

EXPLANATORY STATEMENT

Macquarie Island Toothfish Fishery Management Plan 2006

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The Macquarie Island Toothfish Fishery

Macquarie Island falls under Tasmanian jurisdiction and is located outside the Antarctic convergence approximately 1500 kilometres south east of Hobart (Figure 1). Australia shares a maritime delimitation boundary with New Zealand, whose Exclusive Economic Zone (EEZ) abuts the Australian Fishing Zone (AFZ) north-east of Macquarie Island.

The waters surrounding Macquarie Island out to three nautical miles are Tasmanian State waters and the Tasmanian Department of Primary Industries, Water and Environment controls fishing in this area. State waters were closed to fishing and classified as a Nature Reserve under Tasmanian law in July 2000. Waters from the three nautical mile boundary out to the 200 nautical mile outer boundary of the AFZ are under Commonwealth jurisdiction and fishing in these waters is managed by the Australian Fisheries Management Authority (AFMA) under the *Fisheries Management Act 1991* (the Act).

The map at Figure 2 shows, in greater detail, the location of the Aurora Trough (the major fishing ground of the Macquarie Island region), the Macquarie Island Marine Park and the World Heritage area. The area outside the Aurora Trough is also fished and is referred to as the 'Macquarie Ridge'.

Patagonian toothfish (*Dissostichus eleginoides*) is the only target species in the Macquarie Island Toothfish Fishery (MITF). The species can also be known as mero, Chilean sea bass and black hake. The fish is predominately bottom dwelling and can be found in depths of 300 to 2000 metres on shelves around islands and submarine banks in sub-Antarctic waters.

The MITF has been managed under the Macquarie Island Fishery Interim Management Policy since October 1999. Prior to that the Fishery was managed under a management policy and through fishing permits. The management arrangements have utilised output controls for two sectors of the Fishery (Aurora Trough and Macquarie Ridge) and a range of input controls designed to constrain total fishing effort. These measures will remain under the Plan.

Output controls are set as an annual Total Allowable Catch (TAC) for the toothfish. Each year precautionary TACs are set based upon decision rules which determine whether a commercial catch can be taken. For a TAC to exist, the estimated available biomass must be greater than 66.5% (reference limit) of the July 1995 available biomass (reference biomass). The annual TAC is 10% of the current estimate of available biomass. Together, these rules are expected to allow at least 50% escapement of the spawning biomass.

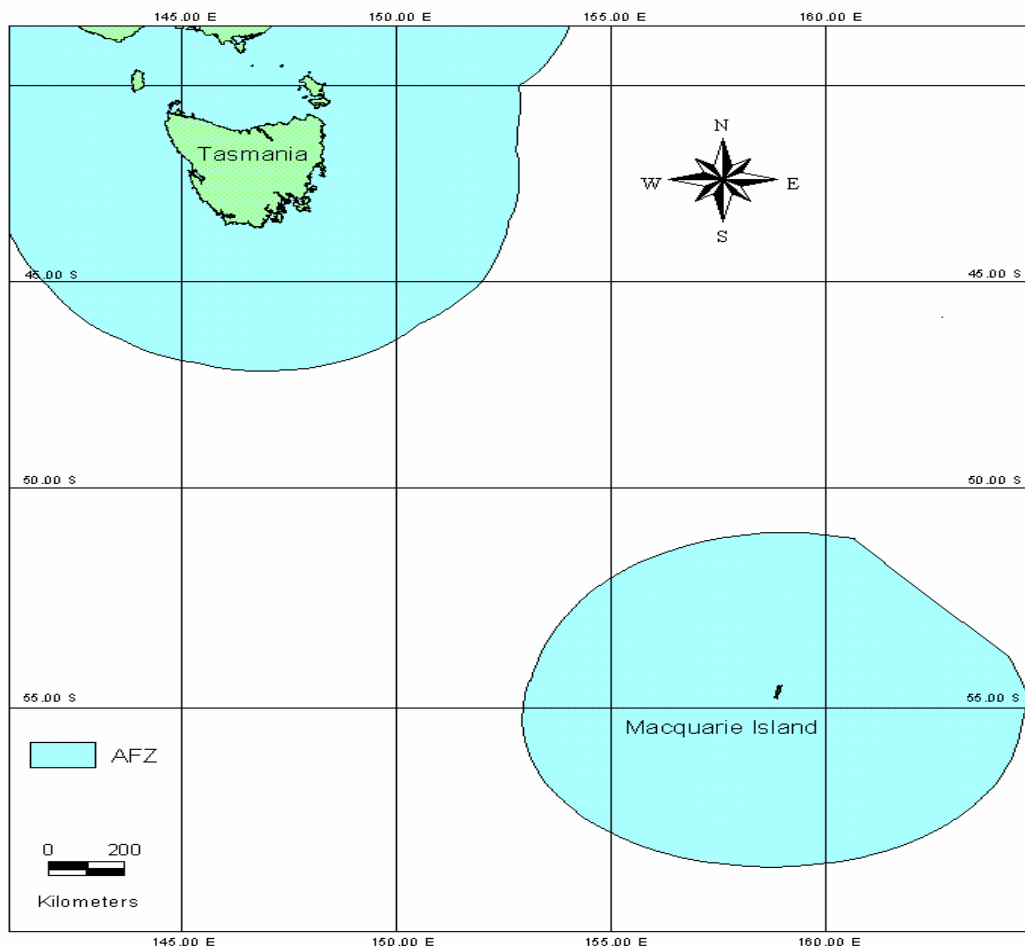
The only fishing methods permitted upon commencement of the MITF were demersal and midwater trawling. These conditions will continue under the *Macquarie Island Toothfish Management Plan 2006* (the Plan), however other methods may be declared by AFMA in accordance with the Plan.

Input controls are used to minimise bycatch and the impact of the MITF on the broader marine environment. The key input controls include limiting the number of vessels accessing the Fishery at any one time to three, placing observers on board all trips, and prohibiting discharge of offal and bycatch to avoid incidental interactions with seabirds and mammals.

AFMA has ensured that the measures of management under the Plan are consistent with the management approach adopted by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), to which Australia is a signatory. CCAMLR is responsible for developing internationally agreed management measures for the sub-Antarctic and Antarctic regions and AFMA requires that fisheries in waters adjacent to the CCAMLR area, which include Macquarie Island, are managed in a manner complementary to the Conservation Measures requirements.

An Assessment Report for the MITF was prepared in conjunction with the Plan. It provided for assessing the fishery under both the strategic assessment and export wildlife provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). On 3 January 2006, the delegate for Senator Campbell, the Minister for the Environment and Heritage, advised AFMA of his intention to accredit the *Macquarie Island Toothfish Fishery Management Plan 2006*. The delegate for Senator Campbell was satisfied with AFMA's assessment of the Fishery and considered that the actions taken in the Fishery are unlikely to have an unacceptable or unsustainable impact on the marine environment. A copy of the Assessment Report is available on the AFMA website (www.afma.gov.au).

INDICATIVE MAP OF MACQUARIE ISLAND



Map produced in Arcview (7 June 1999) using AMBIS (AUSLIG) data.

Figure 1: An indicative map of Macquarie Island and nearby Tasmania.

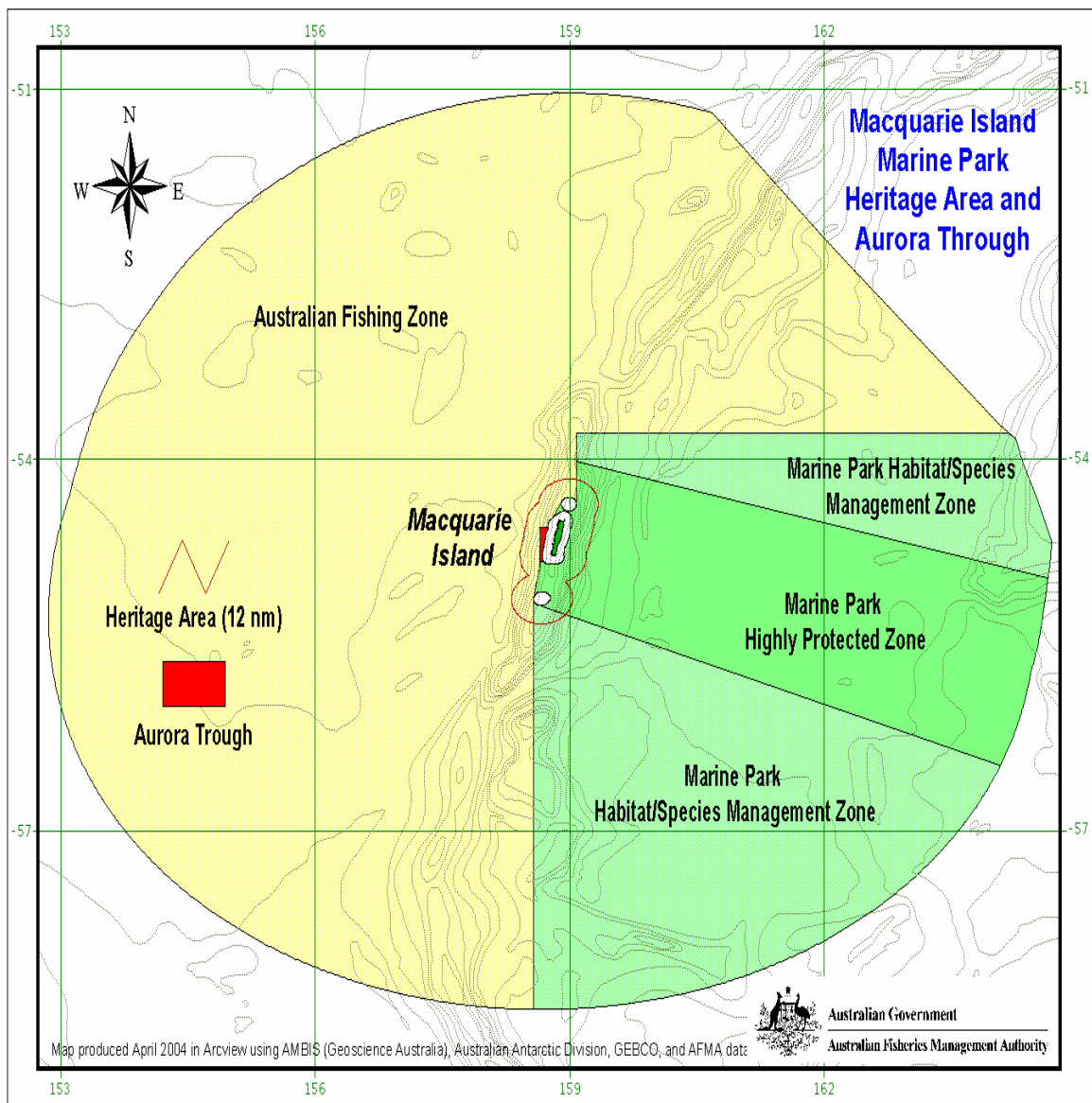


Figure 2: Indicative map showing the Macquarie Island Marine Park, the World Heritage area and the Aurora Trough.

Consultation, Determination and Acceptance

AFMA has developed the Plan in accordance with Section 17 of the Act. It is Australian Government policy (*Looking to the Future – A Review of Commonwealth Fisheries Policy 2003*) to implement management plans for all Commonwealth fisheries. Management plans provide secure access rights to fishers and market-based incentives for operators to improve and conserve fisheries resources and best achieve AFMA's legislative objectives. A detailed analysis of the likely impacts on the industry is provided in the attached Regulation Impact Statement (RIS) (Appendix A).

It was written into the Macquarie Island Toothfish Fishery Interim Management Policy, that in proceeding to the Management Plan, the AFMA Board would grant at least 50% of each type of toothfish Statutory Fishing Right (SFR) to the current participant in the fishery (Austral Fisheries Pty Ltd). This decision was made in recognition of the pioneering work undertaken by the company.

To determine what percentage, if any, above the minimum 50% of SFRs should be granted to Austral Fisheries Pty Ltd, an Independent Advisory Panel (IAP) was appointed by the AFMA Board. Through a consultative process consisting of a public meeting and submissions from stakeholders, the IAP recommended that Austral Fisheries Pty Ltd be allocated 50% of the SFRs with the remaining SFRs to be allocated through a competitive allocation process. In May 2005, the AFMA Board agreed to proceed with a competitive tender process. The tender will be open to anyone, upon meeting foreign investment guidelines, subject to probity checks.

AFMA has met all of the consultation and notification processes required under legislation. The principal body for consultation in developing the Management Plan was the Sub-Antarctic Fisheries Management Advisory Committee (SouthMAC). SouthMAC is the body set up by AFMA to provide advice on sub-Antarctic and Antarctic fisheries matters. The current SouthMAC membership is an independent Chair, an AFMA Member, a Research Member, a Conservation Member, an Australian Antarctic Division Member, a State Government Member, three Industry Members and a permanent observer from the Department of the Environment and Heritage.

Section 17 of the Act requires that the Plan can only be determined after consultation with such persons engaged in fishing as appear to AFMA to be appropriate and after giving due consideration to any representations made to AFMA on the Plan. Subsection 17(2) of the Act requires that interested persons must be invited, by public notice, to make representations on a draft of the Plan. Subsection 17(2A) provides that persons and organisations listed in the register, established under section 17A, must also be notified that a draft Plan is available and that representations may be made in connection with the draft Plan.

Consultation has taken place at all stages of the development of the Management Plan. The key dates during the development phase were:

- **20 June 2003** - the AFMA Board agreed to proceed with the development of a formal management plan for the Macquarie Island Toothfish Fishery;
- **20 November 2003** - SouthMAC discussed the scope of the Management Plan. There was agreement that the Plan should incorporate many of the measures of the Macquarie Island Fishery Interim Management Policy (in place since October 1999) and it should be based on the *Heard Island and McDonald Islands Fishery Management Plan 2002* which came into force in May 2002.
- **25 March 2004** – SouthMAC discussed the contents of the drafting instructions for the Management Plan, and noted there would be several opportunities to discuss the draft as it was being prepared. The key issue discussed was in relation to the allocation of statutory fishing rights. The Interim Policy states that ‘a minimum of 50 per cent of the ongoing rights in the fishery will be set aside to be allocated amongst those who had participated in the fishery.....’ and ‘the balance of the ongoing rights in the fishery will be available to be distributed by an auction or competitive tender...’ Austral Fisheries Pty Ltd has been the only participant in the fishery during the period of the Interim Policy.

- **17 – 18 June 2004** – the Board agreed that an Independent Advisory Panel (IAP) be established to provide advice on what percentage, if any, above the 50% guaranteed under the Macquarie Island Fishery Interim Management Policy should be granted to Austral Fisheries Pty Ltd.
- **10 August 2004** – AFMA wrote to interested parties advising them of the IAP process and invited written submissions to the Panel by 14 September 2004. This advice was also provided to SouthMAC Members.
- **18 August 2004** – public notice placed in ‘The Australian’ calling for written submissions and providing details of the public meeting.
- **26 August 2004** - a public meeting was held in Melbourne. Comments provided at the meeting were considered by the Panel when preparing their report.
- **14 September 2004 – 8 November 2004** - all the submissions and responses received after the public meeting were posted on the AFMA website. The submissions and responses were considered by the IAP in preparing their report.
- **24 November 2004** – the first IAP report was provided to the AFMA Board for consideration.
- **25 – 26 November 2004** – The Board agreed to release the report for a further period of public comment to 14 December 2004.
- **24 February 2005** – the IAP provided its second report to AFMA.
- **28 February 2005** – the AFMA Board agreed to release the IAP’s second report for a two week period of public comment. Members of SouthMAC, SARAG (Sub-Antarctic Resource Assessment Group), and interested parties were provided with a copy of the report and invited to submit comments by 22 March 2005. It was posted on the AFMA website.
- **6 – 7 April 2005** – the AFMA Board considered the IAP reports and submissions received on the IAP reports and agreed ‘that Austral Fisheries Pty Ltd be allocated 50% of the SFRs for toothfish in the Macquarie Island Fishery: and that the remaining SFR’s be allocated according to the Macquarie Island Fishery Interim Management Policy (section 12.1.3) by auction or competitive tender open to all firms complying with the environmental and other necessary requirements.’ The decision was provided to Senator the Hon Ian Macdonald, the Minister for Fisheries, Forestry and Conservation at the time, SouthMAC and SARAG members and interested parties who made submissions.
- **16 – 17 August 2005** – the AFMA Board agreed to release the draft Management Plan for a public comment period of one month.
- **6 September 2005** – the draft ‘Macquarie Island Toothfish Fishery Management Plan’ and ‘Assessment Report for the Macquarie Island Toothfish Fishery’ were released for public comment. The public comment period was open until 6 October 2005. The public comment call was:
 - advertised in ‘The Australian’ of 6 September 2005;
 - placed in the special gazette of 6 September 2005;
 - placed in the ‘AFMA update of 9 September 2005;

- provided as a notice to interested persons on a list maintained by AFMA on 6 September 2005;
- provided to SouthMAC and SARAG members, and others interested persons on 5 September 2005; and
- posted on the AFMA website on 6 September 2005.

To meet the requirements of Section 17(2) of the Act, the draft Plan was released for public comment on 6 September 2005 for a period of one month. No comments were received. This was likely to be due to the fact that the Plan was based on the *Heard Island and McDonald Islands Fishery Management Plan 2002* which has been in force since May 2002 and adopted many of the management and environmental measures used to manage the Heard Island and McDonald Islands Fishery. Additionally the key stakeholders are represented on SouthMAC and their input was received throughout the development stage of the Plan.

AFMA has informed the Minister for Fisheries, Forestry and Conservation of the consultations that were conducted before determining the Plan to allow the Minister to be in a position to judge if AFMA has conducted adequate consultations when accepting the Plan in accordance with the Act.

Following AFMA Board approval, the Plan was determined on 25 January 2006. The Minister for Fisheries, Forestry and Conservation has accepted the Plan. Notification of the determination and acceptance of the Plan was published in the *Gazette* in accordance with subsection 19(1) of the Act.

There are no strict liability provisions within the Plan as these are contained within the *Criminal Code Act 1995*. However, the Plan is fully consistent with the provisions of the *Fisheries Management Act 1991* and participants in the Fishery are subject to the standard sanctions found in that Act.

Fees raised from industry for the management of the Fishery (as required under AFMA's cost recovery policy) are raised under separate legislation. The quantum of fees raised is not expected to be affected by the Plan.

Content of the Plan

The Plan contains management objectives, the measures by which the objectives are to be attained and performance criteria against which the measures taken may be assessed, as required by under subsection 17(5) of the Act. These elements of the Plan are designed to be in accordance with the EPBC Act. In addition, reporting and review mechanisms are incorporated into the performance criteria.

The objectives of the Plan reflect the objectives set out in section 3 of the Act.

The measures by which the objectives are to be achieved are set out in section 6 of the Plan. These include the determination of reference points for maintaining the sustainability of the Fishery, granting of transferable SFRs, the setting of total allowable commercial catches, the development of management strategies, research, data collection, monitoring, compliance and the recovery of the costs of managing the Fishery in accordance with the Government's cost recovery policy.

Subsection 17(5A) of the Act provides that the measures to be set out in the Plan are to include a facility for AFMA to direct that fishing is not to be engaged in in the Fishery or part of the Fishery, in a particular period or periods. Section 30 of the Plan gives AFMA such a power.

In addition, subsection 17(6D) of the Act provides that a plan of management must contain measures directed at reducing incidental catch of fish and other species to a minimum. Section 8 of the Plan provides that AFMA must implement a bycatch action plan (BAP), which is to be reviewed at least every second year. The development, implementation and review of the BAP are included as a measure by which objectives of the Plan will be achieved (subsection 6(j)). The assessment of the impact of catch on non-target species is included in the performance criteria for assessing those measures.

The Plan provides for a system of individual transferable quota (ITQ) SFRs. Patagonian toothfish SFRs will be issued for the two sectors of the Fishery. Engaging in fishing in the Fishery will only be allowed if the person holds, or is acting on behalf of another person who holds, at least 25.5% of all the SFRs issued for the Fishery. The SFRs are of the same duration as the Plan itself, unless they are surrendered or cancelled, in which case they will expire.

Before the commencement of each fishing year, AFMA will determine the TAC for Patagonian toothfish for each sector of the Fishery. The determination will be based on advice provided by SouthMAC and SARAG. Catch limits for any other species that may be taken from the Fishery in the fishing year may also be determined. If an overcatch occurs by any person, in any fishing year, that person's quota is determined as described in the Plan (Section 14).

The number of boats permitted to fish in the Fishery at any one time is limited to three. The boats are limited using a minimum quota holding mechanism, where 25.5% of the total SFRs need to be held. The limit on boat numbers is in place due to the expected low total allowable catches and the potential impacts new operators may have on the sensitive marine environment around Macquarie Island.

The Plan also allows persons to fish in the Fishery for the purposes of scientific research if they hold a scientific permit granted under the Act.

Specific obligations on holders of SFRs are set out in the Plan. These obligations are primarily designed to ensure that the fishing that occurs in the Fishery:

- does not result in the catch of the Fishery exceeding the TAC;
- complies with strict environmental standards that are aimed at minimising the impact of fishing on the environment and bycatch species;
- is done while carrying two observers onboard at all times; and
- is done in accordance with all relevant legislation, including the Act, Regulations, Directions, conditions on SFRs and other laws as they apply from time to time.

Section 30 of the Plan provides for AFMA to make Directions consistent with the objectives of the Plan that will prohibit holders of SFRs from carrying on activities specified in those Directions. Except in an emergency, AFMA must consult with SouthMAC and SARAG before making a Direction.

The Plan allows for the leasing of SFRs. Under a lease, the owner of the SFR would grant to the lessee of the SFR the right to use the SFR for the period of the lease. Therefore the owner would cease to be the holder of the SFR and the lessee would become the holder.

The Plan will be supported by the *Fisheries Management (Macquarie Island Toothfish Fishery) Regulations* and conditions on SFRs. The Regulations will set out matters in support of the Plan that must be included in the SFR Register. The supporting instruments to be used are summarised in Appendix 2 of the RIS.

A RIS was prepared for the *Macquarie Island Toothfish Fishery Management Plan 2006* and assessed by the Office of Regulation Review (ORR). ORR advised AFMA on 2 December 2005 that the RIS satisfied the Australian Government's RIS requirement. The RIS is attached at Appendix A.

A detailed description of the Plan is set out below.

Part 1 Preliminary

Section 1 provides that the Plan may be cited as the *Macquarie Island Toothfish Fishery Management Plan 2006*.

Section 2 provides that the Plan commences the day after it is registered.

Section 3 sets out the definitions of technical words used in the Plan, including:

- "Holder" which means the person whose name appears on the Register and who is entitled to exercise the rights under the SFR whether by original grant, transfer, lease or other dealing permitted under the Act.
- "Owner" which means, for an SFR, the grantee of the SFR or if the right has been transferred the most recent transferee of the SFR.
- "Quota" which means, for an SFR, the amount of Patagonian toothfish that may be taken in a fishing year.
- "Statutory fishing right" which means a right to take, from one of the sectors of the fishery area, in each fishing year, a particular proportion of the total allowable catch of a target species.
- "Total allowable catch", for Patagonian toothfish, means the total weight of fish of that species that may be taken under SFRs in a fishing year by fishing in the fishery area, as determined by AFMA under section 11 of the Plan.

Section 4 sets out the origin for geographical coordinates used within the Plan.

Sections 5, 6 and 7 set out the objectives of the Plan, measures by which AFMA will attain the objectives and the performance criteria for assessing its achievement against the objectives.

The objectives, which are consistent with the Act, provide for the sustainable use of fisheries resources and set management, ecological and economic objectives.

The measures for achieving these objectives address the key issues of sustainability, economic efficiency, impacts on other non-target species and the marine environment, the collection and use of accurate data, efficient and cost-effective management and consistency with international standards and obligations. These measures include the determination of reference points for maintaining ecologically sustainable stocks of each species, the basis for setting a yearly TAC for each sector of the fishery, setting catch limits for non-target species, developing a five-year strategic research program, and determining levies to recover the costs of management.

The performance criteria against which the measures taken under the Plan may be assessed are set out in section 7. They include meeting reference points for Patagonian toothfish, compliance with TACs, ensuring a limit on boat numbers, the granting of SFRs, the operation of a research plan, reviewing the range and cost of AFMA's services in the Fishery annually, and other ongoing assessments of the Fishery.

Section 8 requires AFMA to develop and implement a bycatch action plan to ensure that the bycatch of the Fishery is reduced or kept to a minimum. AFMA must review this Plan at least every two years to ensure it is achieving its objectives. The Antarctic Fisheries Bycatch Action Plan 2003 covers operations in the MITF.

Section 9 requires AFMA to develop and implement annually a fisheries assessment plan for the Fishery. This plan will ensure that an adequate program of monitoring takes place in the fishery to ensure that reliable fisheries stock estimates can be made for target and bycatch species and that the ecosystem is responsibly monitored.

In developing the fisheries assessment plan, AFMA must consult with SouthMAC, SARAG, SFR holders and have regard to the 5-year strategic research plan.

Part 2 Total Allowable Catch

Section 10 requires that AFMA must determine reference points for maintaining ecologically viable stocks of the target species and an ecologically sustainable fishery. These reference points must be reviewed annually.

Section 11 sets out the consultative process, which AFMA must undertake in determining the total amount of each target species that may be taken from the Fishery each fishing year. This procedure requires that AFMA determine the TAC for Patagonian toothfish for the fishing year prior to the beginning of that fishing year and catch limits of any other species that may be taken in the Fishery, taking into account the views of SouthMAC and SARAG and the reference points determined under section 10.

This section also requires AFMA to notify SFR holders prior to the commencement of the fishing year the quota allocated to each SFR for the Aurora Trough and for the Macquarie Ridge sector for the fishing year.

Part 3 Right to Fish in the Fishery

Section 12 states that only SFR holders who meet the minimum quota holding requirement of 25.5% may fish in the Fishery provided they are using a nominated boat. This requirement limits the number of boats that can fish in the area of the Fishery at any one time to no more than three.

Section 13 requires that SFR holders not take an amount of Patagonian toothfish that is in excess of the quota allocated to their rights and states that SFR holders must not take fish from either sector of the Fishery unless they hold SFRs with uncaught quota for the sector where the fish are taken.

Section 14 describes the provisions for overcatch of quota. A 0 - 10 tonne overcatch comes off the following year's catch on a one for one basis, 10 – 20 tonnes comes off on a three to one basis and greater than 20 tonnes comes off on a three to one basis. It is expected any overcatch above 20 tonnes would be subject to prosecution action.

Section 15 allows scientific fishing activities to be carried out in the Fishery, but only in accordance with a scientific permit.

Part 4 Statutory Fishing Rights

Division 4.1 Registration of eligible persons for grant of statutory fishing rights

Section 16 provides specific details on who is eligible to register for the grant of SFRs, that is, those who have applied for and met all of the essential requirements for registration. In particular it sets out criteria which make those who have been involved in serious fisheries offences or are associated with an Illegal, Unregulated and Unreported (IUU) vessel listed by CCAMLR ineligible unless the conviction/association has been disclosed and written approval has been received from AFMA.

Division 4.2 Grant of statutory fishing rights

Section 17 states that AFMA must make a provisional grant of 5,000 SFRs for each sector of the Fishery to a person who is registered under subsection 16(2) as an eligible person for the grant of SFRs for the Fishery.

Section 18 provides specific details for the process of requesting the grant of SFRs from the provisional grants in the Fishery, including the procedures for requesting the grant and the consequences of non-compliance with time lines. If, after receiving two notices from AFMA, an eligible person does not request a grant of SFRs, then the grant ceases to be available to that person.

Section 19 provides specific details for the process of requesting the grant of SFRs from the tender process, including the procedures for requesting the grant.

Section 20 provides specific details of the process for granting SFRs in the Fishery. This section sets out the information about SFRs to be included in the certificate evidencing the grant of SFRs. Subsection 20(2) allows for more than one SFR to be listed on the one certificate.

Division 4.3 Nomination of boat

Section 21 sets out the process for SFR holders applying to have a boat nominated as an eligible boat on the Register including the acceptance by the holder that the boat can safely carry two observers. The section states that a person may nominate one boat for each minimum quota holding of 25.5% of the SFRs in the Fishery and sets out the information to be included on the Register. If AFMA approves an application to nominate a boat, it must enter that nomination onto the Register and provide the applicant with a signed extract of the registered nomination. AFMA can refuse an application if the boat cannot carry observers.

Section 22 provides that AFMA must cancel a boat nomination when requested in writing from the holder of an SFR for which the boat is the nominated boat.

Section 23 allows AFMA to remove a boat from the Register if the master of the boat or the holder of the SFR for which the boat is nominated refuses to carry an observer without reasonable excuse. A decision made by AFMA to remove a boat from the Register is a reviewable decision under section 165 of the Act.

Division 4.4 Transfer and lease of statutory fishing rights

Section 24 sets out the administrative procedures for applying for and processing applications for the transfer of an SFR. An application for transfer of an SFR must be accompanied by the certificate for the SFR or statement as to why it is unavailable. AFMA must not approve the transfer of an SFR:

- where proceedings for an offence under the Act or Regulations are underway; or
- if an application for registration of another interest in the SFR has been received by AFMA (before the application for transfer is received and has been dealt with); or
- where the SFR has been suspended or pending a decision or application for review relating to suspension or cancellation; or
- during a period from 14 days before issuing a levy notice to when the levies are paid; or
- if logbooks relating to the SFRs are incomplete.

Section 25 requires that if AFMA approves the transfer of an SFR, it amends the SFR certificate to reflect the transfer and must send the relevant parties a certificate showing the transferee as the owner of the appropriate number of SFRs.

Section 26 sets out the administrative procedures relating to the lease of an SFR.

Part 5 Fishing in the Fishery

Division 5.1 Obligations of holders of statutory fishing rights

Section 27, 28 and 29 set out the obligations on the holders of SFRs. These sections are the 'enforcement' provisions of the Plan. Subsections 22(4) and (5) of the Act make all of these obligations conditions of the SFR. Paragraphs 95(1)(d) and (e) of the Act make it an offence to breach conditions on SFRs.

Section 27 sets of the environmental requirements placed upon SFR holders operating in the Fishery. These obligations relate to, among other things:

- minimising the loss of gear and non-biodegradable items from the boat;
- informing AFMA in writing of the loss or gear or other non-biodegradable items within 48 hours;
- a prohibition on the discharge of fish offal, bycatch and fish meal;
- a prohibition on the discharge of poultry products and brassicas (broccoli, cauliflower, cabbage etc);

- restrictions on the carriage, use and disposal of plastics and other non-biodegradable material;
- minimising the level of light showing from the boat;
- minimising the risk and severity of collision with sea birds and marine mammals; and,
- a prohibition, as a condition of the SFR, not to target marine life other than Patagonian toothfish.

Section 28 sets out the contingency arrangements to be followed in the event of an injury to, or death of, a sea bird or marine mammal including reporting all incidents to AFMA within 24 hours.

Section 29 sets out other obligations on the holders of SFRs. These include a requirement to:

- comply with the Plan and any Regulations made under the Plan;
- comply with any direction made under subsection 31(1) of the Plan;
- take steps to minimise the catch of Patagonian toothfish not taken in accordance with the Management Plan, bycatch and the impact of fishing on the environment;
- carry a vessel monitoring system; and
- carry two observers.

Division 5.2 Directions not to engage in fishing

Section 30 provides for AFMA to make Directions that will prohibit holders of SFRs from carrying on activities specified in those Directions. The manner of making the Directions is consultative, except in an emergency, in that AFMA must consult with the SouthMAC and SARAG. AFMA will inform SFR holders of the Direction at least seven days before it takes effect.

Part 6 Miscellaneous

Section 31 sets out the procedure for issuing replacement certificates in the event of their loss.

Section 32 provides for AFMA to delegate, in writing, certain powers of functions under the Plan to an officer of AFMA.

Section 33 sets out the procedure for SFR holders to appoint an agent to exercise certain powers in respect of the SFRs.

Section 34 sets out the details for the dispatch and receipt of notices required under the Plan and when the notice is deemed to have been given to AFMA or to an eligible person, or to the holder of an SFR.

Part 7 Transitional

Section 35 sets out the transitional arrangements, which will take effect on commencement of the Plan until ceased through a public notice in the Gazette. These arrangements will allow for fishing to continue during this transition period under a system of fishing permits.

Schedules

Schedule 1 – Fishery Area – This Schedule defines the area of the Fishery, that is, that part of the EEZ comprising the Aurora Trough Sector and the Macquarie Ridge Sector. The coordinates of Aurora Trough sector are defined. The Macquarie Ridge Sector includes all waters of the AFZ adjacent to Macquarie Island other than the waters surrounding the Island out to the three nautical mile limit (Tasmanian State waters) and the area of the Aurora Trough.