



Macquarie Island Toothfish Fishery Management Plan Amendment 2011

Fisheries Management Act 1991

The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY determines this amendment of the *Macquarie Island Toothfish Fishery Management Plan 2006* under section 20 of the *Fisheries Management Act 1991*.

Dated 8 September 2011

The Common Seal of the Australian
Fisheries Management Authority was
affixed in accordance with a resolution
of the Commission

Ryan Murphy
Executive Secretary
Australian Fisheries Management Authority

Accepted on

22nd September 2011

Mike Kelly
Parliamentary Secretary for Agriculture, Fisheries and Forestry

1 Name of Management Plan Amendment

This Management Plan Amendment is the *Macquarie Island Toothfish Fishery Management Plan Amendment 2011*.

2 Commencement

This Management Plan Amendment commences on the day after it is registered on the Federal Register of Legislative Instruments.

3 Amendment of *Macquarie Island Toothfish Fishery Management Plan 2006*

Schedule 1 amends the *Macquarie Island Toothfish Fishery Management Plan 2006*.

Schedule 1 Amendments

(section 3)

- [1] **Section 3, definition of sector**
Omit
- [2] **Section 3, definition of statutory fishing right**
Omit
1 of the sectors of
- [3] **Section 6, paragraph (c)**
Omit
ecologically sustainable stocks

substitute
an ecologically sustainable stock
- [4] **Section 6, paragraph (d)**
Omit
each sector of
- [5] **Subsection 10(1)**
Omit
ecologically viable stocks of the species and
- [6] **Subsection 10(2)**
Omit
ecologically viable stocks of Patagonian toothfish and
- [7] **Section 11, subsection (1)**
Omit
each sector of
- [8] **Section 11, subsection (3)**
Omit
a sector and
- [9] **Section 11, paragraphs (4)(b) and (c)**
Substitute

(b) the quota allocated to the right for the fishing year; and

[10] Section 13, subsection (1)

Omit

for a sector of the fishery area must not take from that sector of
substitute
for the fishery area must not take from

[11] Section 13, subsection (2)

Substitute

(2) The quota allocated to a statutory fishing right for a fishing year is worked out by dividing the total allowable catch in the fishing year by the total number of statutory fishing rights in force at the start of the fishing year.

[12] Section 13, subsections (4) and (5)

Substitute

- (4) For subsection (1), a person may not take fish from the fishery unless the person holds statutory fishing rights with uncaught quota at least equal to the amount of fish taken.
- (5) For subsection (4):
uncaught quota, for a holder and at a time in a season, means the balance of quota, available on all the holder's statutory fishing rights, that remains after deducting the weight of Patagonian toothfish taken by the holder up to that time.

[13] Section 16, Note 5

Substitute

Note 5 When statutory fishing rights were first granted there were 2 sectors in the fishery. AFMA granted 5,000 statutory fishing rights for each sector under section 17 and 5,000 statutory fishing rights for each sector by tender. AFMA does not propose to grant further statutory fishing rights.

[14] Section 20 paragraph (1)(c)

Omit

[15] Subsection 34(3), paragraphs (3)(a), (b), (c) and (d)

Substitute

- (a) delivered to the reception desk at:
Level 6, 73 Northbourne Avenue
Canberra City ACT 2600; or
- (b) posted to:
PO Box 7051
Canberra Business Centre
ACT 2610; or
- (c) sent by fax (from within Australia) to:
(02) 6225 5426; or

- (d) sent by fax (from outside Australia) to:
612 6225 5426; or

[16] Schedule 1
Substitute

SCHEDULE 1 Fishery area
(section 3)

All areas of the AFZ adjacent to Macquarie Island excluding the waters of the State of Tasmania
