

EXPLANATORY STATEMENT

LEGISLATIVE INSTRUMENT

**Issued by the authority of the Chief Information Officer of the Australian Fisheries
Management Authority**

Fisheries Management Act 1991

Determination of Fishing Logbooks 2009

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:

without limiting the generality of subsection (1), 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.

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, transshipping 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 all 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.

AFMA previously enforced the completion of logbooks through conditions on individual fishing concessions.

Section 42 of the Act now requires that all logbooks are determined under subsection 42(1) of the Act.

Objectives

To determine the logbooks listed in Annexure 1 through 31 of the instrument under section 42 of the Act for use in the Commonwealth managed fisheries listed in Schedules 1 through 18 of the instrument.

The instrument determines the form and content of the logbook to be kept and maintained for concession holders by reference to the logbooks. The form of each is attached to the instrument.

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

Consultation

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

Regulation Impact Statement

Office of Best Practice Regulation issued a RIS exception (OBPR ID 10859) 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:

Paragraph 1

Paragraph 1 provides for the determination to be cited as the Determination of Fishing Logbooks 2009.

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 provides that holders of fishing concession in various Commonwealth managed fisheries must keep and maintain logbooks.

Paragraph 4

Paragraph 4 provides that the form and content of the logbook must be that specified in each annexure in of those paper or electronic formats specified in each schedule of the Determination.

Paragraph 5

Paragraph 5 provides that the specified logbook must be completed in accordance with the instructions contained in the logbook.

Paragraph 6

Paragraph 6 provides that the terms defined in the *Fisheries Management Act 1991* have the same meanings in this determination.

Paragraph 7

Paragraph 7 defines the term “this Fishery” in the determination to means a fishery described in Schedule 1 through 18.

Paragraph 8

Paragraph 8 provides that the determination expires on 31 December 2013 unless re-determined before this date.