In determining a TAC for a quota species for a fishing year, AFMA:

(a) must consult with any relevant management advisory committee and have regard to any view expressed in that consultation; and

(b) must take into account advice from the relevant resource assessment group about the stock status of a quota species; and

(c) must take into account:

(i) all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries for the species; and

(ii) the ecological implications of harvesting the TAC; and

(iii) the distribution and population structure of the species; and

(iv) the precautionary principle; and

(d) may consider the views (if any) of any other interested person.

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13 Notice of TAC and quota allocation

(1) As soon as practicable after determining a TAC for a quota species for a fishing year, AFMA must give to the holder of each quota statutory fishing right for that species a written notice stating:

(a) the TAC for the species for the fishing year; and

(b) the quota allocated to the right for the fishing year; and

(c) the name and identification code of the nominated boat for the purposes of the right; and

(d) if AFMA has determined specific TACs for particular parts of the area of the fishery:

(i) the specific TACs, and the parts to which they apply; and

(ii) the quota allocated to the right for the fishing year in relation to each of those parts.

(2) For paragraph (1) (b) and subparagraph (1) (d) (ii), the quota allocated to a statutory fishing right for each quota species for a fishing year is worked out by dividing the TAC for the species for the fishing year by the total number of quota statutory fishing rights in force for the species at the start of the fishing year.

Division 3.2 Total allowable catch — non-quota species

14 Purpose of Division 3.2

This Division describes how total allowable catch may be determined for a non-quota species.

15 Determination of TAC

(1) AFMA may determine a TAC for a non-quota species for a period specified in the determination.

(2) In determining a TAC for a non-quota species, AFMA must have regard to the reference points (if any) determined for the species under section 9.

(3) AFMA may determine specific TACs for a non-quota species for:

(a) particular methods of fishing; or

(b) particular parts of the area of the fishery.

(4) A determination of TAC must specify:

(a) the TAC, expressed in:

(i) whole weight; or

(ii) other weight, as specified in the determination; and

(b) the period for which the TAC applies; and

(c) if the TAC applies only to a part of the area of the fishery — that part; and

(d) if the TAC applies only to particular methods of fishing — those methods; and

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(e) the fishing concessions to which the TAC applies.

Note A determination under this section is a disallowable instrument: see subsection 17 (6B) of the Act.

16 Consultation and matters that must be taken into account

In determining a TAC for a non-quota species, AFMA:

(a) must consult with any relevant management advisory committee and have regard to any view expressed in that consultation; and

(b) must take into account advice from the relevant resource assessment group about the stock status of a non-quota species; and

(c) must take into account:

(i) all fishing mortality from all sectors within the fishery and overlapping or adjacent fisheries for the species; and

(ii) the ecological implications of harvesting the TAC; and

(iii) the distribution and population structure of the species; and

(iv) the precautionary principle; and

(d) may consider the views (if any) of any other interested person.

17 Notice of TAC

(1) Subject to subsection (2), as soon as practicable after determining a TAC for a non-quota species for a period, AFMA must give to the holder of each fishing permit or boat statutory fishing right granted in relation to the fishery a written notice stating:

(a) the species; and

(b) the TAC for the species; and

(c) the period for which the TAC applies; and

(d) whether the TAC applies to the whole area of the fishery and, if not, the part of the area of the fishery to which it applies; and

(e) whether the TAC applies to all fishing methods and, if not, the fishing methods to which it applies.

(2) If the TAC for the species applies only to:

(a) a particular method of fishing; or

(b) a particular part of the area of the fishery;

AFMA is required to give a notice under subsection (1) only to the holder of each fishing permit or boat statutory fishing right that authorises the holder to fish using that method, or in that part of the area of the fishery, as the case may be.

18 Notice that TAC taken

(1) This section applies if the TAC for a non-quota species for a period has been taken.

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(2) Subject to subsection (3), AFMA must give to the holder of each fishing permit or boat statutory fishing right granted in relation to the fishery a written notice stating that no more fish of the species may be taken from the area of the fishery during the period.

(3) If the TAC for the species applies only to:

(a) a particular method of fishing; or

(b) a particular part of the area of the fishery;

AFMA is required to give a notice under subsection (2) only to the holder of each fishing permit or boat statutory fishing right that authorises the holder to fish using that method, or in that part of the area of the fishery, as the case may be, and the notice must state that no more fish of that species may be taken using that method, or from that part of the area of the fishery, as the case may be.

19 Variation of TAC

(1) AFMA may vary a TAC for a non-quota species.

(2) If AFMA varies a TAC, AFMA must specify the amount by which it is varied, and whether it is increased or decreased.

(3) AFMA may vary a TAC, so that it is less than the TAC determined under section 15, only if an emergency exists in relation to the non-quota species to which the TAC relates.

(4) Before varying a TAC, AFMA:

(a) must consult with any relevant management advisory committee and resource assessment group, and have regard to any view expressed in that consultation; and

(b) may consider the views (if any) of any other interested person.

(5) Subject to subsection (7), AFMA must, at least 28 days before a variation takes effect, give written notice of the variation to each holder of a fishing permit or boat statutory fishing right granted in relation to the fishery.

(6) However, subject to subsection (7), if a variation of a TAC is made in an emergency:

(a) subsections (4) and (5) do not apply; and

(b) AFMA must, as soon as practicable, give written notice of the variation to each holder of a fishing permit or boat statutory fishing right granted in relation to the fishery.

(7) If the TAC applies only to:

(a) a particular method of fishing; or

(b) a particular part of the area of the fishery;

AFMA is required to give a notice under subsection (5) or (6) only to the holder of each fishing permit or boat statutory fishing right that authorises the holder to fish using that method, or from that part of the area of the fishery, as the case may be.

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Part 4 Right to fish in the fishery

Division 4.1 General

20 Who may fish in the fishery?

(1) Subject to subsection (2), a person may fish in the fishery for a non-quota species only if the person:

(a) is, or is acting for, the holder of a fishing permit or boat statutory fishing right granted in relation to the fishery; and

(b) uses a boat nominated for the purposes of the permit or right.

(2) A person must not fish for a non-quota species:

(a) in the area of the fishery, if:

(i) a TAC has been determined for the species, other than a TAC of a kind mentioned in subsection 15 (3); and

(ii) a notice under section 18 has been given in relation to the TAC; or

(b) in a part of the area of the fishery, if:

(i) a TAC has been determined for the species, being a TAC that applies to that part of the area of the fishery; and

(ii) a notice under section 18 has been given in relation to the TAC; or

(c) using a particular method of fishing, if:

(i) a TAC has been determined for the species, being a TAC that applies to that method; and

(ii) a notice under section 18 has been given in relation to the TAC.

(3) Subject to subsections (6), (7) and (7A) and section 21, a person may fish for a quota species in the fishery only if the person:

(a) is, or is acting for, the holder of a quota statutory fishing right, granted in relation to the fishery, that:

(i) authorises the holder to take fish of that species; and

(ii) has uncaught quota for the current fishing year; and

(b) is, or is acting for:

(i) the holder of a boat statutory fishing right granted in relation to the fishery; or

(ii) the holder of a fishing permit that authorises the holder to take fish of a non-quota species from the fishery; and

(c) uses a boat nominated for the purposes of the right or permit mentioned in paragraph (b).

Note The amount of fish of a species that a holder is taken to have taken may be affected by the overcatch and undercatch provisions of this Management Plan: see sections 22, 22A and 23.

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(4) For subsection (3), fish of a quota species taken by a person in the fishery and kept for the person's private or domestic use under subsection (6) are not included as part of the amount of fish taken.

(5) For subsection (4), a person who takes fish of a quota species in the fishery on a trip, as permitted under this section, may keep, for the person's private or domestic use, up to:

(a) 10 kilograms whole weight in total of the quota species mentioned in items 1 to 20 of Schedule 2; and

(b) 10 kilograms trunked weight in total of the quota species mentioned in items 21 to 24 of Schedule 2.

(6) The holder, or a person acting for the holder, of a GAB Trawl boat statutory fishing right may take fish of a quota species mentioned in items 1 to 4, or 6 to 16, of Schedule 2 in the Commonwealth GAB Trawl Sector without holding a quota statutory fishing right for that species.

(7) The holder, or a person acting for the holder, of a fishing permit that authorises trawling in the Victorian Coastal Waters Sector may take fish of a quota species mentioned in items 21 to 24 of Schedule 2 in that Sector in accordance with conditions of the permit relating to by-catch.

(7A) The holder, or a person acting for the holder, of:

(a) a trawl boat statutory fishing right; or

(b) a gillnet boat statutory fishing right; or

(c) a scalefish hook boat statutory fishing right; or

(d) a shark hook boat statutory fishing right; or

(e) a trap fishing permit granted under section 42;

may, in the Commonwealth GAB Trawl Sector, take fish of a species mentioned in items 26 to 28 of Schedule 2 without holding a quota statutory fishing right for that species.

(9) A person may use a boat in the area of the fishery for scientific research about the fishery only if the person is, or is acting for, the holder of a scientific permit that authorises the use of the boat in the area of the fishery for that purpose.

Note 1 See section 32 of the Act in relation to the grant of a fishing permit.

Note 2 See the *Fisheries Management Regulations 1992* in relation to nomination of a boat for the purposes of a statutory fishing right.

Note 3 One boat only may be nominated for the purposes of a boat statutory fishing right at a particular time.

Note 4 See section 33 of the Act about the grant of a scientific permit.

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21 Additional entitlement to account for undercatch in year before quota statutory fishing rights for a quota species come into force

(1) This section applies if:

(a) the holder of a fishing permit or a boat statutory fishing right is authorised to take an amount of fish of a quota species in the fishing year immediately before quota statutory fishing rights come into force for the quota species (the ***previous fishing year***); and

(b) the holder takes an amount of fish of that species that is less than the amount he or she is authorised to take.

(2) AFMA must issue to the holder a fishing permit that authorises the holder to take, in the first fishing year in which quota statutory fishing rights are in force for that quota species (the ***first fishing year***), an amount of that species equal to the lesser of:

(a) the difference between the amount of fish of that species taken by the holder in the previous fishing year and the amount of that species that the holder was authorised to take in that fishing year; and

(b) the result of multiplying the amount of that species that the holder was authorised to take in the previous fishing year by the determined percentage for that species.

(3) Despite subsections 20 (3) and (4), in the first fishing year for a quota species, the holder of a fishing permit issued under subsection (2) for that species may take the amount of that species authorised by the fishing permit in addition to the holder's quota, if any, of that species for that year.

(4) For paragraph (2) (b), the ***determined percentage***, for a quota species, is a percentage of the amount of that species that a person was authorised to take in the previous fishing year , being the percentage specified in a determination made by AFMA for the purposes of this section for that species.

(5) In determining a percentage for a quota species for the purposes of this section, AFMA:

(a) must consult with any relevant management advisory committee and have regard to any view expressed in that consultation; and

(b) must take into account advice from the relevant resource assessment group about the stock status of a quota species; and

(c) must take into account the precautionary principle; and

(d) may consider the views (if any) of any other interested person.

(6) As soon as practicable after determining a percentage for a quota species for the purposes of this section, AFMA must give to the holder of each quota statutory fishing right for that species a written notice stating the determined percentage for the species.

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Division 4.2 Overcatch and undercatch

21A Definitions for Division

In this Division:

determined amount, for a quota species and a fishing year, means the amount (in kilograms) of that species specified in a determination made by AFMA for section 22A for that species and year.

determined percentage, for a quota species and a fishing year, means a percentage of the quota allocated to the quota statutory fishing rights for that species held by a person for that year, being the percentage specified in a determination made by AFMA for section 22, 22A or 23 for that species and year.

overcatch, in relation to a holder of a quota statutory fishing right and a quota species in a fishing year, is the amount by which the amount of fish of that species taken by the holder in the fishing year exceeds the quota allocated to quota statutory fishing rights for that species held by the holder in the fishing year.

relevant date, for a fishing year, means:

(a) for the fishing year commencing on 1 January 2006 — 28 February 2007; and

(b) for the fishing year commencing on 1 January 2007 — 30 June 2008; and

(c) for a fishing year commencing on or after 1 May 2008 — 30 June of the following fishing year.

22 Overcatch — if determined percentage is not exceeded

(1) Subsection (2) applies to a holder of a quota statutory fishing right if:

(a) in a fishing year (the ***first year***), the holder takes (or is taken, by a previous application of this section, to have taken) an amount of fish of a quota species that exceeds, by a percentage less than the determined percentage for that species for the first year, the quota allocated to the quota statutory fishing rights for that species held by the holder in the first year; and

(b) on the relevant date for the following fishing year (the ***second year***), the holder holds quota statutory fishing rights that would, in the absence of this section, entitle the holder to take an amount of fish of that species at least equal to the amount by which the holder exceeded the quota mentioned in paragraph (a).

(2) For subparagraph 20 (3) (a) (ii), the holder is taken to have taken:

(a) during the first year, an amount of fish of the species mentioned in paragraph (1) (a) that is equal to the quota allocated to quota statutory fishing rights for that species held by the holder in the first year; and

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(b) during the second year, an amount of fish of that species equal to the amount by which the holder exceeded the quota allocated to the quota statutory fishing rights for that species held by the holder in the first year, in addition to the amount actually taken by the holder in the second year.

22A Overcatch — if determined percentage is exceeded

(1) Subsection (2) applies to a holder of a quota statutory fishing right if:

(a) in a fishing year (the ***first year***), the holder takes (or is taken, by a previous application of this section, to have taken) an amount of fish of a quota species that exceeds the quota allocated to the quota statutory fishing rights for that species held by the holder in the first year by:

(i) a percentage not less than the determined percentage for that species for the first year; and

(ii) an amount not greater than the sum of:

(A) the result of multiplying the holder's quota in the first year by the determined percentage for that species for the first year; and

(B) the determined amount for that species for the first year; and

(b) on the relevant date for the following fishing year (the ***second year***), the holder holds quota statutory fishing rights that would, in the absence of this section, entitle the holder to take an amount of fish of that species at least equal to the sum of:

(i) the result of multiplying the holder's quota for that species in the first year by the determined percentage for that species for the first year; and

(ii) twice the amount by which the holder's overcatch in the first year exceeded the determined percentage for that species for the first year.

(2) For subparagraph 20 (3) (a) (ii), the holder is taken to have taken:

(a) during the first year, an amount of fish of the species mentioned in paragraph (1) (a) that is equal to the quota allocated to the quota statutory fishing rights for that species held by the holder in the first year; and

(b) during the second year, an amount of fish of that species equal to the sum of:

(i) the result of multiplying the holder's quota in the first year by the determined percentage for that species for the first year; and

(ii) twice the amount by which the holder's overcatch in the first year exceeded the determined percentage for that species for the first year;

in addition to the amount actually taken by the holder in the second year.

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23 Undercatch

(1) This section applies to a holder of a quota statutory fishing right if:

(a) in a fishing year (the ***first year***), the holder takes:

(i) an amount of fish of a quota species that is less than the quota allocated to the quota statutory fishing rights for that species held by the holder in the fishing year; or

(ii) no fish of the quota species; and

(b) on the relevant date for the following fishing year (the ***second year***), the holder holds 1 or more quota statutory fishing rights for that species.

(2) The holder may, during the second year, take an amount of fish of the quota species mentioned in paragraph (1) (a) that is the sum of:

(a) the quota allocated to quota statutory fishing rights for that species held by the holder in the second year; and

(b) an amount equal to the lesser of:

(i) the difference between the amount of fish of that species taken by the holder in the first year and the quota allocated to the holder's quota statutory fishing rights for that species in that year; and

(ii) the result of multiplying the holder's quota for that species in the first year by the determined percentage for that species and year.

24 Determinations for this Division

(1) AFMA must, no later than 31 March immediately before the commencement of a fishing year, determine amounts and percentages for sections 22, 22A and 23 for each quota species for the fishing year.

(2) In determining an amount or percentage for a quota species, AFMA must have regard to the reference points for the species determined under section 9.

(3) In determining an amount or percentage for a quota species for a fishing year, AFMA:

(a) must consult with any relevant management advisory committee and have regard to any view expressed in that consultation; and

(b) must take into account advice from the relevant resource assessment group about the stock status of a quota species; and

(c) must take into account the precautionary principle; and

(d) may consider the views (if any) of any other interested person.

(4) As soon as practicable after determining an amount or percentage for a quota species for a fishing year, AFMA must give to the holder of each quota statutory fishing right for that species a written notice stating the determined amount and determined percentages for the species for the year.

(5) A determination made for the purposes of section 22, 22A or 23 is a disallowable instrument for section 6 of the *Legislative Instruments Act 2003*.

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Part 5 Statutory fishing rights

Division 5.1 Preliminary

25 Quota units

A reference in this Part to a number of quota units of a species that the holder of a fishing permit is authorised to take in the fishery, or in a sector or zone of the fishery, is a reference to the amount of that species, expressed as a number of units, that is:

(a) specified in a condition of the permit; and

(b) registered in the relevant Quota Unit Register maintained by AFMA.

Division 5.2 Registration of eligible persons for grant of statutory fishing rights (Act s 26)

26 Registration for grant of boat statutory fishing rights

(1) A person satisfies the condition for registration as an eligible person for the grant of a gillnet boat statutory fishing right if, immediately before the end of the notice period, the person was the holder of a fishing permit that allowed fishing by gillnet methods in the Commonwealth Gillnet Sector (except coastal waters).

(2) A person satisfies the condition for registration as an eligible person for the grant of a shark hook boat statutory fishing right if, immediately before the end of the notice period, the person was the holder of a Class A fishing permit that allowed fishing by hook methods in the Commonwealth Shark Hook Sector (except coastal waters).

(3) A person satisfies the condition for registration as an eligible person for the grant of a scalefish hook boat statutory fishing right if, immediately before the end of the notice period, the person was the holder of a Class A fishing permit that allowed fishing by hook methods in the Commonwealth Scalefish Hook Sector (except coastal waters).

(4) A person satisfies the condition for registration as an eligible person for the grant of a trawl boat statutory fishing right if, immediately before the end of the notice period, the person was the owner of a boat statutory fishing right option arising from the revocation of the South East Trawl Fishery Management Plan 1998.

(5) A person satisfies the condition for registration as an eligible person for the grant of a GAB Trawl boat statutory fishing right if, immediately before the end of the notice period, the person was the owner of a boat statutory fishing right under the Great Australian Bight Trawl Fishery Management Plan.

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(6) In this section:

notice period, for a statutory fishing right of a kind mentioned in any of subsections (1) to (5) and for a species, means the period specified in a notice published in relation to statutory fishing rights of that kind, and for that species, in the fishery under section 24 of the Act.

Note 1 Under section 26 (2) of the Act, AFMA must register as an eligible person for a grant of a fishing right each applicant who:

(a) satisfies the conditions (if any) for registration specified in the plan of management in relation to the grant; and

(b) has paid the prescribed fee.

Note 2 See section 24 of the Act in relation to the publication of a notice by AFMA declaring that AFMA intends to grant statutory fishing rights in relation to fishing in a specified managed fishery.

Note 3 A person who satisfies the conditions for registration as an eligible person for the grant of a statutory fishing right may apply to AFMA, in the approved form, for registration as an eligible person for grant of the right. The application must be made within the period specified in the notice published under section 24 of the Act: see paragraph 25 (f), and subsection 26 (1), of the Act.

Note 4 A decision under subsection 26 (2) of the Act is subject to reconsideration by AFMA, on request by a person who is dissatisfied with the decision, under section 165 of the Act. Application may be made to the Administrative Appeals Tribunal for review of a decision made following that reconsideration. See section 165 of the Act.

Note 5 For information about statutory fishing right options, see section 31A of the Act.

27 Registration for grant of quota statutory fishing rights

(1) A person satisfies the condition for registration as an eligible person for the grant of a Type N quota statutory fishing right for a quota species mentioned in items 1 to 20 of Part 1 of Schedule 2 if, immediately before the end of the notice period, the person was the holder of a fishing permit that authorised the holder to take a number of quota units of that species in the Gillnet, Hook and Trap Fishery.

(2) A person satisfies the condition for registration as an eligible person for the grant of a Type T quota statutory fishing right for a quota species mentioned in items 1 to 20 of Schedule 2 if, immediately before the end of the notice period, the person was the holder of a fishing permit that authorised the holder to take a number of quota units of that species in the Victorian Inshore Trawl Fishery.

(3) A person satisfies the condition for registration as an eligible person for the grant of a Type T quota statutory fishing right for a quota species mentioned in items 1 to 19 of Schedule 2 if, immediately before the end of the notice period, the person was the owner of a quota statutory fishing right option for that species arising from the revocation of the *South East Trawl Fishery Management Plan 1998*.

(4) A person satisfies the condition for registration as an eligible person for the grant of a Type T quota statutory fishing right for a quota species mentioned in item 20 of Schedule 2 if, immediately before the end of the notice period, the person was the holder of a fishing permit that authorised the holder to take a number of quota units of that species in the South East Trawl Fishery.

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(5) A person satisfies the condition for registration as an eligible person for the grant of a quota statutory fishing right for a quota species mentioned in items 21 to 24 of Schedule 2 if, immediately before the end of the notice period, the person was authorised to take a number of quota units of that species in the fishery.

(5A) A person satisfies the condition for registration as an eligible person for the grant of a Type T quota statutory fishing right for quota species mentioned in items 25 to 28 of Schedule 2 if, immediately before the end of the notice period, the person was the holder of:

(a) a GAB Trawl boat statutory fishing right; or

(b) a fishing permit granted under section 44.

(6) In this section:

notice period, for a statutory fishing right of a kind mentioned in any of subsections (1) to (5A) and for a species, means the period specified in a notice published in relation to statutory fishing rights of that kind, and for that species, in the fishery under section 24 of the Act.

Note See the notes under section 26 in relation to provisions in the Act relating to registration for the grant of statutory fishing rights.

Division 5.3 Grant of statutory fishing rights

28 Provisional grants (Act s 23)

(1) This section applies to a person who is registered as an eligible person for the grant of a statutory fishing right.

(2) AFMA must make a provisional grant to the person as follows:

(a) if the person is registered as an eligible person for the grant of a gillnet boat statutory fishing right — 1 gillnet boat statutory fishing right for each fishing permit that:

(i) was held by the person immediately before the end of the notice period; and

(ii) allowed fishing by gillnet methods in the Commonwealth Gillnet Sector (except coastal waters);

(b) if the person is registered as an eligible person for the grant of a shark hook boat statutory fishing right — 1 shark hook boat statutory fishing right for each fishing permit that:

(i) was held by the person immediately before the end of the notice period; and

(ii) allowed fishing by hook methods in the Commonwealth Shark Hook Sector (except coastal waters);

(c) if the person is registered as an eligible person for the grant of a scalefish hook boat statutory fishing right — 1 scalefish hook boat statutory fishing right for each fishing permit that:

(i) was held by the person immediately before the end of the notice period; and

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(ii) allowed fishing by hook methods in the Commonwealth Scalefish Hook Sector (except coastal waters);

(d) if the person is registered as an eligible person for the grant of a trawl boat statutory fishing right — 1 trawl boat statutory fishing right for each boat statutory fishing right, under the South East Trawl Fishery Management Plan 1998, in relation to which a boat statutory fishing right option:

(i) arose from the revocation of the South East Trawl Fishery Management Plan; and

(ii) was owned by the person immediately before the end of the notice period;

(e) if the person is registered as an eligible person for the grant of a GAB Trawl boat statutory fishing right — 1 GAB Trawl boat statutory fishing right for each boat statutory fishing right under the Great Australian Bight Trawl Fishery Management Plan that the person owned immediately before the end of the notice period;

(f) if the person is registered as an eligible person for the grant of a Type N quota statutory fishing right for a quota species under subsection 27 (1) — 1 Type N quota statutory fishing right for the species for each quota unit of that species that the person was authorised to take in the Gillnet, Hook and Trap Fishery in accordance with a fishing permit held by the person immediately before the end of the notice period;

(g) if the person is registered as an eligible person for the grant of a Type T quota statutory fishing right for a quota species under subsection 27 (2) — 1 Type T quota statutory fishing right for the species for each quota unit of that species that the person was authorised to take in the Victorian Inshore Trawl Fishery in accordance with a fishing permit held by the person immediately before the end of the notice period;

(h) if the person is registered as an eligible person for the grant of a Type T quota statutory fishing right for a quota species under subsection 27 (3) — 1 Type T quota statutory fishing right for the species for each quota statutory fishing right, under the South East Trawl Fishery Management Plan 1998, in relation to which a quota statutory fishing right option:

(i) arose from the revocation of that Management Plan; and

(ii) was owned by the person immediately before the end of the notice period;

(i) if the person is registered as an eligible person for the grant of a Type T quota statutory fishing right for a quota species under subsection 27 (4) — 1 Type T quota statutory fishing right for the species for each quota unit of that species that the person was authorised to take in the South East Trawl Fishery in accordance with a fishing permit held by the person immediately before the end of the notice period;

(j) if the person is registered as an eligible person for the grant of a quota statutory fishing right for a quota species because of subsection 27 (5) — 1 quota statutory fishing right for the species for each quota unit of that species that the person was authorised to take in the fishery

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in accordance with a fishing permit held by the person immediately before the end of the notice period;

(k) if the person is registered as an eligible person for the grant of a Type T quota statutory fishing right for a quota species under paragraph 27 (5A) (a) — the following Type T quota statutory fishing rights for each GAB Trawl boat statutory fishing right held by the person immediately before the end of the notice period:

(i) 300,000 Type T quota statutory fishing rights for the taking of deepwater flathead;

(ii) 100,000 Type T quota statutory fishing rights for the taking of bight redfish;

(iii) 20,000 Type T quota statutory fishing rights for the taking of orange roughy (GAB Albany and Esperance);

(l) if the person is registered as an eligible person for the grant of a Type T quota statutory fishing right for a quota species under paragraph 27 (5A) (b):

(i) for each kilogram of alfonsino taken by the person from 1 January 2000 to 31 December 2001 — 1 Type T quota statutory fishing right for the taking of alfonsino; and

(ii) for each 0.8153 kilogram of alfonsino taken by the person from 1 January 2002 to 30 June 2004 — 1 Type T quota statutory fishing right for the taking of alfonsino.

(2A) For paragraph (2) (l), a person is taken to have taken alfonsino in a period if the catch was reported to AFMA on forms known as 'SEF2 Catch Disposal Records' during that period.

(3) In this section:

notice period, for a statutory fishing right of a kind mentioned in any of paragraphs (2) (a) to (k) and for a species, means the period specified in a notice published in relation to statutory fishing rights of that kind, and for that species, in the fishery under section 24 of the Act.

Note See:

(a) section 23 of the Act about the provisional grant of statutory fishing rights; and

(b) Part 8, Division 3 of the Act about review by the Statutory Fishing Rights Allocation Review Panel.

29 Request for grant (Act s 31)

(1) AFMA may grant a statutory fishing right to a person only if:

(a) a notice mentioned in subsection 23 (2) of the Act stating that the person is to be granted the right is published in the *Gazette* (the ***Gazette notice***); and;

(b) the person applies to AFMA, using the approved form, for the grant.

Note Under subsection 23 (3) of the Act, AFMA must not notify a person that the grant of a right is available:

(a) before the end of the period within which applications may be made to the Statutory Fishing Rights Allocation Review Panel for review of provisional grant; or

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(b) if an application has been made to the Panel — before the application has been dealt with by the Panel or otherwise disposed of.

(2) If the person does not apply for the grant within 30 days after the *Gazette* notice is published, AFMA must send a notice (the ***reminder notice***) to the person telling the person that the person must apply within a period stated in the notice.

(3) If the person does not apply for the grant within the period stated in the reminder notice, AFMA must send another notice (the ***final notice***) to the person stating that the person's registration will be cancelled if the person does not, within 14 days after the final notice is sent:

(a) apply for the grant; and

(b) explain why the person did not apply within the period stated in the reminder notice.

(4) AFMA must cancel the person's registration as an eligible person if, despite a final notice, the person does not:

(a) apply for the grant within 14 days after the final notice is sent; and

(b) satisfy AFMA that the person had a reasonable excuse for not applying within the period stated in the reminder notice.

(5) If AFMA cancels a person's registration as an eligible person, AFMA must vary its records to show the cancellation.

Note 1 AFMA must grant a statutory fishing right to a person to whom the grant of the right is available if the person asks AFMA to grant the right: see section 31 of the Act.

Note 2 A decision under section 31 of the Act (other than a decision following an auction, tender or ballot) is subject to reconsideration under section 165 of the Act: see subsection 165 (2) of the Act. Application may be made to the Administrative Appeals Tribunal for review of a decision under section 165 of the Act: see subsection 165 (7) of the Act.

Note 3 A statutory fishing right ceases to have effect if AFMA revokes this Management Plan: see subsections 20 (4) and 22 (3) of the Act.

Note 4 AFMA must register all statutory fishing rights granted: see section 45 of the Act.

30 Certificate showing grant (Act s 22 (2))

(1) If AFMA grants to a person a statutory fishing right, AFMA must give the person a certificate, showing the grant of the statutory fishing right and setting out the following information:

(a) the person's name;

(b) a description of the right;

(c) the period (if any) for which the right is granted;

(d) that the right is granted in respect of the fishery;

(e) the obligations and conditions (if any) to which the right is subject.

Note In addition to the obligations imposed in accordance with Part 7, conditions may be imposed in relation to a boat statutory fishing right.

(2) A certificate given under this section may show the grant of more than one statutory fishing right to a person.

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Part 6 Fishing permits

36 Application of Part 6

Nothing in this Part is intended to limit the fishing permits that AFMA may grant under section 32 of the Act.

37 Definition of *OCS arrangement*

For this Part, an ***OCS arrangement*** is an arrangement made between the Commonwealth and a State or Territory under Division 3 of Part 5 of the Act.

38 Person may apply for first fishing permit or subsequent fishing permit

(1) A person may apply to AFMA, using the approved form, for the grant of a fishing permit for the fishery, or a part of the fishery, in accordance with this Part.

(2) A person may apply for a ***first fishing permit*** of a kind mentioned in a section of this Part if the person has not previously been granted a fishing permit of that kind for the fishery.

(3) A person may apply for a ***subsequent fishing permit*** of a kind mentioned in a section of this Part if the person holds a fishing permit of the same kind for the fishery.

(4) An application for the grant of a fishing permit in accordance with this Part must specify whether the person is applying for a first fishing permit.

Note 1 See section 32 of the Act about the grant of a fishing permit.

Note 2 See paragraph 32 (6) (c) and subsection 32 (9) of the Act about when a permit ceases to be in force.

Note 3 Fishing permits granted under this Part may be subject to conditions that require the holder of the permit to use only hook methods, gillnet methods, trap methods or trawl methods when the holder is fishing under the permit.

39 Fishing permit for South Australian Coastal Waters Sector

(1) AFMA must, on receiving an application from a person, grant to the person a first fishing permit for the South Australian Coastal Waters Sector if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was the holder of a fishing permit (the ***OCS permit***) that:

(a) was granted by AFMA in accordance with an OCS arrangement between the Commonwealth and South Australia; and

(b) authorised the person to fish in the coastal waters of South Australia.

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(2) A fishing permit granted under subsection (1) must authorise the person to use only the same fishing gear as the person could use under the OCS permit.

40 Fishing permit for Tasmanian Coastal Waters Sector

(1) AFMA must, on receiving an application from a person, grant to the person a first fishing permit for the Tasmanian Coastal Waters Sector if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was the holder of a fishing permit (the ***OCS permit***) that:

(a) was granted by AFMA in accordance with an OCS arrangement between the Commonwealth and Tasmania; and

(b) authorised the person to fish in the coastal waters of Tasmania.

(2) A fishing permit granted under subsection (1) must authorise the person to use only the same fishing gear as the person could use under the OCS permit.

41 Fishing permit for Victorian Coastal Waters Sector

(1) AFMA must, on receiving an application from a person, grant to the person a first fishing permit for the Victorian Coastal Waters Sector if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was the holder of a fishing permit (the ***OCS permit***) that:

(a) was granted by AFMA in accordance with an OCS arrangement between the Commonwealth and Victoria; and

(b) authorised the person to fish in the coastal waters of Victoria.

(2) A fishing permit granted under subsection (1) must authorise the person to use only the same fishing gear as the person could use under the OCS permit.

42 Trap fishing permit

(1) AFMA must, on receiving an application from a person, grant to the person a first trap fishing permit for the fishery if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was the holder of a fishing permit (the ***previous permit***) granted by the Commonwealth that authorised fishing by trap methods in the Gillnet, Hook and Trap Fishery.

(2) A fishing permit granted to a person under subsection (1) must authorise the person to:

(a) use only the same fishing gear as the person could use under the previous permit; and

(b) engage in fishing only in the area in which the person could engage in fishing under the previous permit.

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43 Fishing permit for Tasmanian Rock Lobster Sector

(1) AFMA must, on receiving an application from a person, grant to the person a first fishing permit for the Tasmanian Rock Lobster Sector if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was the holder of a fishing permit (the ***OCS permit***) that:

(a) was granted by AFMA in accordance with an OCS arrangement between the Commonwealth and Tasmania; and

(b) authorised the person to fish in waters within the Sector.

(2) A fishing permit granted under subsection (1) must authorise the person to use only the same fishing gear as the person could use under the OCS permit.

44 Fishing permit for East Coast Deepwater Trawl Sector

(1) AFMA must, on receiving an application from a person, grant to the person a first fishing permit for the East Coast Deepwater Trawl Sector if, immediately before the end of the period specified in a notice published in relation to the fishery under section 24 of the Act, the person was:

(a) the holder of a fishing permit (the ***previous permit***) granted by AFMA, authorising fishing by trawl methods in waters within the Sector; and

(b) the owner of a boat statutory fishing right option arising from the revocation of the South East Trawl Fishery Management Plan 1998.

(2) A fishing permit granted under subsection (1) must authorise the person to use only the same fishing gear as the person could use under the previous permit.

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Part 7 Obligations applying to holders of fishing concessions

45 Purpose of Part 7

(1) The purpose of Part 7 is to impose obligations on all holders of fishing concessions.

(2) For sections 38, 39 and 95 of the Act, an obligation imposed on the holder of a fishing concession by this Part is a condition of the fishing concession.

46 General obligations

(1) The holder of a quota statutory fishing right must not take an amount of fish of a quota species that, at that time, exceeds the quota that may be taken under the right, unless section 22, 22A or 23 applies to the holder.

(2) The holder of a fishing concession must:

(a) comply with this Management Plan; and

(c) comply with all conditions specified on the concession; and

(d) take all reasonable measures to ensure that by-catch, and the impact of fishing operations on the marine environment, are kept to a minimum; and

(e) take all reasonable steps to minimise the loss of fishing gear; and

(f) ensure that all fish unloaded from the fishery are unloaded within Australia or an external Territory; and

(h) if required by AFMA to do so, give AFMA reasonable access to biological, economic or technical information, or biological samples that are available to the holder.

(3) However, paragraph (2) (f) does not apply if the holder receives written approval from AFMA before landing the catch outside Australia or an external Territory.

Note 1 See subsections 22 (3), (4) and (5) of the Act for additional obligations to which a statutory fishing right is subject.

Note 2 See subsections 32 (5), (6), (7) and (8) of the Act in relation to obligations to which a fishing permit is subject.

Note 3 The holder of a fishing concession must also comply with the Act and with any regulations applying to the fishery, including the *Fisheries Management Regulations 1992*, and the annual levy Regulations.

Note 4 See section 38 of the Act in relation to AFMA's power to suspend a fishing concession if it has reasonable grounds to believe that there has been a breach of an obligation to which the concession is subject.

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48 Obligations relating to the carrying of fish

(1) The holder of a fishing concession:

(a) must ensure that the nominated boat for the purposes of the concession does not carry fish caught by another boat; and

(b) must ensure that fish is not moved from the nominated boat to another boat.

(2) However, this section does not apply if the holder receives written approval from AFMA before:

(a) the nominated boat carries fish caught by another boat; or

(b) fish is moved from the nominated boat to another boat while at sea.

49 Obligation relating to unloading fish of a quota species taken under State or Territory permit

(1) The holder of a fishing concession must ensure that fish:

(a) belonging to a quota species; and

(b) taken under a permit, however described, that is issued under a law of a State or Territory;

is unloaded from the nominated boat for the purposes of the concession before the boat is used to undertake a fishing activity under the concession.

(2) However, this section does not apply if the holder receives written approval from AFMA before undertaking a fishing activity under the concession while fish of a kind mentioned in subsection (1) are on the boat.

50 Obligation relating to unloading fish of a quota species before fishing under State or Territory permit

(1) The holder of a fishing concession must ensure that fish:

(a) belonging to a quota species; and

(b) taken under the concession;

is unloaded from the nominated boat for the purposes of the concession before the boat is used to undertake a fishing activity for a quota species under a permit, however described, that is issued under a law of a State or Territory.

(2) However, this section does not apply if the holder receives written approval from AFMA before undertaking a fishing activity mentioned in subsection (1) while fish of a kind mentioned in that subsection are on the boat.

51 Obligations relating to areas in which holder can fish

(1) The holder of a fishing concession must ensure that the nominated boat for the purposes of the concession is not used, on a trip, to fish:

(a) in more than one of the following areas:

(i) the high seas;

(ii) the AFZ; or

(b) for a quota species in more than one zone of the fishery, described in Part 3 of Schedule 1.

Note For quota species, see Schedule 2.

(2) However, the holder may undertake an activity mentioned in subsection (1) if, before the trip:

(a) the holder ensures that AFMA is given notice, in the approved form, of the holder's intention to undertake the activity; and

(b) AFMA gives the holder written notice:

(i) stating that the holder may undertake the activity; and

(ii) either:

(A) specifying any additional obligation to which the concession is subject for the purposes of undertaking the activity; or

(B) stating that there are no additional obligations to which the concession is subject for those purposes.

52 Obligation relating to inspection of nominated boat

If AFMA requests that the nominated boat for the purposes of a fishing concession be made available for inspection at a port or other location specified in the request, the holder of the concession must ensure that the nominated boat is made available for inspection in accordance with the request.

53 Obligations relating to disposal of fish landed from the fishery

(2) The holder must ensure that fish landed from the fishery is only disposed of (whether by sale or otherwise) if it has not been processed or the disposal is permitted by Division 10 of Part 3A of the *Fisheries Management Regulations 1992*.

(3) For subsection (2), processing does not include gilling, gutting or heading.

(4) However, the holder may dispose of fish other than in accordance with subsection (2) if, before the trip:

(a) the holder ensures that AFMA is given notice, in the approved form, of the holder's intention to dispose of fish other than in accordance with subsection (2); and

(b) AFMA gives the holder written notice:

(i) stating that the holder may dispose of fish other than in accordance with subsection (2); and

(ii) either:

(A) specifying any additional obligation to which the concession is subject for the purposes of disposing of fish other than in accordance with subsection (2); or

(B) stating that there are no additional obligations to which the concession is subject for those purposes.

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54 Special obligation of holders of GAB Trawl boat statutory fishing rights

(1) The holder of a GAB Trawl boat statutory fishing right must ensure that all fish is unloaded from the nominated boat for the purposes of the right before the nominated boat is moved:

(a) from the Commonwealth GAB Trawl Sector to the Commonwealth South East Trawl Sector; or

(b) from the Commonwealth South East Trawl Sector to the Commonwealth GAB Trawl Sector.

(2) However, this section does not apply if the holder receives written approval from AFMA before moving the nominated boat between the sectors mentioned in subsection (1).

55 Special obligation of holders of scalefish hook boat statutory fishing rights

The holder of a scalefish hook boat statutory fishing right must not take from the Commonwealth Scalefish Hook Sector an amount (by weight) of fish of a quota species mentioned in items 21 to 24 of Schedule 2 greater than the lesser of:

(a) the amount specified on the right; and

(b) the amount that, in the absence of this section, the holder could take under the holder's quota statutory fishing rights.

Part 9 Miscellaneous

58 Delegation

AFMA may, by writing under its common seal, delegate to an officer of AFMA any of its powers or functions under this Management Plan, except its powers under Part 3.

Note See subsection 17 (11) of the Act about the delegation of powers under Part 3.

59 Agents

(1) If the holder of a fishing concession appoints a person to be the holder's agent in relation to any matter to which this Management Plan applies, the holder must give AFMA a notice specifying the name of the agent and the powers that may be exercised by the agent.

(2) A notice must be accompanied by the instrument, or a certified copy of the instrument, by which the holder appointed the agent.

(3) For this Management Plan, the appointment of an agent by the holder of a statutory fishing right is of no effect unless AFMA has been notified of the appointment under subsection (1).

(4) For the purpose of making a decision about an application under a provision of this Management Plan:

(a) AFMA may assume that a notice given under this section is properly given; and

(b) AFMA is under no duty to verify, by other means, the authority of an agent to make the application.

60 Notices

(1) In this section:

address means:

(a) for the holder of a statutory fishing right — the holder's address stated in the Register; and

(b) for the holder of a fishing permit — the last address recorded by AFMA for the holder of the permit.

fax number means:

(a) for the holder of a statutory fishing right — the holder's address stated in the Register; and

(b) for the holder of a fishing permit — the last address recorded by AFMA for the holder of the permit.

notice means a notice that is required, or allowed, by this Management Plan to be given in writing.

working day, in a place, means a day that is not:

(a) a Saturday or Sunday; or

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(b) a public holiday in the place.

(2) A notice to the holder of a fishing concession is taken to be given to the holder if it is:

(a) delivered to the holder's residential or office address; or

(b) posted to the holder's postal address; or

(c) sent by fax to the holder's fax number; or

(d) sent by e-mail to the holder's e-mail address.

(3) A notice given to the holder of a fishing concession under this section is taken to have been given to the holder:

(a) if the notice is delivered to the holder's residential or office address — on the day when it is delivered; and

(b) if the notice is sent by fax to the holder's fax number, or by e-mail to the holder's e-mail address:

(i) 24 hours after the notice is sent; or

(ii) if that period does not end between 9 am and 5 pm on a working day in the place to which the notice is sent — at 9 am on the next working day in that place.

Note Under subsection 160 (1) of the *Evidence Act 1995*, it is presumed (unless evidence is presented that is sufficient to raise doubt about the presumption) that a postal article sent by pre-paid post addressed to a person at a specified address in Australia, or in an external Territory, was received at that address on the fourth working day after it was posted.

Part 10 Transitional

61 Transitional — general

(1) This section ceases to have effect on the day specified in a notice published in the *Gazette* under subsection (2).

(2) AFMA must publish a notice in the *Gazette* stating that this section ceases to have effect on a day specified in the notice.

(3) The day specified in a notice under subsection (2) must not be earlier than the day on which the notice is published.

(4) Despite section 20, a person may engage in fishing in the fishery if the person holds a fishing permit that would, in the absence of this Management Plan, permit fishing in the fishery.

(5) This Management Plan does not affect a fishing permit that authorises fishing in the fishery, or a condition to which the permit is subject.

(6) This Management Plan does not prevent AFMA from granting or transferring a fishing permit that authorises fishing in the fishery.

62 Transitional — quota species

(1) The notice published under section 61 may provide that this section has effect, for a quota species, from the day on which section 61 ceases to have effect until the day specified in a notice published in the *Gazette* under subsection (2) for that species.

(2) For each quota species for which this section has effect, AFMA must publish a notice in the *Gazette* stating that this section ceases to have effect on a day specified in the notice.

(3) The day specified in a notice under subsection (2) must not be earlier than the day on which the notice is published.

(4) Despite section 20, a person may engage in fishing for a quota species for which this section has effect in a part of the area of the fishery if the person holds a boat statutory fishing right or fishing permit that authorises the person:

(a) to fish in that part of the area of the fishery; and

(b) to take an amount of fish of that species.

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Schedule 1 Area of fishery

(section 3)

Part 1 Area of fishery

1 Area of fishery

The area of the fishery is the part of the AFZ (including coastal waters that, under section 76 of the Act, are taken to be part of the AFZ for the purposes of the application of the Act to the fishery) that includes:

(a) the area described as the Commonwealth Gillnet Sector or Commonwealth Shark Hook Sector (clause 1 of Part 2 of this Schedule); and

(b) the area described as the Commonwealth Scalefish Hook Sector (clause 2 of Part 2 of this Schedule); and

(c) the area described as the Commonwealth GAB Trawl Sector (clause 3 of Part 2 of this Schedule); and

(d) the area described as the Commonwealth South East Trawl Sector (clause 4 of Part 2 of this Schedule); and

(e) the area described as the East Coast Deepwater Trawl Sector (clause 5 of Part 2 of this Schedule); and

(f) the area described as the Tasmanian Rock Lobster Sector (clause 6 of Part 2 of this Schedule); and

(g) the area described as the South Australian Coastal Waters Sector (clause 7 of Part 2 of this Schedule); and

(h) the area described as the Tasmanian Coastal Waters Sector (clause 8 of Part 2 of this Schedule); and

(i) the area described as the Victorian Coastal Waters Sector (clause 9 of Part 2 of this Schedule).

Part 2 Sectors of the fishery

1 Area of Commonwealth Gillnet Sector or Commonwealth Shark Hook Sector

The area of the Commonwealth Gillnet Sector or Commonwealth Shark Hook Sector is the part of the AFZ bounded by a line beginning at the intersection of the outer limit of coastal waters off south-eastern Australia with the geodesic that is a continuation of the landward boundary between New South Wales and Victoria, and running progressively as described in the following table (excluding any coastal waters).

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Item	Description
1	South-easterly along that geodesic to its intersection with the outer limit of the AFZ
2	Generally southerly and westerly along that outer limit to its intersection, south of Australia, with the boundary between the adjacent areas of South Australia and Western Australia
3	North along that boundary to its intersection with the outer limit of coastal waters off southern Australia
4	Generally easterly along the outer limit of the coastal waters of South Australia and Victoria to the point where the line began

2 Area of Commonwealth Scalefish Hook Sector

The area of the Commonwealth Scalefish Hook Sector is the part of the AFZ bounded by a line beginning at 24° 29′ 54″ S, 154° 40′ 04″ E, and running progressively as described in the following table (excluding any coastal waters and waters within 25 nautical miles of the coastline of Lord Howe Island and Balls Pyramid at low water).

Item	Description
1	East along the parallel of latitude 24° 29′ 54″ S to its intersection with the outer limit of the AFZ
2	Generally southerly and westerly along that outer limit to its intersection, south of Australia, with the boundary between the adjacent areas of South Australia and Western Australia
3	North along that boundary to its intersection with the outer limit of coastal waters off southern Australia
4	Generally easterly along the outer limit of the coastal waters of South Australia and Victoria to its intersection with the boundary between the adjacent areas of New South Wales and Victoria
5	South-easterly along the boundary between the adjacent areas of New South Wales and Victoria to 37° 34′ 54″ S, 150° 10′ 04″ E
6	East along that parallel to its intersection with the meridian of longitude 151° 35′ 04″ E
7	North-easterly along the geodesic to 29° 59′ 54″ S, 154° 40′ 04″ E
8	North along the meridian of longitude 154° 40′ 04″ E to the point where the line began

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3 Area of Commonwealth GAB Trawl Sector

The area of the Commonwealth GAB Trawl Sector is the part of the AFZ bounded by a line beginning at the intersection of the 200 metre isobath south of Australia with the meridian of longitude 115° 08′ 06″ E, and running progressively as described in the following table.

Item	Description
1	South along that meridian to its intersection with the outer limit of the AFZ
2	Generally easterly along that outer limit to its intersection with the meridian of longitude 138° 08′ 05″ E
3	North along that meridian to its intersection with the parallel of latitude 37° 05′ 55″ S
4	Westerly along the geodesic to 37° 02′ 55″ S, 137° 47′ 05″ E
5	North-westerly along the geodesic to 36° 48′ 55″ S, 137° 24′ 05″ E
6	Westerly along the geodesic to 36° 36′ 55″ S, 136° 47′ 05″ E
7	North along that meridian to its intersection with the parallel of latitude 36° 29′ 55″ S
8	West along that parallel to its intersection with the meridian of longitude 136° 10′ 05″ E
9	North-westerly along the geodesic to 35° 49′ 55″ S, 135° 36′ 05″ E
10	Westerly along the geodesic to 35° 26′ 55″ S, 134° 48′ 05″ E
11	North-westerly along the geodesic to 35° 09′ 55″ S, 134° 25′ 05″ E
12	Westerly along the geodesic to 34° 52′ 55″ S, 133° 25′ 05″ E
13	North along that meridian to its intersection with the parallel of latitude 34° 41′ 55″ S
14	North-westerly along the geodesic to 33° 56′ 00″ S, 132° 30′ 00″ E
15	Westerly along the geodesic to 33° 32′ 00″ S, 132° 00′ 00″ E
16	North along that meridian to its intersection with the parallel of latitude 32° 39′ 55″ S
17	West along that parallel to its intersection with the boundary between the adjacent areas of South Australia and Western Australia
18	North along that boundary to its intersection with the outer limit of coastal waters off southern Australia
19	Generally westerly along the outer limit of the coastal waters of Western Australia to its intersection with the meridian of longitude 125° 00′ 05″ E
20	South along that meridian to its intersection with the 200 metre isobath
21	Generally westerly along that isobath to the point where the line began

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4 Area of Commonwealth South East Trawl Sector

The area of the Commonwealth South East Trawl Sector is the part of the AFZ that is within the area bounded by a line beginning at the intersection of the outer limit of the coastal waters of New South Wales with the parallel of latitude 33° 34′ 54″ S, and running progressively as described in the following table (excluding any coastal waters).

Item	Description
1	East along that parallel to its intersection with the meridian of longitude 156° 10′ 04″ E
2	South along that meridian to its intersection with the outer limit of the AFZ
3	Generally southerly and westerly along that outer limit to its intersection south of Australia with the meridian of longitude 138° 08′ 05″ E
4	North along that meridian to its intersection with the outer limit of the coastal waters of South Australia
5	Generally easterly and northerly along the outer limit of the coastal waters of South Australia, Victoria and New South Wales to the point where the line began

5 Area of East Coast Deepwater Trawl Sector

The area of the East Coast Deepwater Trawl Sector is the part of the AFZ bounded by a line beginning at 24° 29′ 54″ S, 154° 40′ 04″ E, and running progressively as described in the following table (excluding waters within 25 nautical miles of the coastline of Lord Howe Island and Balls Pyramid at low water).

Item	Description
1	South along that meridian to its intersection with the parallel of latitude 29° 59′ 54″ S
2	South-westerly along the geodesic to 33° 34′ 54″ S, 153° 16′ 58″ E
3	East along that parallel to its intersection with the meridian of longitude 156° 10′ 04″ E
4	South along that meridian to its intersection with the outer limit of the AFZ
5	Generally south-easterly and northerly along that outer limit to its intersection with the parallel of latitude 24° 29′ 54″ S
6	West along that parallel to the point where the line began

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6 Area of Tasmanian Rock Lobster Sector

The area of the Tasmanian Rock Lobster Sector is the part of the AFZ bounded by a line beginning at 39° 59′ 55″ S, 140° 57′ 59″ E, and running progressively as described in the following table.

Item	Description
1	South along that meridian to its intersection with the outer limit of the AFZ
2	Generally southerly, easterly and northerly along that outer limit to its intersection with the parallel of latitude 39° 11′ 54″ S
3	West along that parallel to its intersection with the meridian of longitude 143° 40′ 05″ E
4	South along that meridian to its intersection with the parallel of latitude 39° 59′ 55″ S
5	West along that parallel to the point where the line began

7 Area of South Australian Coastal Waters Sector

The area of the South Australian Coastal Waters Sector is the coastal waters of South Australia.

8 Area of Tasmanian Coastal Waters Sector

The area of the Tasmanian Coastal Waters Sector is the coastal waters of Tasmania.

9 Area of Victorian Coastal Waters Sector

The area of the Victorian Coastal Waters Sector is the coastal waters of Victoria, except the following areas, as described in Schedule Seven of the **National Parks Act 1975** of Victoria, as in force at the commencement of this Management Plan:

(a) Bunurong Marine National Park;
(b) Ninety Mile Beach Marine National Park;
(c) Point Addis Marine National Park;
(d) Point Hicks Marine National Park;
(e) Port Phillip Heads Marine National Park;
(f) Wilsons Promontory Marine National Park.

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Part 3 Zones of the fishery

1 Gemfish eastern zone

The gemfish eastern zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the southernmost intersection of the meridian of longitude 146° 22′ 00″ E with the coastline of Victoria at low water, and running progressively as described in the following table (excluding waters within 25 nautical miles of the coastline of Lord Howe Island and Balls Pyramid at low water).

Item	Description
1	South along that meridian to its intersection with the northern coastline of Tasmania at low water
2	Generally easterly, southerly, westerly and northerly along the coastline of Tasmania at low water to its westernmost intersection with the parallel of latitude 42° 00′ 00″ S
3	West along that parallel to its intersection with the outer limit of the AFZ
4	Generally southerly, easterly and northerly along that outer limit to its intersection with the parallel of latitude 24° 29′ 54″ S
5	West along that parallel to its intersection with the meridian of longitude 154° 40′ 04″ E
6	South along that meridian to its intersection with the parallel of latitude 29° 59′ 54″ S
7	South-westerly along the geodesic to 33° 34′ 54″ S, 153° 16′ 58″ E
8	West along that parallel to its intersection with the outer limit of the coastal waters of New South Wales
9	Generally southerly along that outer limit to its intersection with the boundary between the adjacent areas of New South Wales and Victoria
10	North-westerly along that boundary to its intersection with the south-eastern coastline of mainland Australia at low water
11	Generally westerly along the coastline of Victoria at low water to the point where the line began

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2 Gemfish western zone

The gemfish western zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the meridian of longitude 115° 08′ 06″ E with the 200 metre isobath south of Australia, and running progressively as described in the following table.

Item	Description
1	South along that meridian to its intersection with the outer limit of the AFZ
2	Generally easterly and south-easterly along that outer limit to its first intersection with the parallel of latitude 42° 00′ 00″ S
3	East along that parallel to its intersection with the western coastline of Tasmania at low water
4	Generally northerly and easterly along the coastline of Tasmania at low water to its northernmost intersection with the meridian of longitude 146° 22′ 00″ E
5	North along that meridian to its southernmost intersection with the coastline of Victoria at low water
6	Generally westerly along the southern coastline of mainland Australia at low water to its intersection with the boundary between South Australia and Western Australia
7	South along that boundary to the outer limit of coastal waters south of Australia
8	Generally westerly along the outer limit of the coastal waters of Western Australia to its intersection with the meridian of longitude 125° 00′ 05″ E
9	South along that meridian to its intersection with the 200 metre isobath
10	Generally westerly along that isobath to the point where the line began

3 North-eastern remote zone

The north-eastern remote zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the outer limit of the coastal waters of New South Wales with the parallel of latitude 33° 34′ 54″ S, and running progressively as described in the following table.

Item	Description
1	East along that parallel to its intersection with the meridian of longitude 156° 10′ 04″ E
2	South along that meridian to its intersection with the outer limit of the AFZ
3	Generally southerly along that outer limit to its intersection with the parallel of latitude 39° 30′ 00″ S

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Item	Description
4	West along that parallel to its intersection with the meridian of longitude 146° 22′ 00″ E
5	North along that meridian to its southernmost intersection with the coastline of Victoria at low water
6	Generally north-easterly along the coastline of Victoria at low water to its intersection with the boundary between New South Wales and Victoria
7	South-easterly along the boundary between the coastal waters of New South Wales and Victoria to its intersection with the outer limit of coastal waters
8	Generally northerly along the outer limit of the coastal waters of New South Wales to the point where the line began

4 Orange roughy Cascade Plateau zone

The area of the orange roughy Cascade Plateau zone of the fishery is the part of the fishery that is within the area bounded by a circle with its centre at 43° 55′ 06″ S, 150° 28′ 11″ E, and a radius of 15 nautical miles.

5 Orange roughy eastern zone

The orange roughy eastern zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the meridian of longitude 146° 22′ 00″ E with the northern coastline of Tasmania at low water, and running progressively as described in the following table.

Item	Description
1	North along that meridian to its intersection with the parallel of latitude 39° 30′ 00″ S
2	East along that parallel to its intersection with the outer limit of the AFZ
3	Generally southerly along that outer limit to its intersection with the parallel of latitude 43° 10′ 00″ S
4	West along that parallel to its easternmost intersection with the eastern coastline of Tasmania at low water
5	Generally northerly and westerly along the coastline of Tasmania at low water to the point where the line began

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6 Orange roughy southern zone

The orange roughy southern zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the easternmost intersection of the eastern coastline of Tasmania at low water with the parallel of latitude 43° 10′ 00″ S, and running progressively as described in the following table.

Item	Description
1	East along that parallel to its intersection with the meridian of longitude 149° 30′ 00″ E
2	South along that meridian to its intersection with the parallel of latitude 45° 00′ 00″ S
3	West along that parallel to its intersection with the outer limit of the AFZ
4	Generally north-westerly along that outer limit to its intersection with the parallel of latitude 42° 00′ 00″ S
5	East along that parallel to its intersection with the western coastline of Tasmania at low water
6	Generally southerly, easterly and northerly along the coastline of Tasmania at low water to the point where the line began

7 Orange roughy western zone

The orange roughy western zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the southernmost intersection of the meridian of longitude 138° 08′ 05″ E with the coastline of South Australia at low water, and running progressively as described in the following table.

Item	Description
1	South along that meridian to its intersection with the outer limit of the AFZ
2	Generally south-easterly along that outer limit to its first intersection with the parallel of latitude 42° 00′ 00″ S
3	East along that parallel to its intersection with the western coastline of Tasmania at low water
4	Generally northerly and easterly along the coastline of Tasmania at low water to its northernmost intersection with the meridian of longitude 146° 22′ 00″ E
5	North along that meridian to its southernmost intersection with the coastline of Victoria at low water
6	Generally westerly along the southern coastline of mainland Australia at low water to the point where the line began

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8 Southern remote zone

The southern remote zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the parallel of latitude 43° 10′ 00″ S with the meridian of longitude 149° 30′ 00″ E, and running progressively as described in the following table (excluding any waters within the orange roughy Cascade Plateau zone).

Item	Description
1	South along that meridian to its point of intersection with the parallel of latitude 45° 00′ 00″ S
2	West along that parallel to its point of intersection with the outer limit of the AFZ
3	Generally southerly and easterly along that outer limit to its intersection with the meridian of longitude 146° 30′ 05″ E
4	North along that meridian to its intersection with the parallel of latitude 46° 26′ 02″ S
5	East along that parallel to its first intersection with the outer limit of the AFZ
6	Generally north-easterly along that outer limit to its intersection with the parallel of latitude 43° 10′ 00″ S
7	West along that parallel to the point where the line began

9 South Tasman Rise zone

The South Tasman Rise zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the parallel of latitude 46° 26′ 02″ S with the meridian of longitude 146° 30′ 05″ E, and running progressively as described in the following table.

Item	Description
1	South along that meridian to its intersection with the outer limit of the AFZ
2	Generally north easterly along that outer limit to its intersection with the parallel of latitude 46° 26′ 02″ S
3	West along that parallel to the point where the line began

10 GAB eastern zone

The GAB eastern zone is the part of the fishery that is within the Commonwealth GAB Trawl Sector and east of the meridian of longitude 136° E.

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11 GAB Albany zone

The GAB Albany zone is the part of the fishery that is within the area formed by a line beginning at the intersection of the meridian of longitude 118° 10′ E and the parallel of latitude 35° 26′ S and running progressively as described in the following table.

Item	Description
1	South along the meridian of longitude 118° 10′ E to the intersection with the parallel of latitude 35° 36′ S
2	East along the parallel of latitude 35° 36′ S to the intersection with the meridian of longitude 118° 40′ E
3	North along the meridian of longitude 118° 40′ E to the parallel of latitude 35° 15′ S
4	Generally westerly to the point where the line began

12 GAB Esperance zone

The GAB Esperance zone is the part of the fishery that is within the area formed by a line beginning at the intersection of the meridian of longitude 125° E and the parallel of latitude 34° 10′ S and running progressively as described in the following table.

Item	Description
1	South along the meridian of longitude 125° E to the intersection with the parallel of latitude 34° 25′ S
2	Generally easterly to the intersection of the meridian of longitude 126° 20′ E and the parallel of latitude 34° S
3	North along the meridian of longitude 126° 20′ E to the intersection with the parallel of latitude 33° 46′ S
4	Generally westerly to the point where the line began

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Schedule 2 Quota species

(section 3)

Item	Quota species	Scientific name
1	Blue eye trevalla	*Hyperoglyphe antarctica*
		Schedophilus labyrinthica
2	Blue grenadier	*Macruronus novaezelandae*
3	Blue warehou	*Seriolella brama*
4	Flathead	*Neoplatycephalus aurimaculatus*
		Neoplatycephalus richardsoni
		Platycephalus bassensis
		Platycephalus caeruleopunctatus
		Platycephalus speculator
5	Gemfish (eastern)	*Rexea solandri*
6	Gemfish (western)	*Rexea solandri*
7	Jackass morwong	*Nemadactylus macropterus*
8	John dory	*Zeus faber*
9	Pink ling	*Genypterus blacodes*
10	Mirror dory	*Zenopsis nebulosis*
11	Ocean perch	*Helicolenus* species
12	Redfish	*Centroberyx affinis*
13	Royal red prawn	*Haliporoides sibogae*
14	School whiting	*Sillago flindersi*
15	Silver trevally	*Pseudocaranx dentex*
16	Silver warehou	*Seriolella punctata*
17	Orange roughy (eastern)	*Hoplostethus atlanticus*
18	Orange roughy (western)	*Hoplostethus atlanticus*
19	Orange roughy (southern)	*Hoplostethus atlanticus*
20	Orange roughy (Cascade Plateau)	*Hoplostethus atlanticus*
21	School shark	*Galeorhinus galeus*
22	Gummy shark	*Mustelus antarcticus*
23	Elephant fish	Members of the Families Callorhinchidae and Rhinochimaeridae
24	Saw shark	*Pristiophorus cirratus*
		Pristiophorus nudipinnis
25	Alfonsino	*Beryx splendens*
26	Bight redfish	*Centoberyx gerrardi*
27	Deepwater flathead	*Neoplatycephalus conatus*

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Item	Quota species	Scientific name
28	Orange roughy (GAB Albany and Esperance zones)	*Hoplostethus atlanticus*
29	Deepwater shark	*Centroscymnus coelolepis*
		Centroscymnus crepidater
		Centroscyllium kamoharai
		Centroscymnus owstoni
		Centroscymnus plunketi
		Dalatias licha
		Deania calcea
		Deania quadrispinosa
		Etmopterus bigelowi
		Etmopterus brachyurus
		Etmopterus dianthus
		Etmopterus dislineatus
		Etmopterus evansi
		Etmopterus fusus
		Etmopterus granulosus
		Etmopterus Lucifer
		Etmopterus molleri
		Etmopterus pusillus
30	Oreo	*Allocyttus niger*
		Allocyttus verrucosus
		Neocyttus rhomboidalis
		Neocyttus species
31	Ribaldo cod	*Mora moro*
32	Smooth oreo dory	*Pseudocyttus maculatus*

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Notes to the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*

Note 1

The *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* (in force under section 17 of the *Fisheries Management Act 1991*) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

Title	Date of notification in *Gazette* or FRLI registration	Date of commencement	Application, saving or transitional provisions
Southern and Eastern Scalefish and Shark Fishery Management Plan 2003	1 Oct 2003 (*see Gazette* 2003, No. GN39)	1 Oct 2003	
Southern and Eastern Scalefish and Shark Fishery Plan of Management Amendment 2005 (No. 1)	21 Oct 2005 (*see* F2005L03250)	22 Oct 2005	—
Southern and Eastern Scalefish and Shark Fishery Management Plan Amendment 2006 (No. 2)	19 Dec 2006 (*see* F2006L04098)	20 Dec 2006	—
Southern and Eastern Scalefish and Shark Fishery Management Plan Amendment 2009 (No. 1)	22 July 2009 (*see* F2009L02937)	23 July 2009	—
Fisheries Legislation (Management Plans) Amendment 2011 (No. 1)	19 Dec 2011 (*see* F2011L02746)	20 Dec 2011	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
S. 3	am. 2005 No. 1; 2006 No. 2; 2011 No. 1
S. 6	am. 2006 No. 2
S. 7	am. 2006 No. 2
Part 2	
Note to s. 9 (4)	am. 2011 No. 1
Part 3	
Division 3.1	
S. 11	am. 2006 No. 2
Notes 1 and 2 to s. 11 (4)	rep. 2006 No. 2
S. 12	am. 2006 No. 2
Division 3.2	
S. 16	am. 2006 No. 2
S. 19	am. 2006 No. 2
S. 20	am. 2005 No. 1; 2011 No. 1
Part 4	
Division 4.1	
Note to s. 20 (3)	am. 2006 No. 2
Notes 2 and 3 to s. 20 (9)	rs. 2011 No. 1
S. 21	am. 2006 No. 2
Division 4.2	
S. 21A	ad. 2006 No. 2
Heading to s. 22	rs. 2006 No. 2
S. 22	am. 2006 No. 2
S. 22A	ad. 2006 No. 2
S. 23	am. 2006 No. 2
S. 24	am. 2006 No. 2
Note to s. 24 (2)	rep. 2006 No. 2
Part 5	
Division 5.2	
S. 27	am. 2005 No. 1; 2006 No. 2
S. 28	am. 2005 No. 1; 2006 No. 2
Div. 5.4 of Part 5	rep. 2011 No. 1
S. 31	am. 2006 No. 2 rep. 2011 No. 1
S. 32	rep. 2011 No. 1
Div. 5.5 of Part 5	rep. 2011 No. 1
S. 33	am. 2006 No. 2 rep. 2011 No. 1
S. 34	rep. 2011 No. 1
S. 35	rep. 2011 No. 1
Part 7	
S. 46	am. 2006 No. 2; 2011 No. 1
Note 5 to s. 46 (4)	rep. 2011 No. 1
S. 47	rep. 2011 No. 1
S. 53	am. 2011 No. 1

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 54	am. 2006 No. 2
Part 8	rep. 2011 No. 1
S. 56	rep. 2011 No. 1
Part 9	
S. 57	rep. 2011 No. 1
S. 58	am. 2011 No. 1
Note to s. 58	am. 2011 No. 1
S. 60	am. 2006 No. 2
S. 63	rep. 2006 No. 2
Schedule 1	
Schedule 1	am. 2005 No. 1; 2006 No. 2; 2009 No. 1
Schedule 2	
Schedule 2	am. 2005 No. 1; 2006 No. 2