

Fisheries Management (Heard Island and McDonald Islands Fishery) (Closures) Direction 2019

I, Anna Willock, A/g Chief Executive Officer of the Australian Fisheries Management Authority, make the following direction.

Dated 27 February 2019

Anna Willock

A/g Chief Executive Officer

1 Name

 This instrument is the *Fisheries Management (Heard Island and McDonald Islands Fishery) (Closures) Direction 2019*.

2 Commencement

 This instrument commences on the day after it is registered on the Federal Register of Legislation.

3 Authority

 This instrument is made under subsection 41A(2) of the Act.

4 Definitions

Note: A number of expressions used in this instrument are defined in section 4 of the Act, including the following:

(a) AFZ;

(b) fish;

(c) fishing;

(d) fishing concession.

 (1) In this instrument:

***Act*** means the *Fisheries Management Act 1991*.

***Australian-France Maritime Delimitation Agreement Southern Boundary*** means the boundary between the Commonwealth of Australia and the Government of the French Republic established under article 2 of the *Agreement on Maritime Delimitation between the Government of Australia and the Government of the French Republic*, done at Melbourne on 4 January 1982.

Note: As of the date this instrument commences this Agreement is available in the Australian Treaty Series [1983] 3.

***baseline*** means the baseline established under international law or otherwise as determined by Proclamation under section 7 of the *Seas and Submerged Lands Act 1973* from time to time.

Note: As of the date this instrument commences no such Proclamation is in force.

***Fishery*** means the area of the fishery defined in section 3 of the Management Plan.

***Heard Island Plateau*** means the part of the Fishery described in Schedule 2.

***incidental take*** means the taking of fish unintentionally while fishing for commercial purposes.

***holder*** means a person who is a holder of a fishing concession issued under, or pursuant to, the Management Plan that authorises the person take fish in the Fishery.

***mackerel icefish*** means fish of the species *Champsocephalus gunnari*.

***Management Plan*** means the *Heard Island and McDonald Islands Management Plan*.

***Territory of Heard Island and McDonald Islands*** has the meaning given by the *Heard Island and McDonald Islands Act 1953*.

 (2) Geographic coordinates in this instrument are expressed in terms of the World Geodetic System of 1972 (WGS72).

5 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

6 Direction that fishing is not to be engaged in

 (1) A holder, or a person acting on a holder’s behalf, is directed not to engage in fishing targeting mackerel icefish outside the part of the Fishery that is the Heard Island Plateau during the period that this instrument is in force.

Note: Mackerel icefish taken as incidental take outside of the parts of the Heard Island and McDonald Islands Fishery described in Schedule 2 will be decremented from the holder’s quota holding.

 (2) A holder, or a person acting on a holder’s behalf, is directed not to engage in fishing in the part of the Fishery that is between 12 and 13 nautical miles of the baseline of the Territory of Heard Island and McDonald Islands during the period that this instrument is in force.

Schedule 1—Repeals

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

1 The whole of the instrument

Repeal the instrument

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

2 The whole of the instrument

Repeal the instrument

Schedule 2—Heard Island Plateau

1 Heard Island Plateau

 The area of the Heard Island Plateau is that part of the Fishery bounded by a line starting at the point described at item 1 in the table and running sequentially as described in the table.

| Area of the Heard Island Plateau |
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| Item | Description |
| 1 | The point of intersection between the Australian-France Maritime Delimitation Agreement Southern Boundary and the meridian 72°15′E |
| 2 | South along that meridian to its intersection with the parallel 53°25′S |
| 3 | East along that parallel to its intersection with meridian 74°E |
| 4 | North-easterly along the geodesic to its intersection with 52°40′S 72°E |
| 5 | North along the meridian 72°E to its intersection with parallel 52°S |
| 6 | North-westerly along the geodesic to its intersection with 51°S 74°30′E |
| 7 | South-westerly along the Australian-France Maritime Delimitation Agreement Southern Boundary to the point of commencement  |