

FISHERIES MANAGEMENT ACT 1991
HEARD ISLAND AND McDONALD ISLANDS FISHERY
MANAGEMENT PLAN 2002

DIRECTION No. HIMIFD 7

**CLOSURE OF SHELL BANK TO MACKEREL ICEFISH
FISHING**

I, Leslie John Roberts, Acting Managing Director of the Australian Fisheries Management Authority, as delegate make the following Direction under subsection 17(5A) of the *Fisheries Management Act 1991* and subsection 31(1) of the *Heard Island and McDonald Islands Fishery Management Plan 2002*.

Dated 1st April 2004

Les Roberts

Acting Managing Director,
Australian Fisheries Management Authority

Citation

1. This Direction may be cited as Direction No. HIMIFD 7.

Commencement

2. This Direction commences on Gazettal.

Application

3. This Direction applies to a holder of statutory fishing rights in the fishery and to a person acting on behalf of the holder.

Period of Application

4. This Direction applies for a period of five years from the date of commencement.

Interpretation

5.1 In this Direction:

“**fishery**” means the Heard Island and McDonald Islands Fishery;

“**incidental take**” means the taking of species unintentionally while engaged in commercial fishing;

“**mackerel icefish**” means fish of the species *Champscephalus gunnari*;

“**Plan**” means the *Heard Island and McDonald Islands Fishery Management Plan 2002*; and

“**target**” in relation to fishing means the commercial fishing activities engaged in with the intention of taking a particular species.

5.2 A term used in this Direction by way of priority, or if there is any inconsistency:

(a) takes the meaning given to it in the interpretation section of this Direction; then;

(b) if no meaning is given to the word in the interpretation section of this Direction, takes the meaning given to it in the Plan; and then;

(c) if no meaning is given to the word in this Direction nor in the Plan, takes the meaning given to that word under the *Fisheries Management Act 1991*.

5.3 The origin of geographical coordinates used in this Direction is the World Geodetic Datum System 1972 (WGS72).

Prohibition on fishing

6.1 No fishing is to be engaged in that targets mackerel icefish in the area of the fishery on Shell Bank as defined in Schedule 1.

6.2 The incidental take of mackerel icefish in the area of the fishery referred to in clause 6.1 will be decremented from a person’s quota holdings for that species in the same manner as it would be if mackerel icefish were a target species in that area.

Exemption to the Prohibition on fishing in clause 6.1

7. An exemption to the prohibition on fishing in clause 6.1 above applies to a person who fishes under a scientific permit in accordance with section 15 of the Plan.

Revocation of Direction No. HIMIFD 3

8. Direction No. HIMIFD 3 is revoked.

SCHEDULE 1

Area of Shell Bank

Shell Bank is defined as all waters of a depth of 350m or less within the area bounded by a line:

- (i) commencing at the intersection of the parallel of Latitude 51 degrees 10 minutes South and the meridian of Longitude 75 degrees 20minutes East;
- (ii) then east along that parallel to its intersection with the meridian of Longitude 77 degrees 10 minutes East;
- (iii) then south along that meridian to its intersection with the parallel of Latitude 52 degrees South;
- (iv) then west along the parallel to its intersection with the meridian of Longitude 76 degrees 10 minutes East;
- (v) the north-westerly along the geodesic to intersection of the parallel of Latitude 51 degrees 35 minutes South and the meridian of Longitude 75 degrees 20 minutes East; and
- (vi) then north along the meridian to the point of commencement.