



Fisheries Management Amendment (Transfer of Fishing Concessions) Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 March 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Richard Colbeck
Assistant Minister for Agriculture and Water Resources
Parliamentary Secretary to the Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Fisheries Management Amendment (Transfer of Fishing Concessions) Regulations 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. The whole of this instrument	The day after this instrument is registered.	26 March 2019

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Fisheries Management Regulations 1992

1 After Division 2 of Part 3

Insert:

Division 2A—Restrictions on transfers

8J Caveats

- (1) This regulation is made for the purposes of paragraphs 32A(4)(d) and 46(4D)(d) of the Act and prescribes circumstances that relate to the following fishing concessions:
 - (a) a fishing permit;
 - (b) a fishing right.
- (2) A transfer of a fishing concession (or ownership of a fishing concession) must not be registered if:
 - (a) AFMA has received a notification in the approved form for the purposes of this regulation; and
 - (b) the notification was made by the concession holder, other than a lessee of the fishing concession; and
 - (c) the notification is expressed as having the effect of placing a caveat on a transfer of the fishing concession for the benefit of another person; and
 - (d) either:
 - (i) the caveat has not been withdrawn by the person for whose benefit the caveat exists by further notification given to AFMA in the approved form; or
 - (ii) the transfer is not being made with the consent of that person given to AFMA in the approved form; and
 - (e) subregulation (3) does not apply.
- (3) This subregulation applies if AFMA is satisfied, on the application of the concession holder who made the notification, that the transfer should be registered on account of an order made by a court.

Note: Sections 54 and 57K of the Act provide for applications to be made to a prescribed court for an order for the rectification of a register that is relevant to the operation of this regulation.
- (4) Nothing in this regulation requires AFMA to be satisfied as to the accuracy or validity of any information or matter that is notified under this regulation.