

FISHERIES MANAGEMENT ACT 1991
HEARD ISLAND AND McDONALD ISLANDS FISHERY
MANAGEMENT PLAN 2002

DIRECTION No. HIMIFD 10

**CLOSURE OF THE AREA OUTSIDE OF THE HEARD ISLAND
PLATEAU TO MACKEREL ICEFISH FISHING**

I, Glenn Hurry, Chief Executive Officer of the Australian Fisheries Management Authority, as delegate, make the following Direction under subsection 17(5A) of the *Fisheries Management Act 1991* and subsection 31(1) of the *Heard Island and McDonald Islands Fishery Management Plan 2002*.

Dated 1 April 2009

Signed – Glenn Hurry

Chief Executive Officer
Australian Fisheries Management Authority

Citation

1. This Direction may be cited as Direction No. HIMIFD 10.

Commencement

2. This Direction commences at the start of 22 April 2009.

Application

3. This Direction applies to a holder of statutory fishing rights in the fishery and to a person acting on behalf of the holder.

Period of Application

4. This Direction applies for a period of five years from the date of commencement.

Interpretation

5.1 In this Direction:

“**fishery**” means the Heard Island and McDonald Islands Fishery;

“**incidental take**” means the taking of species unintentionally while engaged in commercial fishing;

“**mackerel icefish**” means fish of the species *Champsocephalus gunnari*;

“**Plan**” means the *Heard Island and McDonald Islands Fishery Management Plan 2002*;

"target" in relation to fishing means the commercial fishing activities engaged in with the intention of taking a particular species;

- 5.2** Where a term used in this Direction is not defined, it has the meaning given to it in the Plan, or, if it is not defined in the Plan, in the *Fisheries Management Act 1991*.
- 5.3** The origin of geographical coordinates used in this Direction is the World Geodetic Datum System 1972 (WGS72).

Prohibition on fishing

- 6.1** No fishing is to be engaged in that targets mackerel icefish in the area of the fishery that is the outside of the Heard Island Plateau, as defined in Schedule 1.
- 6.2** The incidental take of mackerel icefish in the area of the fishery referred to in clause 6.1 will be decremented from a person's quota holdings for that species in the same manner as it would be if mackerel icefish were a target species in that area.

Exemption to the Prohibition on fishing in clause 6.1

- 7.** An exemption to the prohibition on fishing in clause 6.1 above applies to a person who fishes under a scientific permit in accordance with section 15 of the Plan.

Revocation of Direction No. HIMIFD 5

- 8.** Direction No. HIMIFD 5, made on 1 April 2004, is revoked.

SCHEDULE 1

Area of the Heard Island Plateau

Heard Island Plateau is defined as the area enclosed by a line:

- i. starting at the point where the meridian of Longitude 72 degrees 15 minutes East intersects the Australia–France Maritime Delimitation Agreement Boundary then south along the meridian to its intersection with the parallel of Latitude 53 degrees 25 minutes South;
- ii. then east along that parallel to its intersection with the meridian of Longitude 74 degrees East;
- iii. then north-easterly along the geodesic to the intersection of the parallel of Latitude 52 degrees 40 minutes South and the meridian of Longitude 76 degrees East;
- iv. then north along the meridian to its intersection with the parallel of Latitude 52 degrees South;
- v. then north-westerly along the geodesic to the intersection of the parallel of Latitude 51 degrees South with the meridian of Longitude 74 degrees 30 minutes East; and
- vi. then south-westerly along the geodesic to the point of commencement.