EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

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

*Fisheries Management Act 1991*

Determination No. NT01

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 Fishery

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.

The Determination determines the form and content of the logbook to be kept and maintained by relevant concession holders of the Southern and Eastern Scalefish and Shark Fishery by reference to the NT01 logbook at Attachment A to the Determination. Copies of the NT01 can be obtained from the Australian Fisheries Management Authority.
Regulation Impact Statement

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 7653).

Consultation

Consultation was undertaken with relevant stakeholders in the Southern and Eastern Scalefish and Shark Fishery (SESS).

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

Determination No. NT01 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 NT01 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”

Clause 4  Clause 4 determines the form and content of the logbook to be kept and maintained by relevant concession holders for the Southern and Eastern Scalefish and Shark Fishery.