



New South Wales

Fisheries Management Amendment (Advisory Bodies) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to reconstitute the advisory bodies established under the *Fisheries Management Act 1994*. The Bill:

- (a) abolishes the NSW Commercial Fishing Advisory Council (*CFAC*), *CFAC* Regional Advisory Committees and the NSW Recreational Fishing Advisory Council (*RFAC*), and
 - (b) provides for the establishment of Ministerial advisory councils, including such councils for the commercial, recreational, research and aquacultural sectors of the fishing industry, and
 - (c) provides for the establishment of Management Advisory Committees for restricted fisheries as well as share management fisheries, and expands the membership of those Committees to representatives of other interested groups in addition to persons elected by commercial fishers, and
-

- (d) replaces references in that Act to consultation with, and other matters relating to, CFAC and RFAC with references to relevant commercial or recreational fishing industry bodies, and
- (e) makes other consequential and ancillary changes.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Fisheries Management Act 1994* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1], [12], [13] and [16] abolish the NSW Commercial Fishing Advisory Council, CFAC Regional Advisory Committees and the NSW Recreational Fishing Advisory Council.

Schedule 1 [12] provides for the establishment of Ministerial advisory councils, including such councils for the commercial, recreational, research and aquacultural sectors of the fishing industry. The councils may give advice to the Minister on matters referred to them by the Minister or on their own initiative.

Schedule 1 [2], [7] and [12] provide for the establishment of Management Advisory Committees for restricted fisheries as well as share management fisheries, and expands the membership of those Advisory Committees to representatives of other interested groups in addition to persons elected by commercial fishers. The functions of those Advisory Committees include advice on management plans and other relevant regulations for the relevant fishery and the monitoring of those plans and regulations.

Schedule 1 [3]–[6] and [8]–[11] replace references in that Act to consultation with, and other matters relating to, CFAC and RFAC with references to relevant commercial or recreational fishing industry bodies.

Schedule 1 [14]–[16] authorise the making of savings and transitional regulations consequent on the enactment of the proposed Act and make special provision relating to the abolition and reconstitution of the existing advisory bodies.

First print

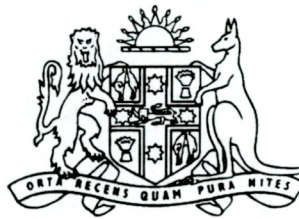


New South Wales

Fisheries Management Amendment (Advisory Bodies) Bill 1996

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fisheries Management Act 1994 No 38	2
Schedule 1 Amendments	3



New South Wales

Fisheries Management Amendment (Advisory Bodies) Bill 1996

No. , 1996

A Bill for

An Act to amend the *Fisheries Management Act 1994* in relation to advisory bodies.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fisheries Management Amendment (Advisory Bodies) Act 1996*.

2 Commencement

5

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Fisheries Management Act 1994 No 38

The *Fisheries Management Act 1994* is amended as set out in Schedule 1.

10

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Omit the definitions of *CFAC* and *RFAC*.

[2] Section 4, definition of "Management Advisory Committee" 5

Omit the definition. Insert instead:

Management Advisory Committee means a Management Advisory Committee for a fishery established under section 230.

[3] Section 41 Staged implementation of share management fisheries 10

Omit "consults CFAC and other industry representatives" from section 41 (a).

Insert instead "consults relevant industry bodies".

[4] Section 41 (b) 15

Omit "by CFAC".

[5] Section 43 Consultation with industry

Omit "consult CFAC and other representatives of the commercial fishing industry" wherever occurring.

Insert instead "consult relevant commercial fishing industry bodies". 20

Fisheries Management Amendment (Advisory Bodies) Bill 1996

Schedule 1 Amendments

- [6] Section 58 Public and industry consultation**
- Omit “, CFAC and RFAC” from section 58 (2).
Insert instead “, and any other relevant commercial or recreational fishing industry bodies,”.
- [7] Section 59 Management Advisory Committees for fisheries** 5
- Omit the section.
- [8] Section 63 Fisheries reviews—new plan**
- Omit “, CFAC and RFAC,” from section 63 (3).
Insert instead “, and any other relevant commercial or recreational fishing industry bodies,”. 10
- [9] Section 70 Special endorsements to take fish in share management fishery**
- Omit “and with CFAC and RFAC” from section 70 (2).
Insert instead “, and with any other relevant commercial or recreational fishing industry bodies”. 15
- [10] Section 83 Composition and procedure of Panel**
- Omit “on the nomination of CFAC” from section 83 (1) (c).
Insert instead “on the nomination of such relevant commercial fishing industry bodies as the Minister determines”.
- [11] Section 111 Declaration of restricted fisheries** 20
- Omit “consult CFAC and RFAC” from section 111 (3).
Insert instead “consult relevant commercial or recreational fishing industry bodies”.

[12] Part 8, Division 2 (NSW Commercial Fishing Advisory Council and CFAC Regional Advisory Committees—ss 229–237) and Division 3 (NSW Recreational Fishing Advisory Council—ss 238, 239)

Omit the Divisions. Insert instead:

5

Division 2 Advisory bodies

229 Ministerial advisory bodies

- (1) The Minister may, subject to and in accordance with the regulations, establish advisory councils, including advisory councils for the commercial, recreational, research and aquacultural sectors of the fishing industry. 10
- (2) The members of any such advisory council are to be appointed by the Minister in accordance with the regulations.
- (3) The functions of any such advisory council are: 15
 - (a) to advise the Minister on any matter that is referred to it by the Minister, and
 - (b) to advise the Minister on any other matter it considers relevant to the fishing industry sector for which it is established. 20

230 Management Advisory Committees for fisheries

- (1) The Director may, 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. 25
- (2) The members of a Management Advisory Committee are to be appointed by the Director and are to be:
 - (a) commercial fishers elected in accordance with the regulations by shareholders or commercial fishers, or persons who are likely to be shareholders or commercial fishers, in the fishery, and 30
 - (b) persons representing other interested groups determined by the Minister in accordance with the regulations.

Fisheries Management Amendment (Advisory Bodies) Bill 1996

Schedule 1 Amendments

- (3) The Director (or the Director's nominee) may attend meetings of a Management Advisory Committee but is not entitled to vote at any such meeting. The Director (or the Director's nominee) is to chair any meeting of a Management Advisory Committee that he or she attends. 5
- (4) The functions of a Management Advisory Committee for a fishery are:
- (a) to advise the Minister on the preparation of any management plan or regulations for the fishery, and 10
 - (b) to monitor whether the objectives of the management plan or those regulations are being attained, and
 - (c) to assist in a fishery review in connection with any new management plan or regulations, and 15
 - (d) to advise on any other matter relating to the fishery.

231 Regulations

The regulations may make provision for or with respect to the establishment, composition, functions and procedure of any advisory council or committee under this Division. 20

[13] Schedules 4, 5 and 6

Omit the Schedules.

[14] Schedule 7 Savings, transitional and other provisions 25

Omit "of this Act" from clause 2 (1). Insert instead:

of the following Acts:

This Act

Fisheries Management Amendment (Advisory Bodies) Act 1996 30

[15] Schedule 7, clause 2 (2)

Omit "to this Act". Insert instead "to the Act concerned".

[16] Schedule 7, clauses 18 and 19

Omit the clauses from Part 8. Insert instead:

18 Abolition of CFAC, CFAC Regional Advisory Committees and RFAC 5

- (1) The following bodies established under this Act are abolished on the commencement of Schedule 1 [12] to the *Fisheries Management Amendment (Advisory Bodies) Act 1996*: 10
- (a) the New South Wales Commercial Fishing Advisory Council,
 - (b) each CFAC Regional Advisory Committee,
 - (c) the New South Wales Recreational Fishing Advisory Council. 15
- (2) A person who held office as a member of any such body immediately before its abolition ceases to hold office and is not entitled to any remuneration, or compensation, for loss of that office. However, any such person is eligible (if otherwise qualified) to be appointed as a member of an advisory body established under Part 8 of this Act. 20
- (3) Any assets or liabilities of any such body immediately before its abolition become the assets or liabilities of the Crown. The Minister may transfer any such assets to any representative body of the fishing industry that has assumed the functions of any such abolished body. 25

19 Continuation of Management Advisory Committees for share management fisheries

A Management Advisory Committee in existence on the commencement of Schedule 1 [7] to the *Fisheries Management Amendment (Advisory Bodies) Act 1996* is taken to have been established under this Act, as amended by that Act. Until the membership of any such Committee is determined in accordance with this Act as so amended, the persons holding office as members of any such Committee on that commencement continue to hold office as members of the Committee.

5
10



New South Wales

Fisheries Management Amendment (Advisory Bodies) Act 1996 No 141

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Fisheries Management Act 1994 No 38	2
Schedule 1 Amendments	3





New South Wales

Fisheries Management Amendment (Advisory Bodies) Act 1996 No 141

Act No 141, 1996

An Act to amend the *Fisheries Management Act 1994* in relation to advisory bodies. [Assented to 16 December 1996]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Fisheries Management Amendment (Advisory Bodies) Act 1996*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Fisheries Management Act 1994 No 38

The *Fisheries Management Act 1994* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 4 Definitions

Omit the definitions of *CFAC* and *RFAC*.

[2] Section 4, definition of "Management Advisory Committee"

Omit the definition. Insert instead:

Management Advisory Committee means a Management Advisory Committee for a fishery established under section 230.

[3] Section 41 Staged implementation of share management fisheries

Omit "consults CFAC and other industry representatives" from section 41 (a).

Insert instead "consults relevant industry bodies".

[4] Section 41 (b)

Omit "by CFAC".

[5] Section 43 Consultation with industry

Omit "consult CFAC and other representatives of the commercial fishing industry" wherever occurring.

Insert instead "consult relevant commercial fishing industry bodies".

[6] Section 58 Public and industry consultation

Omit “, CFAC and RFAC” from section 58 (2).

Insert instead “, and any other relevant commercial or recreational fishing industry bodies,”.

[7] Section 59 Management Advisory Committees for fisheries

Omit the section.

[8] Section 63 Fisheries reviews—new plan

Omit “, CFAC and RFAC,” from section 63 (3).

Insert instead “, and any other relevant commercial or recreational fishing industry bodies,”.

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

Omit “and with CFAC and RFAC” from section 70 (2).

Insert instead “, and with any other relevant commercial or recreational fishing industry bodies”.

[10] Section 83 Composition and procedure of Panel

Omit “on the nomination of CFAC” from section 83 (1) (c).

Insert instead “on the nomination of such relevant commercial fishing industry bodies as the Minister determines”.

[11] Section 111 Declaration of restricted fisheries

Omit “consult CFAC and RFAC” from section 111 (3).

Insert instead “consult relevant commercial or recreational fishing industry bodies”.

[12] Part 8, Division 2 (NSW Commercial Fishing Advisory Council and CFAC Regional Advisory Committees—ss 229–237) and Division 3 (NSW Recreational Fishing Advisory Council—ss 238, 239)

Omit the Divisions. Insert instead:

Division 2 Advisory bodies

229 Ministerial advisory bodies

- (1) The Minister may, subject to and in accordance with the regulations, establish advisory councils, including advisory councils for the commercial, recreational, research and aquacultural sectors of the fishing industry.
- (2) The members of any such advisory council are to be appointed by the Minister in accordance with the regulations.
- (3) The functions of any such advisory council are:
 - (a) to advise the Minister on any matter that is referred to it by the Minister, and
 - (b) to advise the Minister on any other matter it considers relevant to the fishing industry sector for which it is established.

230 Management Advisory Committees for fisheries

- (1) The Director may, 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.
- (2) The members of a Management Advisory Committee are to be appointed by the Director and are to be:
 - (a) commercial fishers elected in accordance with the regulations by shareholders or commercial fishers, or persons who are likely to be shareholders or commercial fishers, in the fishery, and
 - (b) persons representing other interested groups determined by the Minister in accordance with the regulations.

- (3) The Director (or the Director's nominee) may attend meetings of a Management Advisory Committee but is not entitled to vote at any such meeting. The Director (or the Director's nominee) is to chair any meeting of a Management Advisory Committee that he or she attends.
- (4) The functions of a Management Advisory Committee for a fishery are:
 - (a) to advise the Minister on the preparation of any management plan or regulations for the fishery, and
 - (b) to monitor whether the objectives of the management plan or those regulations are being attained, and
 - (c) to assist in a fishery review in connection with any new management plan or regulations, and
 - (d) to advise on any other matter relating to the fishery.

231 Regulations

The regulations may make provision for or with respect to the establishment, composition, functions and procedure of any advisory council or committee under this Division.

[13] Schedules 4, 5 and 6

Omit the Schedules.

[14] Schedule 7 Savings, transitional and other provisions

Omit "of this Act" from clause 2 (1). Insert instead:

of the following Acts:

This Act

*Fisheries Management Amendment (Advisory Bodies)
Act 1996*

[15] Schedule 7, clause 2 (2)

Omit "to this Act". Insert instead "to the Act concerned".

[16] Schedule 7, clauses 18 and 19

Omit the clauses from Part 8. Insert instead:

18 Abolition of CFAC, CFAC Regional Advisory Committees and RFAC

- (1) The following bodies established under this Act are abolished on the commencement of Schedule 1 [12] to the *Fisheries Management Amendment (Advisory Bodies) Act 1996*:
 - (a) the New South Wales Commercial Fishing Advisory Council,
 - (b) each CFAC Regional Advisory Committee,
 - (c) the New South Wales Recreational Fishing Advisory Council.
- (2) A person who held office as a member of any such body immediately before its abolition ceases to hold office and is not entitled to any remuneration, or compensation, for loss of that office. However, any such person is eligible (if otherwise qualified) to be appointed as a member of an advisory body established under Part 8 of this Act.
- (3) Any assets or liabilities of any such body immediately before its abolition become the assets or liabilities of the Crown. The Minister may transfer any such assets to any representative body of the fishing industry that has assumed the functions of any such abolished body.

19 Continuation of Management Advisory Committees for share management fisheries

A Management Advisory Committee in existence on the commencement of Schedule 1 [7] to the *Fisheries Management Amendment (Advisory Bodies) Act 1996* is taken to have been established under this Act, as amended by that Act. Until the membership of any such Committee is determined in accordance with this Act as so amended, the persons holding office as members of any such Committee on that commencement continue to hold office as members of the Committee.

[Minister's second reading speech made in—
Legislative Assembly on 13 November 1996
Legislative Council on 4 December 1996]

BY AUTHORITY