

EXPLANATORY STATEMENT

Issued by the Authority of the Managing Director
of the Australian Fisheries Management Authority

Fisheries Management Act 1991
Heard Island and McDonald Islands Fishery Management Plan 2002

Temporary Order

Subparagraph 43(1)(b) of the *Fisheries Management Act 1991* (the Management Act) provides that one of the purposes of section 43 is to enable quick action to be taken to correct errors or anomalies in a plan of management.

Subsection 43(8) provides that the Australian Fisheries Management Authority (AFMA) may, by writing under its common seal, delegate its powers under this section to the Managing Director of AFMA, but to no other person. AFMA has made this delegation to the Managing Director.

The Fishery

Fishing in the Heard Island and McDonald Islands (HIMI) Fishery is managed under the provisions of the *Heard Island and McDonald Islands Fishery Management Plan 2002* (the HIMI Plan). Section 11 of the HIMI Plan outlines the procedures for the determination of total allowable catch.

Advice was received from the Australian Government Solicitor that the current wording of the HIMI Plan only allows AFMA to determine total allowable catches for target species. Patagonian toothfish (*Dissostichus eleginoides*) and mackerel icefish (*Champsocephalus gunnari*) are the target species defined under Schedule 2 of the HIMI Plan.

Each year the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) prescribes catch limits for target and bycatch species for the HIMI Fishery, and these are specified in Conservation Measures. AFMA is looking to determine catch limits for bycatch species at the same time it sets total allowable catches for target species. This will ensure that the bycatch species are effectively managed and provide the authority to ensure the catch limits are not exceeded. Since fishing operations began in the HIMI Fishery, AFMA has ensured that no catch limits have been exceeded.

The following catch limits have been determined for bycatch in the HIMI Fishery for the 2005/06 season, which commences on 1 December 2005.

Common name	Scientific name	Catch limit (tonnes)
Unicorn icefish	<i>Channichthys rhinoceratus</i>	150
Grey rockcod	<i>Lepidonotothen squamifrons</i>	80
Grenadiers	<i>Macrourus</i> spp.	360
Skates and rays	<i>Bathyraja</i> spp.	120

Each other species	Various	50
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Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement was not required for the Temporary Order (ORR ID 7816).

Consultation

Before deciding to make this Temporary Order, AFMA consulted widely with industry and other interested persons. The Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC), the body which provides advice to AFMA on Antarctic fisheries management issues, discussed and endorsed the proposed amendment. SouthMAC has an independent Chair and members from AFMA, industry, the Australian Antarctic Division, the State Government and the conservation sector. Following SouthMAC consultation the AFMA Board, out of session, approved the need to amend Section 11 of the HIMI Plan.

The Temporary Order came into effect on 25 November 2005 and remains in effect until 25 May 2006 or such earlier time as the HIMI Plan is amended.