EXPLANATORY MEMORANDUM

Minute No. 32 of 2006 – Minister for Fisheries, Forestry and Conservation

Subject: Fisheries Management Act 1991

Fisheries Management (Western Tuna and Billfish Fishery) Regulations 2006

Subsection 168(1) of the Fisheries Management Act 1991 (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.

Sections 44 and 45 of the Act, respectively, provide that the Australian Fisheries
Management Authority (AFMA) must keep a Register of Statutory Fishing Rights,
and must enter certain information in the Register for each statutory fishing right
(SFR) that it grants, such as the name of the person to whom the SFR is granted;
the description of the SFR; the period of time for which the SFR is granted; the
name of the fishery; the conditions of the SFR and such other particulars as are
prescribed. These particulars, as well as those that would be prescribed under
the proposed Regulations, are generally considered essential standard public
contact information necessary for regulatory purposes. The particulars facilitate
the administration of SFRs, including the administration of SFR transfers, for the
fishery.

The proposed Regulations would prescribe the additional information that AFMA
must enter in the Register in respect of the Western Tuna and Billfish Fishery.
For each SFR granted for that fishery, the information AFMA must enter in the
Register would include the holder’s name, contact information, ABN and ACN (if
the holder is a corporation) and particulars relating to the holder’s nominated
boat, including the name of the boat and its distinguishing symbol. All of AFMA’s
SFR managed fisheries have similar SFR Registers. AFMA would update any
new relevant particulars as they become available. The proposed Regulations
would support the Western Tuna and Billfish Fishery Management Plan 2005
(the Plan).

No new fees or charges would result from the proposed Regulations.

The details of the proposed Regulations are set out in the Attachment.

The Act specifies no conditions that need to be satisfied 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*
Details of the proposed *Fisheries Management (Western Tuna and Billfish Fishery) Regulations 2006* are set out below:

**Regulation 1** provides for the Regulations to be cited as the *Fisheries Management (Western Tuna and Billfish Fishery) Regulations 2006*.

**Regulation 2** provides that the Regulations commence on the day after they are registered.

**Regulation 3** provides that in these Regulations the term *Act* means the *Fisheries Management Act 1991*; *Fisheries Regulations* means the *Fisheries Management regulations 1992*; *identification code* has the meaning given by Regulation 12 of the *Fisheries Regulations*; and *Management Plan* means the *Western Tuna and Billfish Fishery Management Plan 2005*. The terms *holder*, *nominated boat* and *statutory fishing right* have the same meaning as that given in the Management Plan. The terms *AFMA*, *boat*, *Joint Authority*, *Register* and *statutory fishing right* have the same meaning as that given in the Act.

**Regulation 4** provides a list of the specific details of holders of SFRs that will be recorded in the register.

**Subregulation 4(1)** provides that AFMA must enter the following particulars in the Register: the name of the holder of a statutory fishing right; the postal address of the holder of the right; the telephone number, fax number and e-mail address (if any) of the holder of the right; and if the holder of the right is a corporation – its Australian Business Number (ABN) and Australian Company Number (ACN) (if any).

**Subregulation 4(2)** provides that AFMA must also enter in the Register the following particulars that relate to a nominated boat of the holder: the name of the boat; and the identification code or a distinguishing symbol for the boat.