



Bass Strait Central Zone Scallop Fishery Management Plan Amendment Instrument 2019

The Australian Fisheries Management Authority makes the following amendment instrument.

Dated

Andrew Pearson **DRAFT ONLY—NOT FOR SIGNATURE**

Executive Secretary

for and on behalf of the Australian Fisheries Management Authority in accordance with a decision of the Commissioners under section 25 of the *Fisheries Administration Act 1991*

Accepted on

Senator the Hon Jonathon Duniham **DRAFT ONLY—NOT FOR SIGNATURE**

Assistant Minister for Forestry and Fisheries

1 Name

This instrument is the *Bass Strait Central Zone Scallop Fishery Management Plan Amendment Instrument 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. All provisions of this instrument not covered elsewhere in this table	The time that is the later of: (a) 1 October 2019; or (b) the day after registration.	
2. Part 2 of Schedule 1	1 March 2020	1 March 2020

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 20(1) of the *Fisheries Management Act 1991*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

**Schedule 1—Amendments to the *Bass Strait Central
Zone Scallop Fishery Management Plan 2002***

Part 1—Amendments commencing before 1 March 2020

1 Section 13

Repeal the section.

2 Subsection 28(2)

Repeal the subsection.

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Part 2—Amendments commencing on 1 March 2020

3 Section 3 (definition of *fishing season*)

Repeal the definition, substitute:

fishing season means the period determined by AFMA.

Note Under subsection 17(6B) of the Act, a determination of a fishing season is a legislative instrument for the purpose of the *Legislation Act 2003*.

4 Section 3 (definition of *fishing year*)

Repeal the definition.

5 Section 3 (definition of *quota*)

Omit “year”, substitute “season”.

6 Section 3 (definition of *quota statutory fishing right*)

Repeal the definition, substitute:

quota statutory fishing right, for a fishing season, means a right to take, from the area of the fishery, a particular amount (being the quota allocated to the right for the fishing season) of a species of scallop during the fishing season.

7 Section 3 (definition of *total allowable catch*)

Omit “year”, substitute “season”.

8 Paragraph 8(1)(b)

Repeal the paragraph, substitute:

- (b) that a total allowable catch is set for each species of scallop for each fishing season and that the amount of scallops taken in a fishing season does not exceed the total allowable catch for the season; and

9 Subparagraph 8(1)(c)(iii)

Omit “year”, substitute “season”.

10 Subsection 12(1)

Repeal the subsection, substitute:

- (1) Subject to section 14, in a fishing season, the holder of a quota statutory fishing right must not take from the area of the fishery an amount of scallops of a species greater than the quota allocated to the right in relation to that species for the season.

11 Subsection 12(2)

Omit “year”, substitute “season”.

12 Subsection 12(2A)

Repeal the subsection, substitute:

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- (2A) If the quota allocated to a quota statutory fishing right decreases during a fishing season, the holder of the right is exempt from subsection (1) if:
- (a) immediately before the decrease, the amount of scallops of a species taken by the holder during the fishing season was equal to or less than the quota allocated to the right before the decrease; and
 - (b) the holder of the right does not take any more scallops of that species after AFMA gives the holder a notice under subsection 28 (4).

Note The quota allocated to a quota statutory fishing right will increase or decrease if AFMA increases or decreases the total allowable catch for a species of scallop under section 28.

13 Subsection 12(6)

Repeal the subsection, substitute:

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

14 Subsection 12(7)

Omit “year”, substitute “season”.

15 Subsection 27(1)

Omit “year”, substitute “season”.

16 Subsection 27(3)

Omit “year”, substitute “season”.

17 Subsection 27(4)

Repeal the subsection, substitute:

- (4) At least 48 hours before the start of a fishing season, AFMA must give the holder of each quota statutory fishing right a notice stating:
 - (a) the total allowable catch for the species to which the right relates for the fishing season; and
 - (b) the quota allocated to the right for the fishing season.

18 Subsection 28(1)

Repeal the subsection, substitute:

- (1) During a fishing season, AFMA may vary the total allowable catch for a species of scallop for the season.

19 Subsection 28(5)

Omit “year”, substitute “season”.