EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Issued by the authority of the Executive Manager Fisheries of the Australian Fisheries Management Authority

Fisheries Management Act 1991

SWT01A 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(1A) of the Act provides that:

without limiting the generality of subsection (1), a determination by AFMA in respect of a particular fishery may cover matters including the form and content of logbooks for that fishery to be kept by the concession holder.

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, carrying, transhipping and processing of fish under that fishing concession and the course or position inside, or outside, the outer limits of the AFZ of boats to which the fishing concession relate.

The SWT01A is a form of logbook requiring holders of fishing concessions in the Southern and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and Western Deepwater Trawl Fishery to provide records of fishing position, fishing effort and fish catches.

The SWT01A amends the format of the current SWT01 logbook for the Southern and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and Western Deepwater Trawl Fishery. The SWT01A has been modified to include columns for operators to record fish discard information on a shot by shot basis. The modification to all
Commonwealth logbooks to enable the collection of discard information is ongoing and is undertaken only when logbook stocks are due for replenishment.

The respective Management Advisory Committees for each of the fisheries that will be required to complete SWT01A logbook were formally consulted and have approved the introduction of discard columns.

The determination determines the form and content of the logbook to be kept and maintained by all concession holders of the Southern and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and Western Deepwater Trawl Fishery by reference to the SWT01A logbook at Attachment A to the determination. Copies of the SWT01A can be obtained from the Australian Fisheries Management Authority.

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 7278).

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 SWT01A 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 and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and Western Deepwater Trawl 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 and Eastern Scalefish and Shark Fishery, Small Pelagic Fishery and Western Deepwater Trawl Fishery.