EXPLANATORY STATEMENT

TORRES STRAIT FISHERIES LOGBOOK INSTRUMENT NO. 1

Issued by the authority of the Protected Zone Joint Authority

Torres Strait Fisheries Act 1984

The proposed Fisheries Management Instrument (the instrument) is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

Sub-section 14(1) of the Torres Strait Fisheries Act 1984 (the Act) provides that the Minister for Agriculture, Fisheries and Forestry may, by legislative instrument, require the master of a boat licensed under section 19 of the Act to provide information relating to the taking or processing of fish with the use of a boat in the course of commercial fishing (other than community fishing).

Sub-section 35(1) of the Act provides for the Protected Zone Joint Authority (PZJA) to exercise the powers of the Minister under subsection 14(1) of the Act.

Torres Strait Fisheries Logbooks

Sub-regulation 10(1) of the Torres Strait Fisheries Regulations 1985 (the Regulations) requires the Minister (or PZJA) to publish logbooks where he is satisfied that information is required in relation to the taking or processing of fish in areas of Australian jurisdiction and the sale or disposal of those fish.

Schedule 1 of the proposed instrument specifies the current Australian Fisheries Management Authority (AFMA) applicable logbooks to be used to record information for the Torres Strait Finfish (Spanish Mackerel and Reef Line), Bêche-de-mer (BDM), Pearl Shell (TSPS), Prawn (TSP) and Tropical Rock Lobster (TRL) fisheries.

Sub-section 14(9) of the Act provides that the instrument will come into force no earlier than one month after the instrument has been made. Accordingly, the Instrument will take effect 35 days after it has been registered on the Federal Register of Legislative Instruments (FRLI). The additional few days will allow the instrument also to be published in a newspaper circulating in the State of Queensland in accordance with sub-regulation 11(4) of the Regulations.

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) has advised AFMA that a Regulatory Impact Statement is not required for this instrument (OBPR ID Number 10232).

Consultation

The content of this instrument has been considered by the PZJA Standing Committee which has recommended the PZJA approve the instrument.

Details of the Instrument

Details of the new instrument are set out in Enclosure 14.
**ATTACHMENT**

**TORRES STRAIT FISHERIES LOGBOOK INSTRUMENT NO. 1**

**Clause 1** provides for the instrument to be cited as the *Torrès Strait Fisheries Logbook Instrument No. 1*.

**Clause 2** provides that the instrument commences 35 days after it has been registered.

**Clause 3** provides that the master of any boat licensed under section 19 or, the master of any boat licensed in Papua New Guinea but endorsed to commercially fish in the area of the Australian jurisdiction under section 20 of the Act, who uses the boat for the taking or processing of fish, is required to complete the electronic or paper logbook specified in Schedule 1 of the Instrument.

**Clause 4** provides that the electronic or paper logbook must be completed, as per instructions attached to the electronic or paper logbook, on every day that the fishing licence is in force, regardless of whether or not fishing takes place on that day.

**Clause 5** provides that the instrument will end within three years of commencement unless earlier revoked.

**Clause 6** provides an interpretation of terms used in the instrument.

**Clause 7** provides where paper logbooks may be obtained.

**Clause 8** provides where electronic logbooks may be obtained.

**Schedule 1** provides information on the logbooks to be used for the Finfish, BDM, TSPS, TSP, and TRL fisheries.