****

**Fisheries Management (Bass Strait Central Zone Scallop Fishery Management Plan 2002) Temporary Order 2013 No. 1**

*Fisheries Management Act 1991*

I, JAMES FINDLAY, Chief Executive Officer and delegate of the Australian Fisheries Management Authority, make this order under subsection 43(2) of the *Fisheries Management Act 1991* (the Management Act)*,* being satisfied that:

(a) it is necessary to take action under section 43 of the Management Act;

(b) the action is consistent with AFMA objectives; and

(c) no other action is appropriate.

Dated: 14 August 2013

JAMES FINDLAY

Chief Executive Officer

Australian Fisheries Management Authority

**1. Name of Order**

This Order may be cited as the *Fisheries Management (Bass Strait Central Zone Scallop Fishery Management Plan 2002) Temporary Order 2013 No.1*.

**2. Commencement**

This Order commences on the day after registration on the Federal Register of Legislative Instruments.

**3. Definitions**

In this Order:

Terms used have the same meaning that they have in the Management Act or in the *Bass Strait Central Zone Scallop Fishery Management Plan 2002* (the Management Plan)*.*

***AFMA*** means the Australian Fisheries Management Authority.

***holder***, at a particular time, means:

(a) for a statutory fishing right:

(i) the person who owns the right and has not leased the right to another person under subsection 46(4D) of the Management Act; or

(ii) the person has leased the right from another person under that subsection.

**4. Notification of Total Available Catch**

Subsection 27(4) of the Management Plan has no effect to the extent that AFMA is not required to give a notice to a holder of a statutory fishing right 28 days prior to the commencement of the fishing season stating the total allowable catch for the species to which the right relates, and the quota allocated to the right for the fishing year.

**5**. **Directions not to engage in fishing**

For the avoidance of doubt, this Order does not affect any directions made under subsection 17(5A) of the Management Act or, since the *Fisheries Legislation Amendment Act (No.2) 2010* commenced, under section 41A of the Management Act, which directions continue in force according to their terms.