

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Heard Island and McDonald Islands Fishery (Closures) Direction No. 2 2014

This Bill/Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Direction prohibits fishing in waters between 12 and 13 nautical miles of the Heard Island and McDonald Islands. Heard Island and McDonald Islands are included on the World Heritage List. In addition, the Islands themselves and the surrounding territorial waters, which extend for a distance of 12 nautical miles from the Islands, form part of the Heard Island Wilderness Reserve. An additional buffer zone of 1 nautical mile has been implemented by AFMA to complement the 12-mile prohibition, so fishing is prohibited within 13 nautical miles of Heard Island and McDonald Islands. The Wilderness Reserve is managed by the Australian Antarctic Division (AAD) under the *Heard Island Wilderness Reserve Management Plan* established under the *Heard Island and McDonald Islands Environment Protection and Management Ordinance 1987*.

The Direction revokes the *Direction No. HIMIFD 11* (the Previous Direction). The Direction continues the prohibition to fishing in the same area contained within the Previous Direction.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues. AFMA is satisfied that the instrument is consistent with AFMA's obligation to pursue its statutory objectives. The instrument is machinery in nature and imposes closures in the Fishery to protect ongoing sustainability of fish stocks.