

Legislative Council

Fisheries Management and Environmental Assessment Legislation Amendment Bill 2000

Amendments agreed to in Committee of the Whole

Wednesday 22 November 2000

***Oppn**

Page 4, Schedule 1 [1]. Insert after line 18:

115H Principles guiding administration of Division

The administration of this Division is to be guided by the following principles:

- (a) the principles of ecologically sustainable development (as described in section 6 (2) of the *Protection of the Environment Administration Act 1991*),
- (b) public participation in accordance with this Division,
- (c) environmental impact assessment in accordance with this Division.

BFFC

Page 13, Schedule 2 [2] (proposed section 7A). Insert after line 20:

Fisheries Resource Conservation and Assessment Council means the Fisheries Resource Conservation and Assessment Council established under Division 1A of Part 8.

BFFC

Page 14, Schedule 2 [2] (proposed section 7C). Insert after line 17:

- (3) The Minister is to consult with the Fisheries Resource Conservation and Assessment Council on the preparation or revision of a fishery management strategy.

BFFC

Page 15, Schedule 2 [2] (proposed section 7F). Insert after line 35:

- (2) The Minister is to consult with the Fisheries Resource Conservation and Assessment Council on the revision of the draft strategy. In particular, the Minister is to give the Council the opportunity:
 - (a) to review the environmental impact statement prepared in connection with the draft strategy, and
 - (b) to provide advice to the Minister, prior to the public exhibition of the statement.

BFFC

Page 16, Schedule 2. Insert after line 29:

[6] Part 8, Division 1A

Insert after Division 1 of Part 8:

Division 1A Fisheries Resource Conservation and Assessment Council

228A Establishment of Council

- (1) There is established by this Act a Fisheries Resource Conservation and Assessment Council.
- (2) The Council is to consist of the following members:
 - (a) the chairperson of the Council,
 - (b) recreational fishing representatives,
 - (c) commercial fishing representatives,
 - (d) aquaculture industry representatives,
 - (e) conservation and environmental representatives,
 - (f) indigenous representatives,
 - (g) government representatives.
- (3) The chairperson of the Council is to be an independent person appointed by the Minister who, in the opinion of the Minister:
 - (a) has qualifications in marine science, economics or law, and
 - (b) has no pecuniary interest in the fishing industry in New South Wales, and
 - (c) is not engaged in the administration of this Act.
- (4) The recreational fishing representatives are to be 2 or more persons appointed by the Minister to represent recreational fishers, the recreational fishing industry or related interests (such as the fishing tackle industry or charter fishing boat industry). At least one of them must be a recreational fisher.
- (5) The commercial fishing representatives are to be 2 or more persons appointed by the Minister to represent commercial fishers, the commercial fishing industry or related interests (such as fish receivers). At least one of them must be a commercial fisher.
- (6) The aquaculture industry representatives are to be one or more persons appointed by the Minister to represent the aquaculture industry.
- (7) The conservation and environmental representatives are to be 2 or more persons appointed by the Minister to represent conservation and environmental interests. Of those persons:
 - (a) at least one person must be appointed to represent conservation interests on the nomination of a group or body generally recognised for its interest in conservation, and
 - (b) at least one person must be appointed to represent environmental interests, being a person who has expertise in marine science or a related field and who is appointed on the nomination of a University, a scientific organisation or another body that has an

- interest or expertise in science, and
- (c) at least one of any additional representatives may be a representative of the eco-tourism (or other related) industry or hobby that does not involve fishing activities.
- (8) The indigenous representatives are to be 2 or more persons appointed by the Minister to represent indigenous people and interests.
 - (9) The government representatives are to be appointed in accordance with the regulations. Not more than one representative of any one government agency is to be so appointed.
 - (10) The Minister is, in accordance with the regulations, to request nominations from relevant organisations and bodies for the appointment of members of the Council (other than the chairperson or government representatives).
 - (11) The number of members appointed as recreational fishing representatives is to be equal to the number of members appointed as commercial fishing representatives.
 - (12) The number of members appointed in any one of the following representative categories is not to exceed the number of members appointed as recreational fishing representatives or the number of members appointed as commercial fishing representatives:
 - (a) aquaculture industry representatives,
 - (b) conservation and environmental representatives,
 - (c) indigenous representatives.

228B Function of Council

The Fisheries Resource Conservation and Assessment Council has the function of advising on:

- (a) the preparation or revision of a fishery management strategy under Part 1A (and for that purpose to review the environmental impact statement prepared in connection with a draft strategy), and
- (b) such other matters as may be referred to it by the Minister.

228C Provisions relating to members and procedure of Council

- (1) A person appointed by the Minister as a member of the Fisheries Resource Conservation and Assessment Council holds office for such term as is specified in the person's instrument of appointment and is, if otherwise qualified, eligible for re-appointment.
- (2) The regulations may make other provision for or with respect to the members and procedure of the Council.
- (3) The procedure for the conduct of the business of the Council is, subject to the regulations, to be determined by the Council.

CDP

Page 55, Schedule 7. Insert after line 3:

[1] Section 4 Definitions

Insert in alphabetical order in section 4 (1):

Aboriginal has the same meaning as in the *Aboriginal Land Rights Act 1983*.

Oppn

Page 57, Schedule 7 (proposed section 275A). Insert after line 14:

- (3) This Division does not apply to any fishing activity carried out, or to any document produced, before the commencement of this Division.

*Note: Opposition Amendment as amended by BFFC amendment agreed to.