

5 A COMPARISON OF THE FISHERIES ADVISORY STRUCTURES WITHIN AUSTRALIA

Fisheries management Australia-wide has been undergoing a period of transition over the last five years with a recognition of the importance of broader community involvement in the management process. New fisheries management legislation has been enacted in New South Wales, Tasmania, Victoria and Western Australia in the past two years, all of which involved changes to the existing advisory body regimes. This Chapter provides a brief summary of Australian fisheries advisory body structures.

5.1 Commonwealth

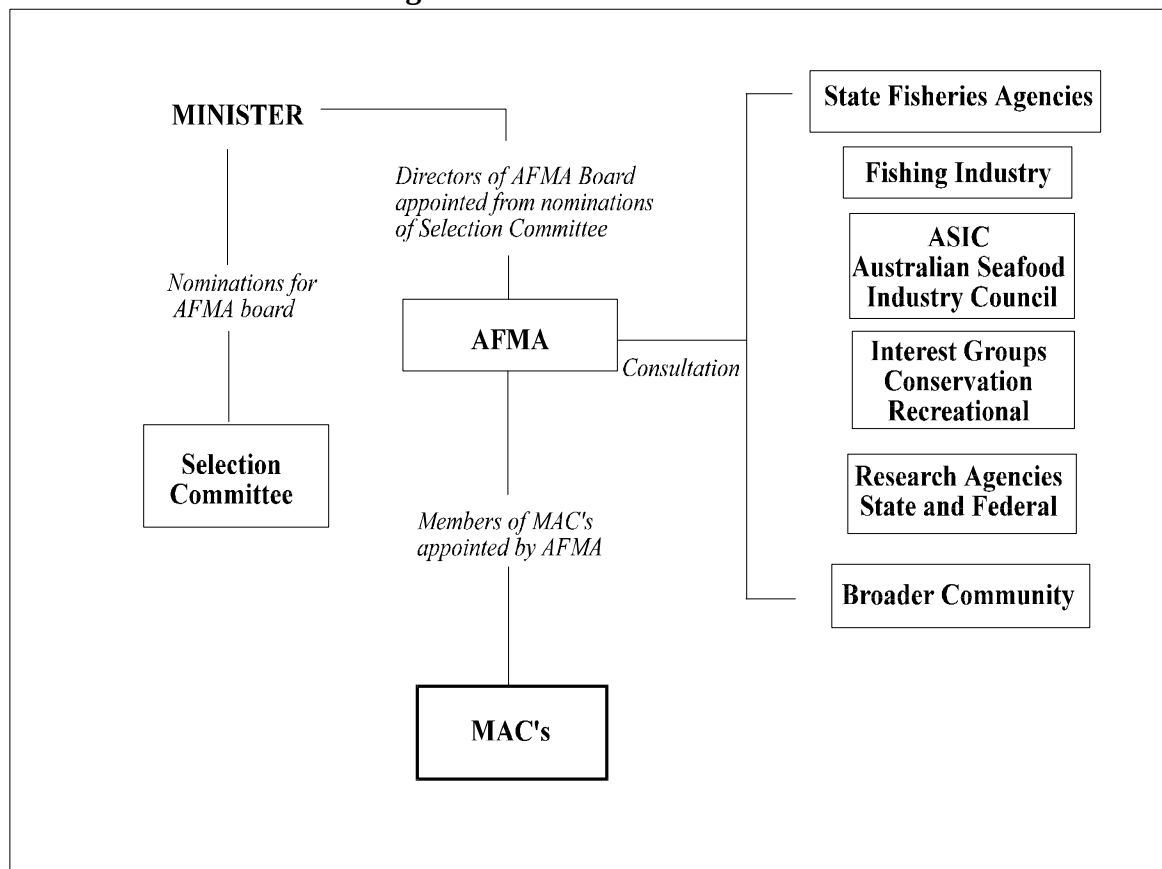
The Australian Fisheries Management Authority's governing legislation, the *Fisheries Administration Act 1991*, gives it the responsibility for managing Commonwealth fisheries on behalf of the Federal Government. The Minister, while not involved in the day to day operation of the Australian Fisheries Management Authority, oversees the Authority's activities through accountability provisions within the legislation. These provisions require the Minister to approve the Authority's corporate plan and annual operational plan. The Minister must also formally accept each fisheries management plan before it comes into effect.

The Australian Fisheries Management Authority model is specifically designed to depoliticise the management of Commonwealth Fisheries by denying the Minister any direct control over the appointment of Directors on the Authority's board.

Directors are appointed by the Minister from the nominations of a Selection Committee which consists of:

- the Presiding Member (appointed by the Minister);
- two members determined by the Minister, one of whom has knowledge of environmental issues;
- two members nominated by the peak industry body (the Australian Seafood Industry Council); and
- a member nominated by the Australian Fisheries Council.

Figure 3 - The Commonwealth



Under s. 30(1) of the Act, the Selection Committee is limited to nominating persons for appointment as Directors to people who have expertise in one or more of the following fields:

- commercial fishing;
- fishing industry operations, other than commercial fishing;
- fisheries science;
- natural resource management;
- marine ecology;
- economics;
- business management; and
- such other fields (if any) as are prescribed.

In selecting the Board the Selection Committee must ensure that collectively the members of the the Australian Fisheries Management Authority Board possess expertise in all of these areas. Nominations may be rejected by the Minister resulting in an additional nomination by the Selection Committee.

The Authority consists of:

- a Chair (determined by the Selection Committee);
- a Government Director, (determined by the Selection Committee);
- a Managing Director (determined by the the Australian Fisheries Management Authority Board); and
- five nominated Directors (determined by the Selection Committee).

Commonwealth Management Advisory Committees (MACs) have been established under the *Fisheries Administration Act 1991* to provide a forum where issues relating to each of the Commonwealth fisheries can be discussed.

The Australian Fisheries Management Authority Board *may* establish Management Advisory Committees under s. 57-58 of the Act:

to assist it in the performance of its functions and the exercise of its powers in relation to the fishery.

Management Advisory Committees are expertise-based, advisory in nature and make recommendations to the Australian Fisheries Management Authority Board on management and operational issues. Management Advisory Committees provide the main point of contact between the Australian Fisheries Management Authority and each of fishery and consist of:

- a Chairman;
- the Australian Fisheries Management Authority officer responsible for the management of the fishery; and
- up to seven other Members determined by the Australian Fisheries Management Authority after consultation.

The need for a particular Management Advisory Committee is determined after consultation between the Australian Fisheries Management Authority, the industry, the States and Territories, and persons engaged in research who, in the opinion of the Authority, have an interest in matters in relation to which the Committee is to be established. Conservation representation would normally

be included in each Management Advisory Committee. The Australian Fisheries Management Authority Board decides on a fishery-by-fishery basis the need to include representation from wider community interests such as recreational fishers or Aboriginals.

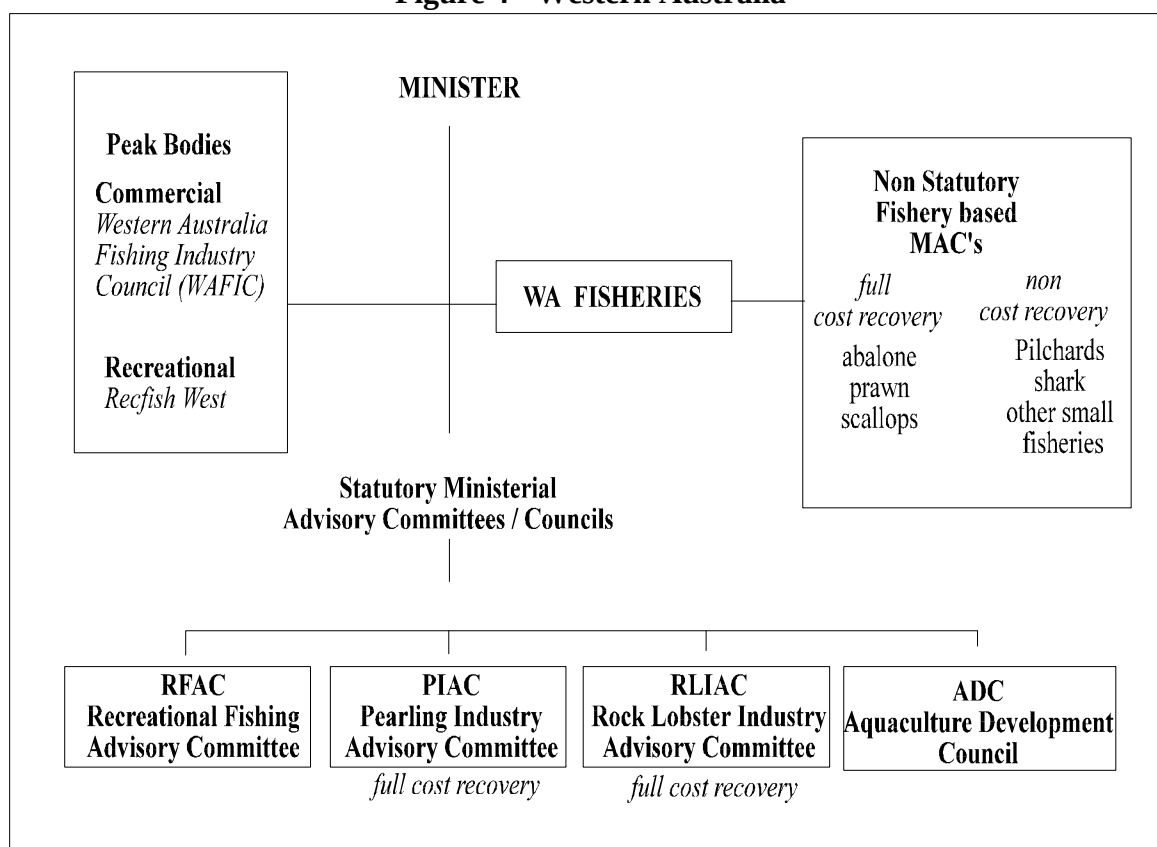
The Australian Fisheries Management Authority encourages a cooperative approach to decision making within Management Advisory Committees and does not encourage voting as a means of achieving outcomes. Where views are polarised the members are encouraged to reconsider or seek further information before making a recommendation.

5.2 Western Australia

Fisheries advisory structures in Western Australia are established under part 4 of the *Fish Resources Management Act 1994* and under part 6 of the *Pearling Act 1990*. This legislation aims to implement cost recovery, where possible, for fisheries management, including the advisory body structure.

The *Fish Resources Management Act 1994* has established:

Figure 4 - Western Australia



- the Rock Lobster Industry Advisory Committee and
- the Aquaculture Development Council.

The *Pearling Act 1990* has established:

- the Pearling Industry Advisory Committee.

Management Advisory Committees are established either directly by the Acts or by the Minister under the authority of the *Fish Resources Management Act*. The Western Australian model provides Management Advisory Committees with a wide variety of responsibilities, including finance, compliance and service agreements with external providers. In recognition of the capacity of each fishery to generate the funding needed to implement effective management,

Management Advisory Committees are further defined as those which are regarded as cost recovery or non cost recovery. Each Management Advisory Committee has an independent Chairman and includes a Departmental officer whose role is to ensure that the members of the Management Advisory Committee are aware of relevant legislation and Departmental policy which may have a bearing on discussions. Members of the Management Advisory Committee are appointed by the Minister in consultation with the relevant peak bodies.

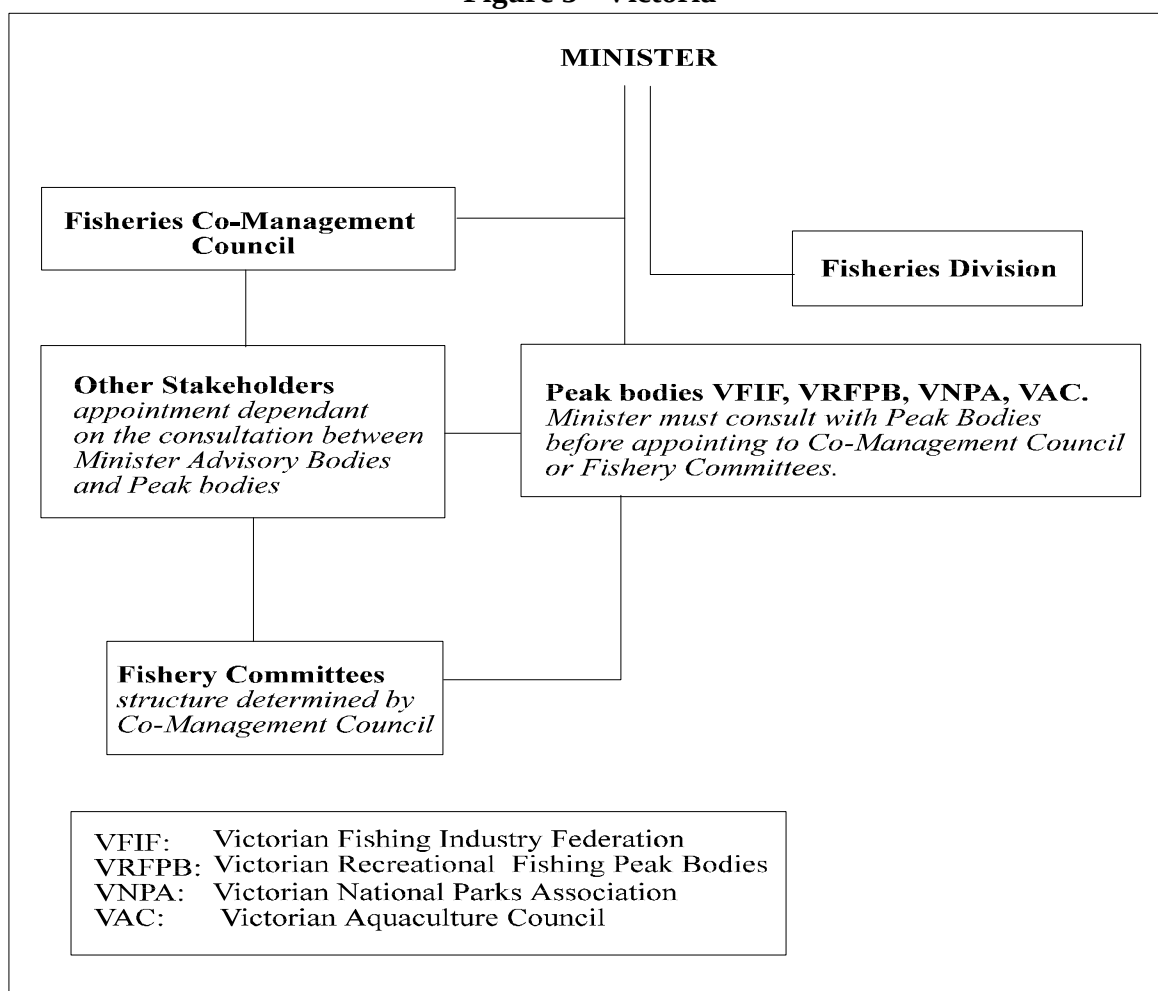
5.3 Victoria

Fisheries Victoria introduced major amendments to the *Fisheries Act 1995* in 1996, providing for the establishment of a Co-Management Council and the appointment of Fishery Committees in 1997. The emphasis of the Co-Management structure is to include all relevant sectors in the management process. The Co-Management Council is composed of not more than 11 members who are appointed by the Governor in Council on the recommendation of the Minister.

The functions of the Co-Management Council are primarily to:

- (a) promote co-management of fisheries;
- (b) oversee the preparation of management plans; and
- (c) advise the Minister on state-wide priorities.

Figure 5 - Victoria

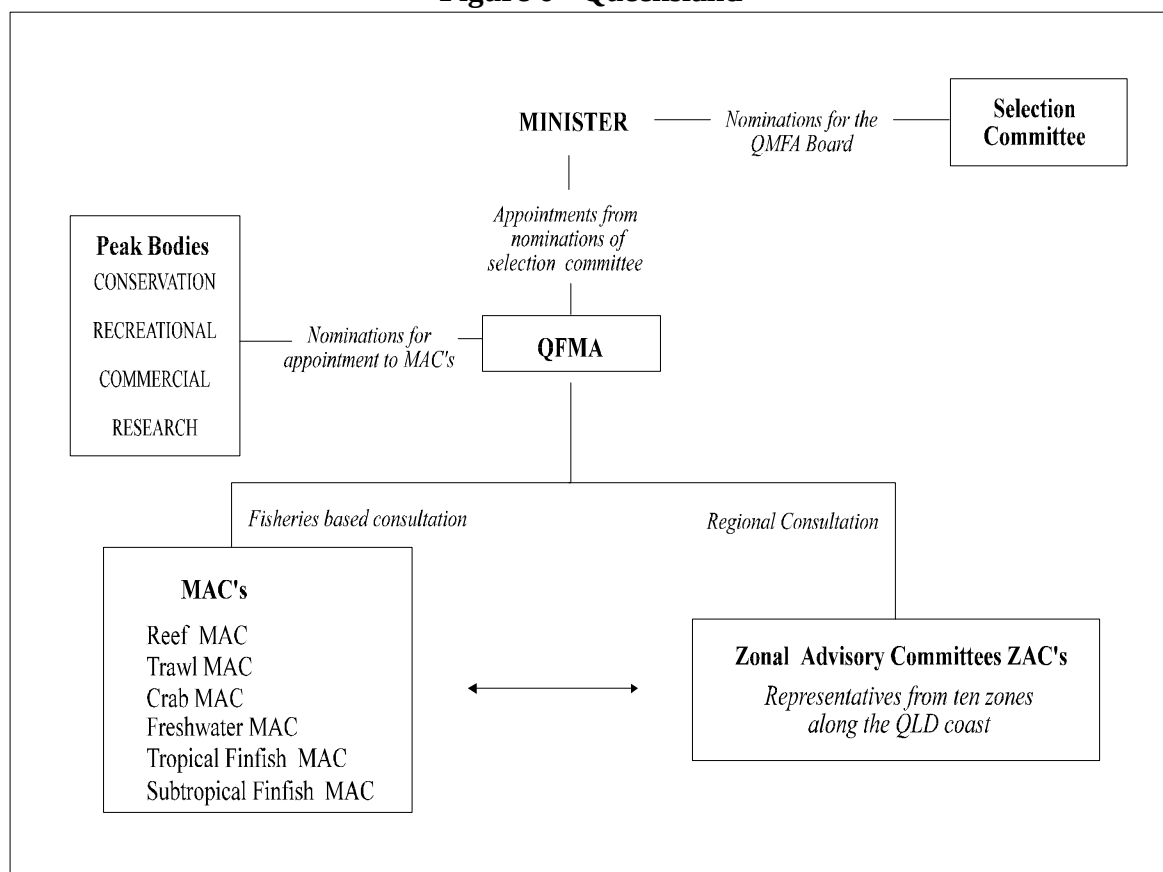


The Act requires the council to submit a yearly report on the progress of the Co-Management Council in carrying out its functions. Appointments to the Council are made after extensive consultation between all interest groups. The *Fisheries Act 1995* (as amended) requires the Minister to identify and consult with peak organisations in relation to appointments to the Council. The Council is then responsible for the formation of fisheries-based Fishery Committees. Fishery Committees are analogous to the NSW Management Advisory Committees. They have the responsibility of advising the Minister upon request in relation to any matter relevant to the fishery and to advise the Fisheries Co-Management Council in respect of the preparation of the management plan for the fishery.

5.4 Queensland

A Queensland Government inquiry in 1993 resulted in a management approach that was at arm's length from the commercial sector and sought to involve other interest groups and the broader community in the management of the State's fisheries. The new legislation, the *Fisheries Act 1994*, established a Policy Council and the Queensland Fisheries Management Authority (QFMA). The Queensland structure is similar to the Commonwealth Australian Fisheries Management Authority model.

Figure 6 - Queensland



The Queensland Fisheries Management Authority is an expertise-based statutory authority with its members appointed by the Minister from recommendations of the Selection Committee.

Under s. 212 of the Act:

the Authority may establish committees made up of persons it considers appropriate.

The established advisory bodies consist of six Management Advisory Committees (MACs) and ten Zonal Advisory Committees (ZACs). Management Advisory Committee members are appointed by the Authority in consultation with the peak commercial, recreational research, and conservation bodies. Membership of Zonal Advisory Committees is sought by a public advertisement process. Members are then appointed by the Queensland Fisheries Management Authority on a voluntary basis.

ZACs provide a forum for discussion on regional fisheries and fisheries habitat and a vital two-way flow between fisheries managers and the community. ZAC's advise on local issues relating to fisheries management, research needs, enforcement and the environment.¹

In recognition of the need to balance fisheries-based advice with adequate regional consultation, the Queensland Fisheries Management Authority receives advice from Management Advisory Committees on fisheries-based issues and regional advice from the relevant Zonal Advisory Committee in the drafting of each management plan.

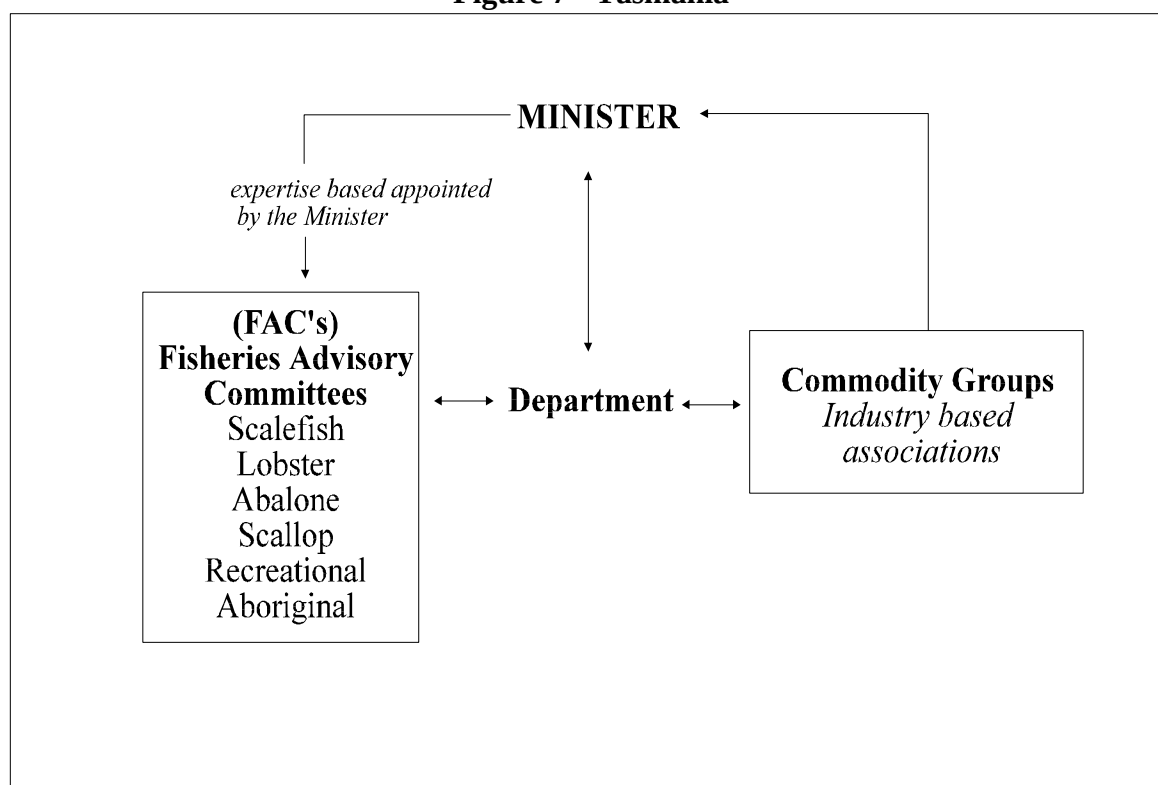
The development of a discussion paper is the first step in a three step programme to develop management plans. Stakeholders and the wider community are encouraged to contribute to the management plan process through questionnaires attached to the discussion paper, which are made readily available in public libraries and in local government offices. Consultation for each management plan is carried out over a 3 month period before a draft management plan is put forward for public comment prior to submission to the Queensland Fisheries Management Authority and the drafting of legislation.

5.5 Tasmania

¹ QFMA handbook

Tasmania has direct Ministerial appointments to Fisheries Advisory Committees (FACs). Fisheries Advisory Committees provide representation to each of the major fisheries with separate committees concerned with recreational and Aboriginal issues. An additional feature of the Tasmanian management structure is Commodity Groups. Commodity Groups are industry associations who consult with the Department and Minister on the possible effects of proposed management strategies on the representative industry. In recognition of the importance of aquaculture as an industry in Tasmania, the management of the aquaculture industry is regulated by a separate Act.

Figure 7 - Tasmania

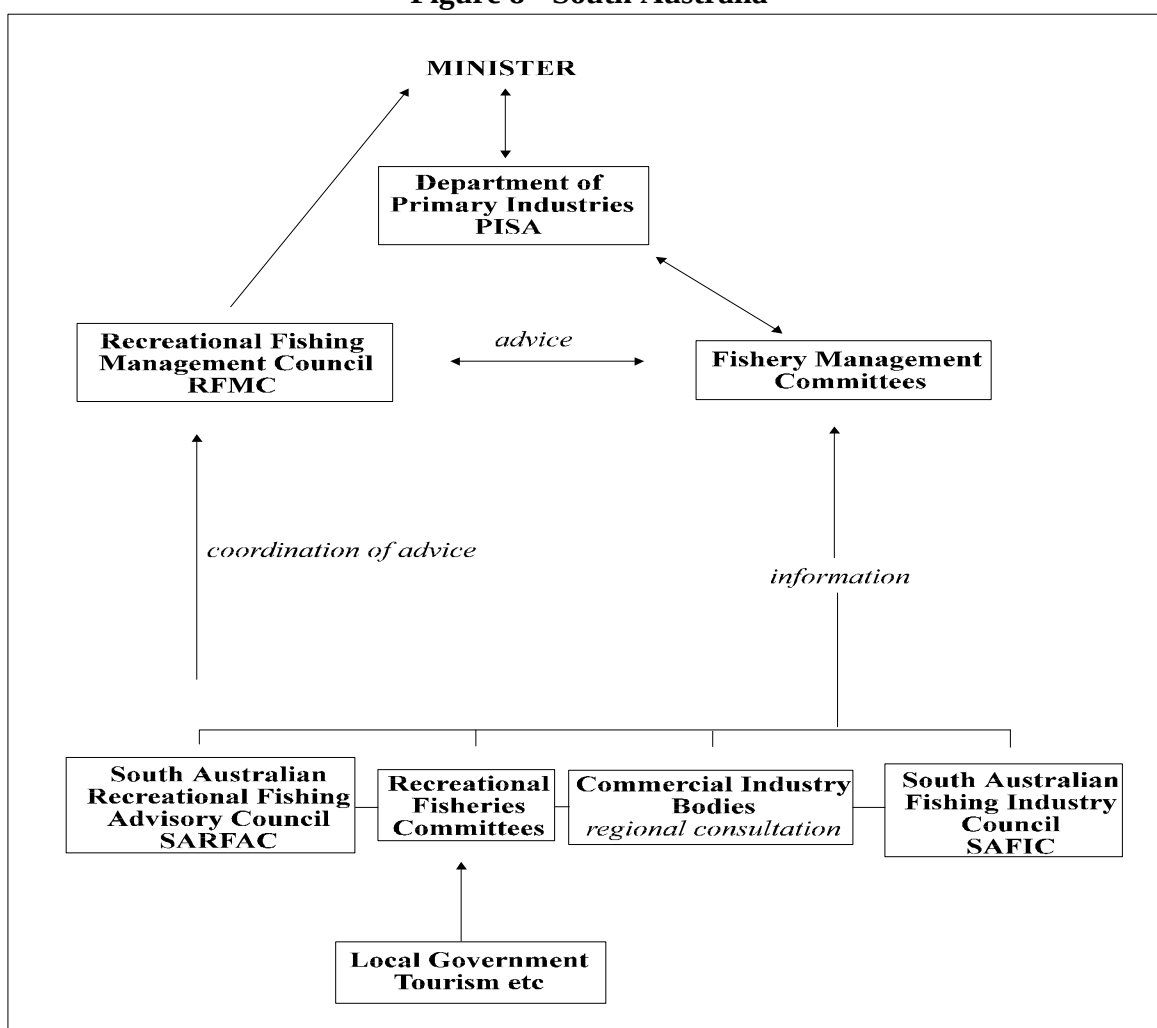


5.6 South Australia

South Australia employs a co-management strategy similar to the Victorian approach where user groups are encouraged to join with Government and Primary Industries South Australia - Fisheries in the formulation of policy. Regulations that provide the framework for running the Fisheries Management

Committees (FMCs) were not introduced until late 1995. Members are appointed to these Committees by the Minister in consultation with peak bodies. Fisheries Management Committees are analogous to NSW fishery-based Management Advisory Committees and provide the basis for consultation with each of the seven major fisheries.

Figure 8 - South Australia



The South Australian system applies a flexible method of appointment to Fisheries Management Committees based on the degree of segmentation within the industry and recognises the need to balance industry input whilst not alienating any one sector of the fishery. In some fisheries, such as the Abalone

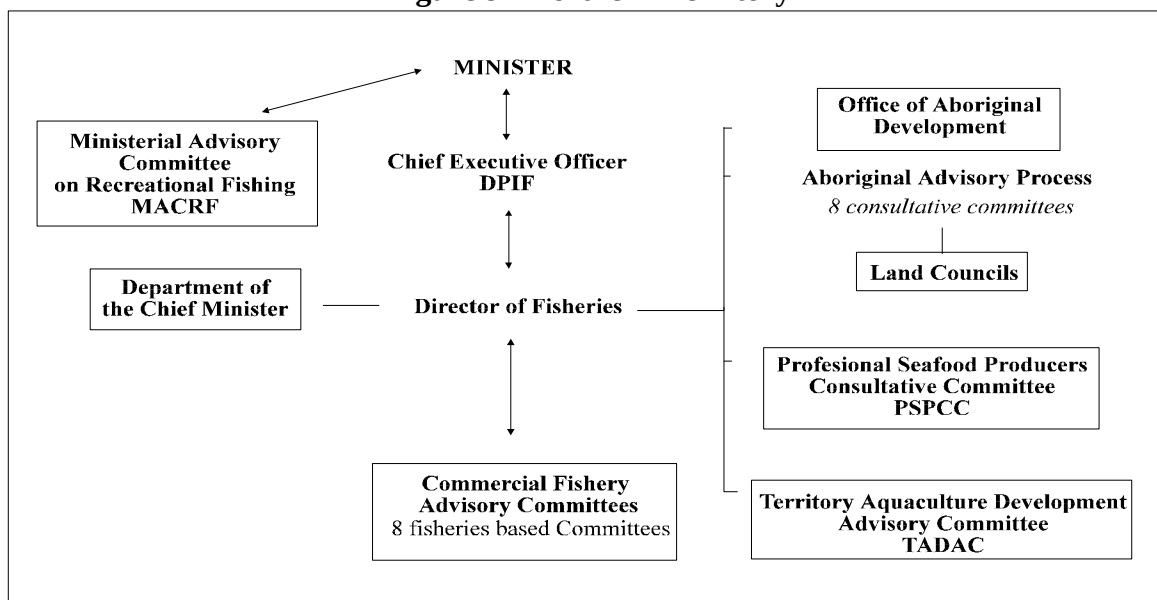
and Spencer Gulf prawn fishery, the relevant association will represent close to 100% of the fishers and determine the structure and organisation of the relevant Fisheries Management Committee. Alternatively, representation in the scale fin fishery is divided amongst a variety of organisations (commercial, recreational and non-extractive).

The Chairperson of each Fisheries Management Committee is to be independent and appointed by the Minister. The remaining Committee membership is filled where appropriate by representatives from the recreational, processing and research sectors. Recreational representation is drawn from the peak recreational body South Australian Recreational Fishing Advisory Council. A Primary Industries South Australia - Fisheries representative will be a member of each of the Committees and the Director remains an ex officio member of all Committees. Committees have a statutory responsibility to provide the Minister with a five year plan and a yearly report

5.7 Northern Territory

Under Northern Territory law approximately 85% of the Northern Territory coastline is owned by the Aboriginal people. Under the *Aboriginal Lands Act* traditional owners are entitled to claim the adjacent two kilometres of sea. The Northern Territory management structure emphasises the importance of involving the relevant Aboriginal groups in the development of the existing commercial sector and the rapidly developing recreational and aquaculture sectors.

Figure 9 - Northern Territory



Aboriginal consultation is carried out through eight regionally-based Consultative Committees. Members of these Committees are chosen by the members of the Aboriginal community. Negotiations with the Department are carried out in conjunction with the Office of Aboriginal Development and Land Councils. Commercial consultation is carried out through fisheries-based, Ministerially-appointed, Commercial Fishery Advisory Committees and the elected industry-based Professional Seafood Producers Consultative Committee (PSPCC). A similar advisory structure has been created to promote the development of aquaculture. The Territory Aquaculture Development Advisory Committee (TADAC) is appointed by the Minister from nominations. Recreational consultation is carried out directly with the Minister via the Ministerially appointed Ministerial Advisory Committee on Recreational Fishing (MACRF).