

RECOMMENDATIONS

RECOMMENDATION 1

That subsection 229(1) of the Advisory Bodies Act be omitted and replaced with:

- 229(1) The Minister shall, subject to and in accordance with the regulations, establish the following Advisory Councils:
- (a) Advisory Council on Commercial Fishing;
 - (b) Advisory Council on Recreational Fishing;
 - (c) Advisory Council on Aquaculture;
 - (d) Advisory Council on Fisheries Conservation; and
 - (e) Advisory Council on Fisheries Research.

RECOMMENDATION 2

That the Fisheries Management Act (as amended) be amended as follows:

[1] Section 4 Definitions

Insert the following:

“peak industry body” means such body (whether incorporated or otherwise) representative generally of persons engaged in the industry as is prescribed for the purposes of this definition;

[2] Section 43 Consultation with industry

Omit “consult relevant commercial fishing industry bodies” wherever occurring.

Insert instead “consult the Advisory Council on Commercial Fishing and the peak commercial fishing industry representative body”...

- [3] Section 58 Public and industry consultation
Section 63 Fisheries reviews - new plan

Omit “and any other relevant commercial or recreational fishing industry bodies” from sections 58(2) and 63(3).
Insert instead “, and relevant Advisory Councils”...

- [4] Section 70 Special endorsements to take fish in share management fishery

Omit “, and with any other relevant commercial or recreational fishing industry bodies” from section 70(2).
Insert instead “and relevant Advisory Councils”...

- [5] Section 83 Composition and procedure of Panel

Omit “on the nomination of such relevant commercial fishing industry bodies as the Minister determines” from 83(1)(c).
Insert instead “on the nomination of the Advisory Council on Commercial Fishing”...

- [6] Section 111 Declaration of restricted fisheries

Omit “consult relevant commercial or recreational fishing industry bodies” from section 111(3).
Insert instead “consult all relevant Advisory Councils”...

RECOMMENDATION 3

That draft Advisory Council Regulations 229D (Membership of Advisory Council on Commercial Fishing) and 229H (Membership of Advisory Council on Fisheries Conservation) be amended prior to gazettal as follows:

Omit “within the time required by the Minister” from regulations 229D(4) and 229H(3).

Insert instead “within 30 days of the request being made in writing by the Minister”...

RECOMMENDATION 4

That the draft Advisory Council Regulation 229D(5) be omitted prior to gazettal and replaced with:

229D(5) The Minister shall appoint to the Advisory Council one of two persons nominated by each of the following groups:

- (a) Nature Conservation Council;
- (b) NSW Aboriginal Lands Council; and
- (c) Master Fish Merchants Association.

RECOMMENDATION 5

That draft Advisory Council Regulations 229E(1), 229F(1), 229G(1), and 229H(4) be amended prior to gazettal as follows:

Omit wherever it occurs “the Minister considers to have”.
Insert instead “is/are¹ recognised as having”...

RECOMMENDATION 6

That draft Advisory Council Regulations 229D(6), 229E(2), 229F(2), 229G(2)(b), and 229H(4) be amended prior to gazettal as follows:

¹ Whichever applies.

The Minister shall, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Advisory Council and take any nomination that is duly made into account.

RECOMMENDATION 7

That draft Advisory Council Regulation 229L (Allowances for members) be omitted prior to gazettal and replaced with:

A member is entitled to be paid such allowances as the Premier's Department determines in respect of Advisory Council members.

RECOMMENDATION 8

That draft Advisory Council Regulation 229M(2) be omitted prior to gazettal and replaced with:

The Minister may remove a member from office after consulting with the Advisory Council concerned and not less than 30 days after giving notice in writing to the Advisory Council concerned.

RECOMMENDATION 9

That draft Advisory Council Regulation 229O(1) be amended prior to gazettal as follows:

Omit "no pecuniary interest".

Insert instead "no direct or indirect pecuniary interest"...

RECOMMENDATION 10

That draft Advisory Council Regulation 229P (General procedure for calling and holding meetings of advisory council) be omitted prior to gazettal and replaced with:

1. The procedure for the calling and holding of meetings of an Advisory Council is to be determined by each Advisory Council at their first meeting.
2. An Advisory Council is to hold at least 4 meetings each calender year.
3. The date, time, and location of the first meeting of an Advisory Council is to set by the Minister.

RECOMMENDATION 11

That draft Advisory Council Regulation 229Q (Quorum) be amended prior to gazettal as follows:

Omit “for the time being”.
Insert “as constituted”.

RECOMMENDATION 12

That subsection 230(1) of the Advisory Bodies Act be amended to read as follows:

- 230(1) The Director shall, subject to and in accordance with the regulations, establish a Management Advisory Committee for a share management fishery or restricted fishery, or any such proposed fishery.

RECOMMENDATION 13

That the provision for elected industry representatives to the Management Advisory Committees be kept under review in any future amendment to the Fisheries Management Act.

RECOMMENDATION 14

That NSW Fisheries replace the current network of Regional Industry Conveners, Habitat Monitors, and Regional Liaison Committees for Recreational Fishing with Zonal Advisory Committees as outlined below.

RECOMMENDATION 15

That the *Fisheries Management Act* be amended to provide for the establishment of eight Zonal Advisory Committees, with one in each of the seven NSW Fisheries administrative fishing zones and one for inland New South Wales. The purpose of these Committees would be to advise NSW Fisheries on local issues relating to fisheries management, habitat, research, and enforcement, and to provide fisheries-related information and education to the public. The Terms of Reference for these Committees should be:

- a. to provide a forum for discussion of matters relevant to the management of regional fisheries and fish habitat;
- b. to enable a two-way flow of information between stakeholders in local fisheries issues;
- c. to provide a mechanism for the communication of management plans and to assist in the process of their development;
- d. to undertake an education and information role to increase public awareness on fisheries management; and
- e. to facilitate improved relations between fisheries stakeholders, NSW Fisheries, and other relevant bodies on fisheries issues at a regional level.

Zonal Advisory Committees should receive administrative support from NSW Fisheries, with members appointed by the Director of Fisheries on a part-time basis following a call for expressions of interest advertised in a newspaper

circulating throughout each zone. Every such Committee should be required to meet at least twice every calendar year, with provision for more meetings as required.

Each Zonal Advisory Committee should comprise at least six members, including at least one person recognised to have expertise in one or more of the following categories (so that each Committee collectively has the full range of expertise listed):

- habitat conservation;
- commercial fishing;
- recreational fishing; and
- aboriginal culture.

In addition, each Zonal Advisory Committee should have at least one representative of the wider local community and be Chaired by an officer of NSW Fisheries nominated by the Director.

RECOMMENDATION 16

That the Fishing Industry Research Advisory Council be wound up and the Advisory Council on Fisheries Research, as reconstituted below, act as the sole Fisheries Research Advisory Body in NSW.

RECOMMENDATION 17

That the Chairman of the Advisory Council on Fisheries Research be an independent person, with no direct or indirect pecuniary or other interest in fisheries.

RECOMMENDATION 18

That draft Advisory Council Regulation 229F(1) be deleted prior to gazettal and replaced with:

The persons appointed as members of the Advisory Council on Fisheries Research shall include the following:

- (a) an independent Chair (in accordance with recommendation 17);
- (b) the Director of Fisheries or his nominee;
- (c) 1 person who is recognised as having expertise in fisheries economics;
- (d) 1 person who is recognised as having expertise in commercial fishing;
- (e) 1 person who is recognised as having expertise in recreational fishing;
- (f) 1 person who is recognised as having expertise in aquaculture;
- (g) 1 person who is recognised as having expertise in fisheries habitat and conservation;
- (h) 2 persons who are nominated by the NSW Seafood Industry Council.