EXPLANATORY STATEMENT

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

Fisheries Management Act 1991

Determination No. LNO1

The proposed Determination would be 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 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 Fisheries

The logbook will be required to be used by holders of relevant fishing concessions in the Southern and Eastern Scalefish and Shark Fishery, to provide records of fishing position, fishing effort and fish catches. In addition, the logbook is of a form that can be used by holders of fishing concessions in the Southern Bluefin Tuna Fishery, Eastern Tuna and Billfish Fishery, Western Tuna and Billfish Fishery and Coral Sea Fishery if AFMA is unable to issue the current form of logbook used by these fisheries.

The Determination determines the form and content of the logbook to be kept and maintained by all relevant concession holders of the Southern and Eastern Scalefish and Shark Fishery. Copies of the Line Fishing Daily Fishing Log can be obtained from the Australian Fisheries Management Authority.
Regulation Impact Statement

The Office of Regulation Review (ORR) advised AFMA that a Regulation Impact Statement is not required for the proposed Determination as it is of a minor or machinery nature and does not substantially alter existing arrangements (ORR ID 7653).

Consultation

Consultation was undertaken with the relevant industry and scientific representatives of the Southern and Eastern Scalefish and Shark Fishery. No consultation was undertaken with the Southern Bluefin Tuna Fishery, Eastern Tuna and Billfish Fishery, Western Tuna and Billfish Fishery or Coral Sea Fishery, as this logbook does not form the primary logbook for these fisheries.

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

Determination No. LN01 commences on the day after registration on the Federal Register of Legislative Instruments.

Details of the determination are set out below:

Clause 1

Clause 1 provides for the determination to be cited as the LN01 Determination 2005.

Clause 2

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

Clause 3

Clause 3 defines the term “Southern and Eastern Scalefish and Shark Fishery”, “Southern Bluefin Tuna Fishery”, “Eastern Tuna and Billfish Fishery”, “Western Tuna and Billfish Fishery” and “Coral Sea Fishery”.

Clause 4

Clause 4 determines the form and content of the Commonwealth line daily fishing log (LN01) logbook to be kept and maintained by relevant concession holders for the Southern and Eastern Scalefish and Shark Fishery and must be kept and maintained by concession holders if using the LN01 in the Southern Bluefin Tuna Fishery, Eastern Tuna and Billfish Fishery, Western Tuna and Billfish Fishery or Coral Sea Fishery.