EXPLANATORY MEMORANDUM

Minute No.      of 2005 - Minister for Fisheries, Forestry and Conservation

Subject:  Fisheries Management Act 1991
          Fisheries Management (Southern Squid Jig Fishery) Regulations 2005

The Fisheries Management Act 1991 (the Act) establishes objectives for the Minister and the
Australian Fisheries Management Authority (AFMA) to pursue, including implementing
efficient and cost-effective fisheries management on behalf of the Commonwealth and
ensuring accountability to the Australian community and the public in the management of
fishery resources.

Subsection 168(1) of the Act provides that the Governor-General may make regulations,
not inconsistent with the Act, prescribing all matters required or permitted by the Act to be
prescribed, or necessary, or convenient to be prescribed, in carrying out or giving effect to the
Act. Paragraph 168(2)(c) provides that regulations may be made providing for giving effect
to, and enforcing the observance of, plans of management.

Section 45 of the Act specifies the information that AFMA must enter in the Register of
Statutory Fishing Rights (the Register) for each statutory fishing right (SFR) that it grants.
These include the name of the person, a description of the fishing right, the period of grant,
the managed fishery concerned and the conditions of the right. In addition, paragraph 45(1)(f)
provides that other particulars may be prescribed. The proposed Fisheries Management
(Southern Squid Jig Fishery) Regulations 2005 would prescribe the other particulars that must
be entered in the Register in relation to a nominated boat operating in that Fishery.

Section 23 of the Southern Squid Jig Fishery Management Plan 2005 (the Plan) states that the
holder of an SFR may apply to have a boat nominated against the SFR on the Register.
Subsection 23(3) of the Plan provides that where AFMA approves a boat nomination, it must
enter in the Register the details required by the Fisheries Management (Southern Squid Jig

The proposed Regulations would prescribe that, for the purposes of paragraph 45(1)(f) of the
Act, where a boat has been nominated against an SFR under the Plan, AFMA must enter the
name of the boat in the Register. If AFMA or a State or Territory Authority issues a
distinguishing symbol for the boat, a description or representation of the symbol must also be
entered in the Register.

The holder of an SFR must comply with their obligations under the Plan, must comply with
any Directions made under the Plan, and must provide biological, economic or technical
information and/or samples as requested by AFMA and carry a copy of the extract from the
Register on board the nominated boat.

The preparation of the Plan included full consultation with the Southern Squid Jig Fishery
Management Advisory Committee (SquidMAC) and the public. AFMA received no
comments concerning the issue of what types of details would be included in the Public
Register for the fishery.

The regulations implement the Plan. As full consultation was undertaken for the Plan,
consultation on the regulations was not required.
The Act specifies no conditions that need to be met before the power to make the proposed Regulations may be exercised.

The proposed Regulations would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003.*

The proposed Regulations would commence on the day after they are registered on the Federal Register of Legislative Instruments.

The Minute recommends that Regulations be made in the form proposed.

**Authority:** Subsection 168(1) of the

*Fisheries Management Act 1991*