



## **Legislation (Deferral of Sunsetting—Fisheries Management Regulations) Certificate 2018**

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I, Christian Porter, Attorney-General, make the following certificate.

Dated 24 August 2018

Christian Porter  
Attorney-General

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## 1 Name

This instrument is the *Legislation (Deferral of Sunsetting—Fisheries Management Regulations) Certificate 2018*.

## 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. The whole of this instrument	The day after this instrument is registered.	31 August 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (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 paragraph 51(1)(c) of the *Legislation Act 2003*.

## 4 Definitions

In this instrument:

**AFMA** means the Australian Fisheries Management Authority.

**Department** means the Department of Agriculture and Water Resources.

**Fisheries Administration Regulations** means the *Fisheries (Administration) Regulations 1992*.

**Fisheries Management Act** means the *Fisheries Management Act 1991*.

**Fisheries Management Regulations** means the *Fisheries Management Regulations 1992*.

**Legislation Act** means the *Legislation Act 2003*.

**Southern Bluefin Tuna Regulations** means the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*.

## 5 Statement of reasons for issue of certificate

For the purposes of paragraph 51(2)(a) of the Legislation Act, this section sets out the statement of the reasons for the issue of this certificate.

### *Statement of reasons*

I am satisfied that the Fisheries Management Regulations would, apart from the operation of Part 4 of Chapter 3 of the Legislation Act, be likely to cease to be in force within 12 months after the sunseting day for the regulations.

The Fisheries Management Regulations, made under the Fisheries Management Act, relate to the management of Commonwealth fisheries by AFMA.

The Department, in conjunction with AFMA, has reviewed the Fisheries Management Regulations, the Fisheries Administration Regulations and the Southern Bluefin Tuna Regulations.

The review is expected to lead to the repeal of all 3 instruments and the remaking of the Fisheries Management Regulations (incorporating the Southern Bluefin Tuna Regulations) and the Fisheries Administration Regulations before 1 October 2019.

Further, the *Fisheries Legislation Amendment (Representation) Act 2017* amended AFMA's objectives under the Fisheries Management Act. As a result, AFMA is now required to ensure that the interests of recreational and Indigenous fishers, as well as commercial operators, are taken into account when performing its functions.

To effectively and efficiently remake the Fisheries Management Regulations and the Fisheries Administration Regulations in line with the amendments made to AFMA's functions and responsibilities, the Department and AFMA intend to remake the regulations in concert. This will streamline the use of government resources, particularly because the same groups of stakeholders will be involved in consultation processes.

Due to the significant nature of the Fisheries Management Regulations and the intent to align penalty and offence provisions with the *Regulatory Powers (Standard Provisions) Act 2014*, it will be difficult for the Department to effectively consult, prepare and appropriately make new regulations before 1 October 2018.

A 12 month deferral of the sunseting day for the Fisheries Management Regulations will avoid the need to remake them in their current form for the short period before they cease to be in force.

## 6 Deferral of sunseting of the Regulations

The Fisheries Management Regulations, for which the sunseting day is 1 October 2018, are taken to cease to be in force under section 51 of the Legislation Act on 1 October 2019.

**7 Repeal of this instrument**

This instrument is repealed at the start of 2 October 2019.