EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Fisheries Management Act 1991

Northern and Torres Strait Prawn Fisheries Daily Fishing Log NP16 Determination 2008.

Determination No. NP16 (the Determination) is 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 the Australian Fisheries Management Authority (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, transportation, processing and sale of fish under that fishing concession and the course or position inside, or outside, the outer limits of the Australian Fishing Zone of boats to which the fishing concession relates.

Background

The NP16 is a form of logbook requiring holders of fishing concessions in the Northern Prawn Fishery as described in the Northern Prawn Fishery Management Plan 1995 (the Plan) 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 all concession holders of the Northern Prawn Fishery by reference to the NP16 logbook at Attachment A to the determination. Copies of the NP16 can be obtained from the Australian Fisheries Management Authority.

Changes to the NP15 logbook

The following amendments have been made to the NP15 logbook:
**Instructions section**

The description of the reporting date for the log sheets has changed from “by the 14th day of the following month” (for example, logsheets for March are due by the 14th of April), to “Vessels must submit their completed up-to-date logsheets to AFMA each time they return to port or rendezvous with a mothership that holds an AFMA Carrier Boat Permit. All remaining logsheets must be submitted to AFMA within two weeks of the Season end”. It was necessary to change these instructions as some of the vessels remain fishing for the entire season and thus are unable to submit sheets at the dates currently specified.

**Gear sheet**

The gear sheet has been amended to include an additional column which specifies the number of nets the vessel is using (excluding try nets). This change is necessary to allow improved data analysis.

As a result of these changes, the NP15 logbook will be renamed and thus be determined as the NP16 Daily Fishing Log.

**Consultation**

Internal consultation was undertaken with managers in relation to the amendments to the Logbook and agreed to the changes. As the determination is minor or mechanical in nature, no further consultation was undertaken.

**Regulation Impact Statement**

The Office of Best Practice Regulation has advised that a Regulation Impact Statement is not required on the basis that the determination is of minor or mechanical in nature and does not substantially alter existing arrangements (ID 9698).

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

Details of the determination, which will commence on the day after it is registered on the Federal Register of Legislative Instruments, are set out below:

**Paragraph 1**

Paragraph 1 provides for the determination to be cited as the NP16 Northern Prawn Fishery Daily Fishing Log 2008.

**Paragraph 2**

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

**Paragraph 3**
Paragraph 3 defines the terms “Northern Prawn Fishery”, “distinguishing mark”, and “NP16 Daily Fishing Log”, and determines that NP16 will be the form and content of the logbooks that must be used to record information about the taking of prawns by all concession holders for the Northern Prawn Fishery.

Paragraph 4

Paragraph 4 determines that NP16 will be the form and content of logbooks for all concession holders for the Northern Prawn Fishery from the day after it is registered on the Federal Register of Legislative Instruments.