



CONSULTATION PAPER – REMAKING OF FISHERIES MANAGEMENT REGULATIONS

Dear Stakeholder

The Australian Fisheries Management Authority (AFMA) administers regulations that provide the legal framework for managing Commonwealth fisheries. As part of the Australian Government's requirements to ensure all regulations remain up to date and fit for purpose, they are subject to sunseting (i.e. they will automatically repeal and cease to have effect), unless they are reviewed and remade.

AFMA is seeking stakeholder comments and views on proposed amendments as part of its review of several existing regulations relating to the management of Commonwealth fisheries under the *Fisheries Management Act 1991* and the *Fisheries Administration Act 1991*. These regulations are the:

- *Fisheries Management Regulations 1992*
- *Fisheries (Administration) Regulations 1992*
- *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*

These regulations are subject to sunseting in the period from October 2018 to April 2019. As a result of the review, AFMA will remake these regulations.

The regulations have been very effective in achieving their objectives. The most recent Fisheries Status Reports (released by the Australian Bureau of Agricultural and Resource Economics and Sciences on 29 September 2017) found that, for the fourth consecutive year, no stocks managed solely by the Commonwealth (through AFMA) were subject to overfishing. This is a significant achievement and has been reflected in independent recognition of Australian fisheries management as some of the most effective in the world.

In their current form, the regulations also do not impose significant compliance costs on businesses, community organisations or individuals. Proposed changes should not increase compliance costs when these regulations are remade.

However, to keep the regulations up to date and ensure they remain fit for purpose, AFMA is reviewing the effectiveness and efficiency of these regulations before they are remade.

Consultations

As part of this review, AFMA is consulting with a wide range of stakeholders including Commonwealth fishery concession holders, fishing industry organisations, State and Territory fisheries agencies and other Commonwealth departments.

This consultation paper will also be available on the AFMA website (www.afma.gov.au).

Particulars

The majority of proposed changes to the current regulations are minimal. Changes aim to simplify arrangements and streamline AFMA's regulation of Commonwealth fisheries under the *Fisheries Management Act 1991*, and remove redundancies or make updates resulting from changed management requirements. Clearer and updated management requirements will provide industry with greater certainty and flexibility in making commercial decisions. AFMA's management efficiency and effectiveness will also be improved, thereby reducing the regulatory burden on the commercial fishing industry.

Fisheries Management Regulations 1992

These Regulations prescribe a number of key regulatory measures that enable AFMA to regulate Commonwealth fisheries and provide efficient and cost effective fisheries management. Among other things, these Regulations prescribe the geographic area of a number of different fisheries; outline the process for granting fishing rights; prescribe conditions on fishing concessions; specify fees payable; provide the framework for the issue of infringement notices; prescribe obligations for Commonwealth fishing concession holders operating in State waters managed under offshore constitutional settlement arrangements with the States; and set out recording and reporting obligations in relation to threatened, endangered and protected species under the *Environment Protection and Biodiversity Conservation Act 1999*.

These Regulations also provide for the extra-territorial application of the *Fisheries Management Act 1991* so as to meet Australia's regional and international fisheries management obligations under, for example, the Convention on the Conservation of Antarctic Marine Living Resources and in relation to decisions of the Commission for the Conservation of Southern Bluefin Tuna.

AFMA proposes to remake these Regulations on the basis of the amendments outlined in the table attached to this consultation paper.

Fisheries (Administration) Regulations 1992

The main purpose of these Regulations is to define the 'peak industry body' referred to in subsection 4(1) of the *Fisheries Administration Act 1991*. The peak industry body is defined to be the Commonwealth Fisheries Association. This position will be maintained in the new instrument (see table attached).

Other provisions of these Regulations relate to sections of the *Fisheries Administration Act 1991* that have been repealed. These provisions will not be remade.

Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995

These Regulations prescribe conditions about providing information to AFMA when southern bluefin tuna (SBT) are disposed of to tuna farms and conversion factors to calculate the processed weight of SBT to live weight.

Part 2 of these regulations is being deleted because it is made under sections of the *Fisheries Management Act 1991* that have been repealed.

AFMA proposes to incorporate the conversion factors for processed fish currently prescribed in these Regulations in the remade regulations under the *Fisheries Management Act 1991*. Further details are outlined in the table attached to this consultation paper.

Timing

The regulations discussed above are currently intended to be remade before 1 October 2018.

We would appreciate your comments on the proposed amendments by **COB Friday 11 May 2018**.

Comments

AFMA welcomes stakeholder input. Comments can be emailed to:

Andrew Pearson, Executive Secretary

Email: andrew.pearson@afma.gov.au

Mr Pearson can also be contacted on (02) 6225 5576 should you have any questions.

Yours sincerely



Dr James Findlay
Chief Executive Officer

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