EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Issued by the authority of the General Manager Operations of the Australian Fisheries Management Authority

*Fisheries Management Act 1991*

SCQ02 Determination 2005 (the Determination)

The Determination is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

Subsection 42(1) of the *Fisheries Management Act 1991* (the Act) provides that:

AFMA may, by a written determination, in relation to a particular fishery, provide for holders of fishing concessions in respect of that fishery to keep and maintain logbooks containing information in respect of their activities in that fishery.

Subsection 42(1B) of the Act provides that:

the content of the logbook kept by the holder of a fishing concession in respect of a particular fishery, and of any return of information from such a logbook, may extend to information in relation to the taking of fish under that fishing concession and the sale or disposal of such fish.

The SCQ02 is a form of logbook requiring holders of fishing concessions in the Southern Squid Fishery and the Bass Strait Central Zone Scallop Fishery to provide records of the disposal of catch to fish receiver permit holders.

The determination determines the form and content of the logbook to be kept and maintained by all concession holders of the Bass Strait Central Zone Scallop Fishery by reference to the SCQ02 logbook at Attachment A to the determination. Copies of the SCQ02 can be obtained from the Australian Fisheries Management Authority.

Consultation on the revised SCQ02 logbook was undertaken prior to the determination. The implementation of a catch disposal record system for the Southern Squid Jig Fishery was a recommendation of an Independent Advisory Panel review of the Southern Squid Jig Fishery to provide for the verification of catch landed in the Fishery. The SCQ02 also replaces the existing Catch Disposal Record for Bass Strait Central Zone Scallop Fishery.
The implementation of the SCQ02 has been approved by the Southern Squid Fishery Management Advisory Committee and the Bass Strait Scallop Management Advisory Committee.

The Office of Regulation Review has advised that a Regulation Impact Statement is not mandatory on the basis that the determination is of a minor or machinery nature and does not substantially alter existing arrangements (ID 6489).

The Act does not specify any condition as needing to be met before the power to make the determination may be exercised.

Details of the determination, which commenced on the day after it was registered on the Federal Register of Legislative Instruments, are set out below:

*Paragraph 1*

Paragraph 1 provides for the determination to be cited as the SCQ02 Determination 2005.

*Paragraph 2*

Paragraph 2 provides that the determination commences on the day after it is registered on the Federal Register of Legislative Instruments.

*Paragraph 3*

Paragraph 3 defines the term “Southern Squid Fishery and Bass Strait Central Zone Scallop Fishery”

*Paragraph 4*

Paragraph 4 determines the form and content of the logbook to be kept and maintained by all concession holders for the Southern Squid Fishery and the Bass Strait Central Zone Scallop Fishery.