



Bass Strait Central Zone Scallop Fishery Management Plan Amendment 2010 (No. 1)¹

Fisheries Management Act 1991

The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY makes this instrument under section 20 of the *Fisheries Management Act 1991*.

Dated 4 March 2010

Common seal of the
Australian Fisheries
Management Authority

Accepted on 28 April 2010

TONY BURKE
Minister for Agriculture, Fisheries and Forestry

1 Name of instrument

This instrument is the *Bass Strait Central Zone Scallop Fishery Management Plan Amendment 2010 (No. 1)*.

2 Commencement

This instrument commences on the day after it is registered.

3 Amendment of *Bass Strait Central Zone Scallop Fishery Management Plan 2002*

Schedule 1 amends the *Bass Strait Central Zone Scallop Fishery Management Plan 2002*.

Schedule 1 Amendments

(section 3)

[1] **Section 3, definition of *fishing season*, paragraph (b)**

omit

1 May to 20 December,

insert

1 April to 31 December,

[2] **Section 3, after definition of *fish receiver permit***

insert

harvest strategy means the strategy for the fishery, created under the Commonwealth Fisheries Harvest Strategy Policy, that sets out the management actions necessary to achieve defined biological and economic objectives in the fishery.

[3] **Paragraph 7 (c)**

substitute

- (c) setting and varying the total allowable catch for each species of scallop each year in the fishery in accordance with the harvest strategy;

[4] **Subsection 12 (2)**

substitute

- (2) If the quota allocated to a quota statutory fishing right increases during a fishing year, the holder of the right is taken to have contravened subsection (1) if the amount of scallops of a species taken by the holder before the increase was greater than the quota allocated to the right before the increase.
- (2A) If the quota allocated to a quota statutory fishing right decreases during a fishing year, the holder of the right does not contravene subsection (1) if:
- (a) immediately before the decrease, the amount of scallops of a species taken by the holder during the fishing year was equal to or less than the quota allocated to the right before the decrease; and
 - (b) the holder of the right does not take any more scallops of that species after AFMA gives the holder a notice under subsection 28 (4).

Note The quota allocated to a quota statutory fishing right will increase or decrease if AFMA increases or decreases the total allowable catch for a species of scallop under section 28.

[5] Paragraph 22 (2) (g)

omit

[6] Section 22, note 1

omit

These include reporting requirements

insert

These include size limits on the scallops that may be taken, reporting requirements

[7] Subsection 27 (2)

omit

[8] Subsection 28 (1)

omit

increase

insert

vary

[9] Subsection 28 (2)

omit

increasing

insert

varying

[10] Subsection 28 (3)

omit

increasing

insert

varying

[11] Subsection 28 (4)*substitute*

- (4) If AFMA varies the total allowable catch for a species of scallop under subsection (1), AFMA must give, to each holder of a quota statutory fishing right for the species to which the variation relates, written notice of the variation.

[12] Subsection 32 (3)*omit***[13] Schedule 2***substitute***Schedule 2 Species of scallop**

(section 3)

Item	Common name	Scientific name	Marketing name
1	Commercial scallop	<i>Pecten fumatus</i>	Scallop
2	Doughboy scallop	<i>Chlamys (Mimachlamys) asperrimus</i>	Doughboy scallop

[14] Schedule 3*omit*

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.