EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

Fisheries Management Act 1991

Logbook Determination (Eastern Tuna and Billfish Fishery) 2011

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:
“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:
“Without limiting the generality of subsection (1), a determination by AFMA in respect of a particular fishery may cover matters including:
(a) the form and content of logbooks for that fishery to be kept by the concession holder; and…”

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 logbook, may extend to information in relation to:
(a) the taking of fish under that concession and the sale or disposal of such fish; or
(b) the carrying, landing, transhipping or transporting of fish taken under that fishing concession; or
(c) the receipt or processing of fish taken under that fishing concession and the sale or disposal of fish so received or processed; or
(d) the course, or position at regular intervals, inside or outside the outer limits of the AFZ, of boats to which the fishing concession relates; or
(e) any other matter relevant to the fishing concession in that fishery that is specified in the determination.”

Background

The completion of a logbook is a requirement for most fishers operating in AFMA managed fisheries. Logbooks are the primary source of data on fishing activity. They provide essential data for the management of fisheries and are the primary source of data on fishing effort and fish catches for stock assessments.
Section 42 of the Act requires that all logbooks are determined under subsection 42(1) of the Act.

Objectives

The instrument determines the form and content of the logbook to be kept and maintained for concession holders in the Eastern Tuna and Billfish Fishery.

Copies of the logbooks can be obtained from the Australian Fisheries Management Authority.

Consultation

No consultation was undertaken as the determination is minor and mechanical in nature.

Regulation Impact Statement

Office of Best Practice Regulation issued a RIS exception (OBPR ID 12813) due to the proposal being of a minor or mechanical nature that does not substantially alter existing arrangements.

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

Determination

The details of this determination are set out below:

Clause 1 provides that the determination may be cited as Logbook Determination (Eastern Tuna and Billfish Fishery) 2011

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

Clause 3 provides that the determination expires on 31 December 2015 unless re-determined beforehand.

Clause 4 provides that the terms defined in the Fisheries Management Act 1991 have the same meanings in this determination.

Clause 5 provides that holders of fishing concession granted for the Eastern Tuna and Billfish Fishery must keep and maintain the logbooks prescribed; in accordance with their instructions.

Clause 6 provides the form and content of the logbook(s) that must be kept.