

EXPLANATORY STATEMENT

Issued by the Authority of the Australian Fisheries Management Authority

Fisheries Management Act 1991

Heard Island and McDonald Islands Fishery (Closures) Direction No. 1 2014

The *Heard Island and McDonald Islands Fishery (Closures) Direction No. 1 2014* (the Direction) is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Subsection 41A(2) of the *Fisheries Management Act 1991* (the Management Act) provides, inter alia, that the Australian Fisheries Management Authority (AFMA) may, after such consultation as set out in s41A(2), direct that fishing is not to be engaged in the fishery, or a particular part of the fishery, during a particular period or periods.

Subsection 41A(2) also provides that, before AFMA issues a Direction, it must consult with the management advisory committee for the fishery, the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC) about the content of the Direction unless the Direction is issued in circumstances of an emergency.

The Fishery

The Heard Island and McDonald Islands Fishery (the Fishery) includes external territories of Australia located in the Southern Indian Ocean about 4,000 km south-west of Perth. The islands lie within the Antarctic Convergence. The waters surrounding the islands out to 200 nautical miles are part of the Australian Fishing Zone which is managed by AFMA.

The Direction

The Direction prohibits targeting mackerel icefish (*Champsocephalus gunnari*) in any area of the Fishery outside of the Heard Island Plateau as defined in the Schedule to the Direction. This closure was recommended by the Commission for the Conservation of Antarctic Marine Living Resources because mackerel icefish stocks are not considered sufficient to support commercial harvest outside the Heard Island Plateau.

The Direction revokes the *Direction No. HIMIFD 10* (the Previous Direction). The Direction continues the prohibition to targeting mackerel icefish contained within the Previous Direction.

Regulation Impact Statement

The Office of Best Practice Regulation advised that a Regulation Impact Statement was not required for this Direction (OBPR ID: 16891)

Statement of compatibility prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

AFMA assesses under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* that this legislative instrument is compatible with human rights. AFMA's Statement of Compatibility is attached as a supporting document.

Consultation

In accordance with Section 41A of the Management Act, AFMA consulted with the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC) on the Direction. SouthMAC was supportive of the Direction and its contents.

Details of the Direction are set out below:

- Clause 1** Provides for the Direction to be cited as the *Heard Island and McDonald Islands Fishery (Closures) Direction No. 1 2014*.
- Clause 2** Provides that the Direction commences on the day after registration on the Federal Register of Legislative Instruments.
- Clause 3** Provides that the Direction ceases on 22 April 2019 unless earlier revoked.
- Clause 4** Defines terms used within the Direction and provides that a term used in the Direction and in the Plan has the same meaning in the Direction as in the Plan.
- Clause 5** States to whom the Direction applies.
- Clause 6** Prohibits the targeting of mackerel icefish outside of the area prescribed in Schedule 1.
- Clause 7** Revokes the *Direction No. HIMIFD 10* from the date of commencement of the Direction.
- Schedule 1** Describes the area closed to fishing referred to in clause 6.