

Fisheries Management Regulations
Fisheries (Administration) Regulations
Fisheries Management (Southern Bluefin Tuna Fishery) Regulations
Summary of Proposed Main Regulatory Amendments

Fisheries Management Regulations

Provision	Proposed Amendment	Comment on Change
Regulations 5 and 6	Remove reference to auction and ballots to issue statutory fishing rights.	The allocation of fishing rights by ballot approach leaves the allocation of rights to chance and is potentially arbitrary and unfair. Provisions enabling allocation by auction are also being removed, given the administrative complexities involved. A tender process will remain available for allocating access rights to new fishery resources.
Regulations 9A, 9B and 9D	Changes to vessel monitoring system requirements: <ul style="list-style-type: none"> • system needs to be 'approved' by AFMA; • clarifying language about whether a system needs to be 'operational' or 'operating'; • system needs to be fitted to a fishing boat. 	AFMA policies provide for the approval, fitting and operating of vessel monitoring systems on boats. No change to current obligations for concession holders.
Regulations 9AB and 9B	Restructuring of conditions relating to the nomination of a boat to a fishing concession.	No change to regulatory burden.
Regulation 9I	Insert exception from the requirement to dispose of fish to a fish receiver for permit holders in the aquarium sector of the Coral Sea Fishery.	Logbook records are sufficient for this aquarium sector and therefore no catch disposal records from a fish receiver are required. This sector is managed in consultation with the Department of Environment and Energy.
Part 3A, Divisions 5-9	Align the catch limits for target species managed by the State or Territory but caught as by-catch including the updated agreements between the Commonwealth and Tasmania and the co-management arrangement with the South East Trawl Fishing Industry Association (SETFIA). Some definitions and language have been amended for clarification. For example, definitions of giant crab and molluscs.	Maintains current Memorandum of Understanding arrangements between the Commonwealth and States/Territory. Catch limits, including 'no take' trip limits where applicable, have largely not changed (except the limit for Striped Trumpeter in Tasmanian coastal waters, which has been reduced from 250kg to 150kg by mutual agreement of the Commonwealth and Tasmania). The co-management arrangement with the South East Trawl Fishing Industry Association (SETFIA) in regard to Snapper in Victorian coastal waters is not affected.

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Regulation 9ZO	Delete items 1 and 2 from the table. This will allow concession holders more flexibility in the way they can process fish at sea, e.g. allowing for the loining of striped marlin and swordfish.	E-monitoring requirements, in place for relevant tuna fisheries, suitably manage the risk for which the requirement to retain the caudal keel etc. was directed.
Regulation 10AA	Amendments concerning the furnishing of returns of information by fish receivers by making cross-reference to the obligation of concession holders under the <i>Logbooks for Fisheries Declaration 2017</i> , including the potential requirement to return information in an electronic form.	A Fish Receiver's obligation to complete 'Part C' of relevant logbooks and return to AFMA within 3 calendar days is unchanged.
Regulation 10AD	Delete requirement for fish receivers to provide records of scallop tags.	Scallop tags are no longer used in the management of the Bass Strait Central Zone Scallop Fishery.
Regulation 11	Delete the approval process for a foreign boat to be in the Australian Fishing Zone whilst equipped for fishing.	The approval process prescribed in regulation 11 is not used. Instead, foreign boats may continue to use other exceptions outlined in subsection 101(1) of the <i>Fisheries Management Act 1991</i> , e.g. where the boat's equipment is stored and the boat is transiting through the Australian Fishing Zone.
Regulation 19	Provide for a more streamlined process to dispose of fishing equipment on grounds similar to those available under the <i>Maritime Powers Act 2013</i> .	This change will allow AFMA to more efficiently manage the disposal of fishing equipment that has become marine debris, e.g. fish aggregating devices and ghost nets.
Part 5A	<p>This Part provides for the identification of illegal foreign fishers for the purpose of Schedule 1A of the <i>Fisheries Management Act 1991</i>. Amendments include:</p> <ul style="list-style-type: none"> • providing further obligations on detaining officers where identification tests are being carried out; • updating references to Commonwealth, State and Territory organisations to which identifying information can be disclosed, e.g. fingerprints and photographs; • correcting reference to, and adding new, Regional Fisheries Management Organisations to the list of international bodies to which identifying information can be disclosed. 	Amendments will align the requirements of the Management Regulations with the similar provisions in the <i>Migration Regulations 1994</i> relating to the detention of unlawful non-citizens. This will provide consistent regulation across the two programs in the handling of suspected illegal foreign fishers.

Provision	Proposed Amendment	Comment on Change
Part 7 and Schedule 1	This part on management arrangements under the Statutory Fishing Rights Allocation Review Panel may be deleted.	Legislation to repeal the Statutory Fishing Rights Allocation Review Panel is currently being prepared. If passed, Part 8 of the <i>Fisheries Management Act 1991</i> (which establishes and the Statutory Fishing Rights Allocation Review Panel) will be repealed. As a result, Part 7 and Schedule 1 of the Management Regulations will also be able to be repealed.
Regulation 29	Delete subparagraphs (1)(b)(ii) and (iii) and subsection (2) to reflect changed arrangements following AFMA's introduction of electronic registers.	Simpler management of replacement documents and reduction in regulatory burden.
Part 10	This part concerning Infringement Notices may be deleted.	Legislation to trigger the application of the <i>Regulatory Powers (Standard Provisions) Act 2014</i> is currently being prepared. If passed, AFMA's powers to issue infringement notices will move from these regulations to the <i>Regulatory Powers (Standard Provisions) Act 2014</i> .
Part 12	Remove offences relating to the discharge of offal whilst setting or hauling a longline, trotline or dropline. These offences are in force to mitigate the incidental catch of seabirds.	Measures to appropriately manage interactions with seabirds are now being dealt with as conditions on individual fishing concessions. This enables AFMA to improve targeting of seabird interaction mitigation measures, such as offal discharge requirements.
Regulation 78	<p>New powers concerning the collection and disclosure of AFMA information:</p> <ul style="list-style-type: none"> • disclose vessel monitoring system data to concession holders for boat(s) nominated to their concessions; • disclose data and information for the purpose of research related to AFMA's objectives and functions. 	<p>Allows for information to be disclosed to concession holders without having the requirement to make a request under the <i>Freedom of Information Act 1982</i>.</p> <p>Also provides for any data held by AFMA to be disclosed for research purposes, in addition to logbook data that can already be disclosed under section 167 of the <i>Fisheries Management Act 1991</i>.</p> <p>AFMA will continue to enter into appropriate confidentiality arrangements prior to the disclosure of data for research purposes.</p>
Schedule 1A	Amendment of descriptions of described waters and update to the geographic datum.	Some described areas have been amended to reflect changing AFMA management arrangements.

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Schedule 2	<p>Increase manual processing fees for:</p> <ul style="list-style-type: none"> furnishing a paper logbook in the BSCZSF, CSF, Eastern Skipjack, ETBF, High Seas Non-Trawl Fishery, SPF, SESSF (GHAT), SBT, SSJF, Western Skipjack, WTBF from \$11 to \$14.40 per fishing day; furnishing a paper logbook in the High Seas Trawl Fishery, NW Slope Trawl Fishery, SESSF (GAB Trawl Sector), SESSF (Commonwealth Trawl Sector) and Western Deepwater Trawl Fishery from \$18.40 to \$19.08 per fishing day; and furnishing a paper logbook in the Northern Prawn Fishery from \$4 to \$4.50 per fishing day. 	<p>Use of electronic logbooks remains AFMA's preference and is available at no charge.</p> <p>The increases in fees for manual processing reflect the actual cost to AFMA.</p>
New provision	<p>Insert a new provision making it a condition on fishing concessions that a boat that is listed on an Illegal, Unreported and Unregulated (IUU) fishing list cannot be used.</p>	<p>Allows for Australia to meet its international obligations under treaties establishing various Regional Fisheries Management Organisations (RFMOs).</p>

Fisheries (Administration) Regulations

Provision	Proposed Amendment	Comment on Change
Regulation 3	<p>Maintain reference to the Commonwealth Fisheries Association as the peak industry body.</p>	<p>The peak industry body for Commonwealth commercial fishers remains the Commonwealth Fisheries Association.</p>

Fisheries Management (Southern Bluefin Tuna Fishery) Regulations

Provision	Proposed Amendment	Comment on Change
Part 2	<p>Delete the Part which imposes obligations about providing information where southern bluefin tuna are disposed of to tuna farms.</p>	<p>These provisions are no longer operable, and have been replaced by the <i>Logbooks for Fisheries Determination 2017</i>. Conversion factors currently prescribed in regulation 7 are being maintained and moved into the remade Fisheries Management Regulation.</p>