EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

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

Fisheries Management Act 1991

SESS2A Determination 2005.

The proposed SESS2A Determination 2005 (the 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, the secure storage, period of retention and the furnishing to AFMA of the logbook and information contained within.

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, landing, transhipping, processing and sale 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 and relevant Fish Receiver Permit Holders, to provide verified records of fish catches.

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, South Tasman Rise Fishery, Coral Sea Fishery and High Seas Fishery. Copies of the Commonwealth Catch Disposal Record (SESS2A) can be obtained from the Australian Fisheries Management Authority.
Regulation Impact Statement

The Office of Regulation Review (ORR) has advised 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 7754).

Consultation

Consultation was undertaken with relevant industry representatives of the Southern and Eastern Scalefish and Shark Fishery.

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

SESS2A Determination 2005 commences on the day after registration on the Federal Register of Legislative Instruments.

Details of the determination are set out below:

**Clause 1** Paragraph 1 provides for the Determination to be cited as the SESS2A Determination 2005.

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

**Clause 3** Paragraph 3 defines the term “Southern and Eastern Scalefish and Shark Fishery”, “South Tasman Rise Fishery”, “Coral Sea Fishery” and “High Seas Fishery”.

**Clause 4** Paragraph 4 determines the form and content of the Commonwealth Catch Disposal Record (SESS2A) to be kept and maintained by relevant concession holders for the Southern and Eastern Scalefish and Shark Fishery, South Tasman Rise Fishery, Coral Sea Fishery and High Seas Fishery.