



# Heard Island and McDonald Islands Fishery Management Plan Amendment 2011

*Fisheries Management Act 1991*

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The AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY determines this amendment of the *Heard Island and McDonald Islands Fishery Management Plan 2002* under section 20 of the *Fisheries Management Act 1991*.

Dated 22 December 2011

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

Ryan Murphy  
Executive Secretary  
Australian Fisheries Management Authority

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Accepted on 14 February 2012

The Hon. Joe Ludwig  
Minister for Agriculture, Fisheries and Forestry

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**1 Name of Management Plan Amendment**

This Management Plan Amendment is the *Heard Island and McDonald Islands Fishery Management Plan Amendment 2011*.

**2 Commencement**

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

**3 Amendment of *Heard Island and McDonald Islands Fishery Management Plan 2002***

Schedule 1 amends the *Heard Island and McDonald Islands Fishery Management Plan 2002*.

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## Schedule 1 Amendments

(section 3)

**[1] Section 3**

*Insert*

**MAC** means the Management Advisory Committee established under section 54 of the *Fisheries Administration Act 1991*.

**[2] Section 3, definition of SAFAG**

*Substitute*

**RAG** means the Resource Assessment Group established by AFMA to provide advice in relation to the research needs, stock status, environment and economics of Southern Ocean fisheries.

**[3] Section 3, definition of SouthMAC**

*Omit*

**[4] Section 3**

*Insert*

**trawl methods** means fishing using:

- (a) demersal otter trawl gear; or
- (b) mid-water trawl gear.

**[5] Section 4**

*Omit*

1972 (WGS72)

*substitute*

1984 (WGS84)

**[6] Section 6, paragraph (b)**

*Omit*

SAFAG, SouthMAC

*substitute*

the RAG, the MAC

**[7] Section 6, paragraph (f)**

*Omit*

**[8] Section 7, paragraph (d)**

*Substitute*

- (d) that the requirements of section 12 are met; and

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**[9] Section 7, subsection (2)**

*Omit*  
SouthMAC  
*substitute*  
the MAC

**[10] Section 7, subsection (4)**

*Omit*  
SouthMAC  
*substitute*  
the MAC

**[11] Section 8, subsection (1)**

*Omit*  
implement a bycatch action plan to

**[12] Section 8, subsection (2)**

*Omit*  
The bycatch action plan  
*substitute*  
AFMA

**[13] Section 8, subsection (3)**

*Omit*

**[14] Section 9, paragraph (3)(a)**

*Omit*  
SouthMAC, SAFAG  
*substitute*  
the MAC, the RAG

**[15] Section 11, paragraph (3)(b)**

*Omit, substitute*  
(b) must consult, and consider the views of, the MAC and the RAG.

**[16] After section 11**

*Insert*

**11A Determination of fishing capacity**

- (1) AFMA must determine the minimum quota for trawl methods, expressed as a percentage of statutory fishing rights, for a fishing year.
- (2) The determination:
  - (a) may apply to one or more fishing years; and

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- (b) for a determination that applies to one fishing year, must be made before the start of that fishing year; and
  - (c) for a determination that applies to more than one fishing year, must be made before the start of the first fishing year to which it relates.
- (3) Before the beginning of each fishing year, AFMA must give to the holder of each statutory fishing right a notice stating the determined minimum quota for trawl methods.
- (4) If this provision comes into force during a fishing year, AFMA must make the determination for that fishing year within one month of this provision coming into force.

**[17] Section 12**

*Substitute*

**12 Who may fish in the fishery**

Subject to section 15, a person may fish in the fishery only if the person:

- (a) if using trawl methods, holds, or is acting for a person who holds, the minimum quota for trawl methods as determined by AFMA under subsection 11A(1) for each trawler; and
- (b) if using non-trawl methods, holds, or is acting for a person who holds, statutory fishing rights; and
- (c) in either case, is using the boat that is nominated for those fishing rights.

NOTE: For example, if AFMA determines the minimum quota at 25.5%, a person would need to hold at least 51% to operate a second trawler.

**[18] Section 13, subsection (1)**

*Omit*

at least 25.5% of the

**[19] Section 20, paragraph (2)(a)**

*Omit*

SouthMAC and SAFAG

*substitute*

the MAC and the RAG

**[20] Section 24**

*Substitute*

**24 Nomination of boat**

AFMA must not register a boat as the nominated boat for a person if:

- (a) the boat does not meet the requirements for an Australian boat, within the meaning given by subsection 4(1) of the Act; or

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- (b) a nominated surveyor has not conducted a safety assessment of the boat and has not issued a statement of compliance indicating that the boat passed the safety assessment.