

Not Relevant

201

MAFF0053/03CS

Establishment of Fisheries Management Committee
for Pilchards
APPROVED

All Ministers

Not Relevant

CABINET COVER SHEET

1. **TITLE:** ESTABLISHMENT OF FISHERIES MANAGEMENT COMMITTEE FOR PILCHARDS
2. **MINISTER:** Minister for Agriculture, Food and Fisheries
3. **PURPOSE** To seek Cabinet approval for the drafting of regulation amendments to formally establish a Fisheries Management Committee (FMC) for the pilchard fishery.
4. **RELATIONSHIP TO GOVERNMENT POLICY** The establishment of a Fisheries Management Committee for pilchards is consistent with the framework for fisheries management set up under the *Fisheries Act 1982* and the *Fisheries (Management Committees) Regulations 1995*. It is intended to facilitate improved stakeholder input into fisheries management decisions, in pursuit of the objectives set out in section 20 of the *Fisheries Act 1982*, which include sustainability and optimum utilisation provisions.
5. **RESOURCES REQUIRED FOR IMPLEMENTATION** There are no implications for the **PIRSA** budget. All operational costs and the chair's remuneration are collected through annual licence fees.
6. **COMMUNITY AND ENVIRONMENTAL IMPACT** There are no direct impacts. Indirect benefits will be realised through increased stakeholder involvement in providing advice to the Minister through formal channels.
7. **RISKS** Increased stakeholder involvement in providing advice to the Minister through formal channels will reduce future fisheries management and politician risks.
8. **CONSULTATION** The **FMC** has been requested by the Pilchard fishers, and all other relevant stakeholders have been consulted.
9. **COMMUNICATION STRATEGY** The peak industry bodies, the **South Australian Fishing Industry Council** and the **Seafood Council Ltd** will be advised of the approval. Licence holders will be notified by the Director of Fisheries.

TO: THE PREMIER FOR CABINET

RE: ESTABLISHMENT OF FISHERIES MANAGEMENT COMMITTEE FOR PILCHARDS

1. PROPOSAL

- 1.1 To seek Cabinet approval for the drafting of amendments to the *Fisheries (Management Committee) Regulations 1995* to establish a Pilchard Fisheries Management Committee.

2 BACKGROUND

- 2.1 Pilchards are managed under a quota management system that is implemented through the *Scheme of Management (Marine Scalefish Fisheries) Regulations 1991*. The scheme provides for the allocation of quota entitlements and the endorsement of those entitlements on licences. The scheme provides that quota may only be allocated to licence holders in the fishery who are permitted to use a pilchard net. The *Fisheries (General) Regulations 2000* define a pilchard net as a purse seine net of certain dimensions.
- 2.2 The management of the quota system for the pilchard sector of the Marine Scalefish Fishery requires that stock assessments be undertaken on an annual basis, so that a Total Allowable Commercial Catch can be set each year. The resource is valuable (\$30 million) and pilchards are a species that is highly vulnerable to changes to environmental conditions. As a result, the pilchard sector of the Marine Scalefish Fishery is relatively expensive to manage (compared to other sectors of the marine scalefish fishery) and licence holders who are permitted to use a pilchard net therefore pay comparatively high licence fees (\$36,000).
- 2.3 Due to the number and range of decisions that arise as a result of these factors, specific consultation is undertaken by PIRSA Fisheries with the 14 licence holders that can currently participate in the fishery. In this context, it has been suggested that this consultation should be undertaken through a formal Fisheries Management Committee (FMC) which will provide specific advice to the Minister and Director of Fisheries.
- 2.4 The *Fisheries Act 1982* provides that regulations may be made in relation to the establishment of a management committee in respect of a fishery. The *Fisheries (Management Committee) Regulations 1995* define a number of fisheries for the purposes of those regulations, and establish a committee for that fishery.

3 DISCUSSION

- 3.1 There are currently seven FMCs established for South Australian fisheries – Abalone, Northern Zone Rock Lobster, Southern Zone Rock Lobster, Blue Crab, Inland Waters, Marine Scalefish, Prawn. Each committee is chaired by an Independent Chairperson appointed by the Minister for Agriculture, Food and Fisheries.

10. **URGENCY**

Submission is within the 10 day rule.

11. **RECOMMENDATIONS**

4.1 Approve the drafting of amendments to the *Fisheries (Management Committee) Regulations 1995* to define the pilchard fishery for the purposes of those regulations and establish a Pilchard Fisheries Management Committee, with the amendments to commence on gazettal.

I declare that I have no actual or potential conflict of interest in relation to the proposals contained in this submission.



Paul Holloway

Minister for Agriculture, Food & Fisheries

Minister for Mineral Resources Development

Date

11/11/03

3.2 The costs in establishing and operating a committee are borne by the commercial licence holders through their annual licence fees. There are no direct costs to PIRSA in establishing the committee.

3.3 It is appropriate to establish new committees where fisheries are of significant value and require greater attention to management planning than could otherwise be provided in an alternative forum, such as a working group.

3.4 The pilchard fishery has a landed value of approximately \$30 million and a number of issues concerning future access arrangements, research projects, and value adding opportunities need to be explored in future years. An FMC focused on this fishery will enhance development of future management planning and outcomes to maximise the community return from the fishery within an ecologically sustainable framework.

3.5 **Impacts:**

3.3.1 **Economic, financial and budget implications**

a) There are no implications for the PIRSA budget. All operational costs and the chair's remuneration are collected through annual licence fees.

b) **Required resources.**
Nil

c) **Staffing implications.**
Nil

3.3.2 **Impact on the community and the environment**

The regulatory impact of the establishment of an FMC for pilchards is to require the committee to be consulted in relation to fisheries management decision-making.

The proposed amendments are aimed at facilitating inclusive and effective consultation for the management of a fishery. The direct environmental impacts are therefore neutral. If improved decisions are realised from the changes in the decision-making process, then this should lead to improved decisions in relation to sustainability and environmental impact in relation to the fishery, consistent with the pursuit of the objectives set out in section 20 of the *Fisheries Act 1982*.

The regional impact of the proposed amendments is minimal, except to the extent that some pilchard licence holders live in regional areas, and improved decision-making processes for the fishery will lead to more consistent advice in the decision-making process. Regional issues will be expressed in this process.

There are no impacts on small business.

The proposed amendments have no impacts on families.

3.3.3 Risk Management Strategy

There are no adverse risks associated with this proposal.

The risk of not establishing an FMC for pilchards is that decisions will be made without the rigour that consistent involvement by FMC members in management issues can provide. Political risk is also minimised if the Minister receives formal advice from an FMC through established administrative and legislative processes.

3.3.4 Consultation

The 14 licence holders have requested that the Minister appoint a Pilchard Fishery Management Committee. The Minister has agreed, subject to Cabinet approval. The peak industry bodies, the South Australian Fishing Industry Council (SAFIC) and the Seafood Council Ltd have supported the proposal.

3.3.5 Implementation Plan

If the FMC is approved, a selection process will be undertaken to appoint members. An appropriate Chairperson will be selected by the Minister and Cabinet notified of the appointee prior to appointment.

3.3.6 Communication Strategy

The peak industry bodies, the South Australian Fishing Industry Council and the Seafood Council Ltd will be advised of the approval. Licence holders will be notified by the Director of Fisheries.

3.3.5 Executive Council

The regulation amendments will require the approval of Her Excellency the Governor in Executive Council once drafted.



4 RECOMMENDATION

It is recommended that Cabinet:

- 4.1 Approve the drafting of amendments to the *Fisheries (Management Committee) Regulations 1995* to define the pilchard fishery for the purposes of those regulations and establish a Pilchard Fisheries Management Committee for that fishery, with the amendments to commence on gazettal.

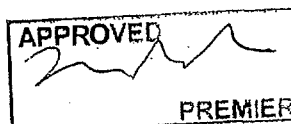
Paul Holloway

Paul Holloway
Minister for Agriculture, Food and Fisheries
Minister for Mineral Resources Development

Date: 11/11/03

In Cabinet

24 NOV 2003



Drafting Instructions for Parliamentary Counsel

1 page removed

Exempt clause 10(1) – legal professional privilege