Commonwealth Coat of Arms

Southern and Eastern Scalefish and Shark Fishery Management Plan Amendment 2016

*Fisheries Management Act 1991*

The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY determines this amendment of the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003* under section 20 of the *Fisheries Management Act 1991*.

**Dated:** 11 March 2016

Made in accordance with a decision made by the Commissioners under s23 of the *Fisheries Administration Act 1991*, this instrument is accepted on behalf of the Commission by:

**Andrew Pearson**

Executive Secretary

Australian Fisheries Management Authority

Accepted on: 12 April 2016

Senator the Hon. Anne Ruston

Parliamentary Secretary to the Minister for Agriculture and Water Resources

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1 Name of Management Plan Amendment

This Management Plan Amendment is the *Southern and Eastern Scalefish and Shark Fishery Management Plan Amendment 2016*.

2 Commencement

This Management Plan Amendment commences on the day after it is registered.

3 Amendment of *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*

Schedule 1 amends the *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*.

Schedule 1 Amendment of *Southern and Eastern Scalefish and Shark Fishery Management Plan 2003*

(section 3)

[1] Section 3

After definition of by-catch

insert

***cascade plateau zone*** means the area described in clause 4 of Part 3 of Schedule 1.

[2] Section 3

After definition of Commonwealth South East Trawl Sector

insert

***deepwater shark (eastern)*** means deepwater shark from the gemfish and deepwater shark eastern zone of the fishery.

***deepwater shark (western)*** means deepwater shark from the gemfish and deepwater shark western zone of the fishery.

[3] Section 3

After definition of *East Coast Deepwater Trawl Sector*

insert

***gemfish and deepwater shark*** ***eastern zone*** means the area described in clause 1 of Part 3 of Schedule 1.

***gemfish and deepwater shark*** ***western zone*** means the area described in clause 2 of Part 3 of Schedule 1.

[4] Section 3 fishing year definition

substitute

***fishing year*** means a period of 12 months commencing on 1 May each year.

[5] Section 3 gemfish (eastern), gemfish (western), gemfish eastern zone, gemfish western zone definitions

substitute

***gemfish (eastern)*** means gemfish from the gemfish and deepwater shark eastern zone of the fishery.

***gemfish (western)*** means gemfish from the gemfish and deepwater shark western zone of the fishery.

[6] Section 3 orange roughy (Cascade Plateau) definition

substitute

***orange roughy (Cascade Plateau)***means orange roughy from the cascade plateau zone of the fishery.

[7] Section 3

After definition of *shark hook boat statutory fishing right*

insert

***smooth oreodory (Cascade Plateau)*** means smooth oreodory from the cascade plateau zone of the fishery.

***Smooth oreodory (other)*** means smooth oreodory from any zone other than the cascade plateau zone of the fishery.

[8] Section 3 Type N quota statutory fishing right definition

omit

[9] Section 3 Type T quota statutory fishing right definition

omit

[10] Subsection 11(1)

substitute

AFMA must determine a TAC for each quota species for a fishing year no later than 31 March immediately before the commencement of the fishing year.

[11] Section 23

substitute

(1)  This section applies to a holder of a quota statutory fishing right if in a fishing year (the ***first year***), the holder takes:

                         (a)   an amount of fish of a quota species that is less than the quota allocated to the quota statutory fishing rights for that species held by the holder in the fishing year; or

                         (b)   no fish of the quota species.

         (2)  The holder may, subject to other requirements of the plan, during the following year, take an amount of fish of the quota species mentioned in paragraph (1) that is the sum of:

               (a)    the quota allocated to quota statutory fishing rights for that species held by the holder at the commencement of the fishing season; and

               (b)    an amount equal to the lesser of:

                          (i)  the difference between the amount of fish of that species taken by the holder in the first year and the quota allocated to the holder’s quota statutory fishing rights for that species in that year; and

                         (ii)   the result of multiplying the holder’s quota for that species in the first year by the determined percentage for that species and year.

[12] Section 27

substitute

1. A person satisfies the condition for registration as an eligible person for the grant of a quota statutory fishing right for a quota species mentioned in items 29 to 34 of Schedule 2 if, immediately before the end of the notice period, the person was authorised to take under a fishing permit a number of quota units of that species in the fishery.
2. In this section:

***notice period***, for a statutory fishing right of a kind mentioned in subsection (1) and for a species, means the period specified in a notice published in relation to statutory fishing rights of that kind, and for that species, in the fishery under section 24 of the Act.

*Note* See the notes under section 26 in relation to provision in the Act relating to registration for the grant of statutory fishing rights.

[13] Section 28

substitute

1. This section applies to a person who is registered as an eligible person for the grant of a statutory fishing right.
2. AFMA must make a provisional grant to the person as follows:
3. if the person is registered as an eligible person for the grant of a quota statutory fishing right for a quota species under subsection 27 (1) — 1 quota statutory fishing right for the quota species for each quota unit of that quota species that the person was authorised to take in the fishery in accordance with a fishing permit held by the person immediately before the end of the notice period.
4. In this section:

***notice period***, for a statutory fishing right of a kind mentioned in paragraph (2) (a) and for a quota species, means the period specified in a notice published in relation to statutory fishing rights of that kind, and for that quota species, in the fishery under section 24 of the Act.

*Note* See:

1. section 23 of the Act about the provisional grant of statutory fishing rights; and
2. Part 8, Division 3 of the Act about review by the Statutory Fishing Rights Allocation Review Panel.

[14] Subsection 29(3)

substitute

(3) If the person does not apply for the grant within the period stated in the reminder notice, AFMA must send another notice (the ***final notice***) to the person stating that the person’s registration will be cancelled if the person does not; within 14 days after the final notice is sent apply for the grant.

[15] Subsection 29(4)

substitute

(4) AFMA must cancel the person’s registration as an eligible person if, despite a final notice, the person does not apply for the grant within 14 days after the final notice is sent.

[16] Schedule 1 Part 3 Clause 1

*omit*

**Gemfish eastern zone**

                The gemfish eastern zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the southernmost intersection of the meridian of longitude 146 22 00 E with the coastline of Victoria at low water, and running progressively as described in the following table (excluding waters within 25 nautical miles of the coastline of Lord Howe Island and Balls Pyramid at low water).

insert

**Gemfish and deepwater shark eastern zone**

                The gemfish and deepwater shark eastern zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the southernmost intersection of the meridian of longitude 146 22 00 E with the coastline of Victoria at low water, and running progressively as described in the following table (excluding waters within 25 nautical miles of the coastline of Lord Howe Island and Balls Pyramid at low water).

[17] Schedule 1 Part 3 Clause 2

*omit*

**Gemfish western zone**

                The gemfish western zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the meridian of longitude 115 08 06 E with the 200 metre isobath south of Australia, and running progressively as described in the following table.

insert

**Gemfish and deepwater shark western zone**

               The gemfish and deepwater shark western zone of the fishery is the part of the fishery that is within the area bounded by a line beginning at the intersection of the meridian of longitude 115 08 06 E with the 200 metre isobath south of Australia, and running progressively as described in the following table.

[18] Schedule 1 Part 3 Clause 4

*omit*

**Orange roughy Cascade Plateau zone**

                The area of the orange roughy Cascade Plateau zone of the fishery is the part of the fishery that is within the area bounded by a circle with its centre at 43 55 06 S, 150 28 11 E, and a radius of 15 nautical miles.

insert

**Cascade plateau zone**

                The area of the cascade plateau zone of the fishery is the part of the fishery that is within the area bounded by a circle with its centre at 43 55 06 S, 150 28 11 E, and a radius of 15 nautical miles.

[19] Schedule 2

substitute

Schedule 2 Quota species

(section 3)

| Item | Quota species | Scientific name |
| --- | --- | --- |
| 1 | Blue eye trevalla | *Hyperoglyphe antarctica* |
|  |  | *Schedophilus labyrinthicus* |
| 2 | Blue grenadier | *Macruronus novaezelandiae* |
| 3 | Blue warehou | *Seriolella brama* |
| 4 | Flathead | *Platycephalus aurimaculatus* |
|  |  | *Platycephalus richardsoni* |
|  |  | *Platycephalus bassensis* |
|  |  | *Platycephalus caeruleopunctatus* |
|  |  | *Platycephalus speculator* |
| 5 | Gemfish (eastern) | *Rexea solandri* |
| 6 | Gemfish (western) | *Rexea solandri* |
| 7 | Jackass morwong | *Nemadactylus macropterus* |
| 8 | John dory | *Zeus faber* |
| 9 | Pink ling | *Genypterus blacodes* |
| 10 | Mirror dory | *Zenopsis nebulosa* |
| 11 | Ocean perch | *Helicolenus* species |
| 12 | Redfish | *Centroberyx affinis* |
| 13 | Royal red prawn | *Haliporoides sibogae* |
| 14 | School whiting | *Sillago flindersi* |
| 15 | Silver trevally | *Pseudocaranx georgianus* |
| 16 | Silver warehou | *Seriolella punctata* |
| 17 | Orange roughy (eastern) | *Hoplostethus atlanticus* |
| 18 | Orange roughy (western) | *Hoplostethus atlanticus* |
| 19 | Orange roughy (southern) | *Hoplostethus atlanticus* |
| 20 | Orange roughy (Cascade Plateau) | *Hoplostethus atlanticus* |
| 21 | School shark | *Galeorhinus galeus* |
| 22 | Gummy shark | *Mustelus antarcticus* |
| 23 | Elephant fish | Members of the Families Callorhinchidae and Rhinochimaeridae |
| 24 | Saw shark | *Pristiophorus cirratus* |
|  |  | *Pristiophorus nudipinnis* |
| 25 | Alfonsino | *Beryx splendens* |
| 26 | Bight redfish | *Centroberyx gerrardi* |
| 27 | Deepwater flathead | *Platycephalus conatus* |
| 28 | Orange roughy (GAB Albany and Esperance zones) | *Hoplostethus atlanticus* |
| 29 | Deepwater shark (eastern) | *Centroscymnus coelolepis* |
|  |  | *Centroscymnus crepidater* |
|  |  | *Centroscyllium kamoharai* |
|  |  | *Centroscymnus owstonii* |
|  |  | *Proscymnodon plunketi* |
|  |  | *Dalatias licha* |
|  |  | *Deania calceus* |
|  |  | *Deania quadrispinosa* |
|  |  | *Etmopterus bigelowi* |
|  |  | *Etmopterus brachyurus* |
|  |  | *Etmopterus dianthus* |
|  |  | *Etmopterus dislineatus* |
|  |  | *Etmopterus evansi* |
|  |  | *Etmopterus fusus* |
|  |  | *Etmopterus baxteri* |
|  |  | *Etmopterus lucifer* |
|  |  | *Etmopterus molleri* |
|  |  | *Etmopterus pusillus* |
| 30 | Deepwater shark (western) | *Centroscymnus coelolepis* |
|  |  | *Centroscymnus crepidater* |
|  |  | *Centroscyllium kamoharai* |
|  |  | *Centroscymnus owstonii* |
|  |  | *Proscymnodon plunketi* |
|  |  | *Dalatias licha* |
|  |  | *Deania calceus* |
|  |  | *Deania quadrispinosa* |
|  |  | *Etmopterus bigelowi* |
|  |  | *Etmopterus brachyurus* |
|  |  | *Etmopterus dianthus* |
|  |  | *Etmopterus dislineatus* |
|  |  | *Etmopterus evansi* |
|  |  | *Etmopterus fusus* |
|  |  | *Etmopterus baxteri* |
|  |  | *Etmopterus lucifer* |
|  |  | *Etmopterus molleri* |
|  |  | *Etmopterus pusillus* |
| 31 | Oreodory | *Allocyttus niger* |
|  |  | *Allocyttus verrucosus* |
|  |  | *Neocyttus rhomboidalis* |
|  |  | *Neocyttus* species |
| 32 | Ribaldo | *Mora moro* |
| 33  34 | Smooth oreodory (Cascade Plateau)  Smooth oreodory (other) | *Pseudocyttus maculatus*  *Pseudocyttus maculatus* |