ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

INQUIRY INTO FISHERIES MANAGEMENT
FIRST REPORT: CO-MANAGEMENT

December 2001

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FUNCTION

Extract of the **Parliamentary Committees Act 1968:**

Section 4EA: The functions of the Environment and Natural Resources Committee are to inquire into, consider and report to the Parliament on –

(a) any proposal matter or thing concerned with the environment;
(b) any proposal matter or thing concerned with natural resources;
(c) any proposal matter or thing concerned with planning the use, development or protection of land—

*if the Committee is required or permitted so to do by or under this Act.*
AN INQUIRY INTO FISHERIES MANAGEMENT ACROSS VICTORIA

“The Governor in Council, under section 4F of the Parliamentary Committees Act 1968 issues the following terms of reference to the Environment and Natural Resources Committee of Parliament for inquiry into fisheries management across Victoria:

(a) To examine and report on options for the sustainable management of Victoria’s fisheries resources having particular regard to:
   • The effectiveness of the current structure, functions and operations of the Fisheries Co-Management Council;
   • The adequacy of the current system of enforcement of fisheries regulations, both recreational and commercial; and
   • Any alternative arrangements for the management of all aspects of commercial and recreational fishing, including the establishment of a single statutory authority for this purpose.

(b) To report by 31 March 2001”.

Referred to the Environment and Natural Resources Committee by Order in Council of Tuesday, 29 February 2000, gazetted on Tuesday, 29 February 2000. Also referred to the Committee by resolution of the Legislative Assembly on Tuesday, 14 March 2000.

AN INQUIRY INTO THE SUSTAINABLE MANAGEMENT OF THE VICTORIAN ABALONE AND ROCK LOBSTER FISHERIES

“To inquire into the sustainable management of the Victorian abalone and rock lobster fisheries, with particular emphasis on management and enforcement practices and the royalty regime, and to report to Parliament by 31 December 2001”.

Referred to the Environment and Natural Resources Committee by resolution of the Legislative Council of Wednesday, 1 March 2000.
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PREFACE

This First Report of the Committee’s Inquiry into Fisheries Management deals with those parts of the two fisheries terms of reference that deal with co-management.

The Committee found that while many had concerns about particular decisions or processes of the various co-management bodies established under the Fisheries Act, there was widespread support for the actual concept of co-management. Victoria is, in fact, a world leader in fisheries co-management.

The Committee’s approach has not been to dwell on the past problems associated with the Victorian Co-Management Council and the fishery committees, although these have been recognised – but to acknowledge the strengths of the co-management concept and identify where the structures and processes of these co-management bodies can be improved.

Victoria’s fish are a vital community resource. They provide an important source of food and recreational enjoyment for many. They are part of the State’s aquatic ecosystems. They are the basis for a variety of economic activities. Management of fish and the fisheries that depend on them is thus more than just regulating those people who actually take the fish from the water. It needs to involve people throughout the wider community.

Fisheries co-management is all about involving the community in the management of fisheries. It is hoped that the findings of the Committee and, in particular, its recommendations, will provide the basis for action to ensure that Victoria remains at the leading edge of fisheries co-management.

George Seitz, MP
Chairman
CHAPTER 1
INTRODUCTION

- Background to the Inquiry
- Terms of Reference
- The Inquiry Process
- Outline of the Inquiry Report

1.1 This Report of the Parliament of Victoria’s Environment and Natural Resources Committee Inquiry into Fisheries Management, is tabled in the Parliament pursuant to Section 40 (1) of the Parliamentary Committees Act 1968.

BACKGROUND TO THE INQUIRY

1.2 Fisheries management in Victoria underwent a major restructure with the coming into operation of the Fisheries Act 1995. This legislation provided for joint authority of fisheries between the Commonwealth and the State and, more particularly, introduced co-management of the State fisheries. A Fisheries Co-Management Council and its associated Fishery Committees now have a key role in advising the minister (the ‘decision maker’) on fishery matters and responsibility for the preparation of fishery management plans.

1.3 Undertaking a Parliamentary Inquiry into fisheries management was part of a pre-election recreational fishing policy initiative – intended to encompass both recreational and commercial fisheries. A desire to obtain a more direct involvement in fisheries management by some sectors is understood to have been one of the drivers behind the policy initiative. The terms of reference dealing with the sustainable management of the abalone and rock lobster fisheries are perhaps indicative of the importance of retaining the vitality of Victoria’s two most valuable fisheries.

1.4 Given that it is now five years since the introduction of the legislative reforms of the Fisheries Act 1995, it is timely that management structures and arrangements created by this Act be reviewed.¹

1.5 In undertaking this Inquiry, the Committee is also cognisant of the recommendations of, and government response to, the Natural Resources and Environment Committee’s 1991 report of its inquiry into the allocation of fish resources in Victorian bays and inlets.²

TERMS OF REFERENCE

1.6 The Inquiry is being undertaken by the Environment and Natural Resources Committee of the Parliament of Victoria in response to terms of reference referred by the Governor-in-Council on 29 February 2000 under Section 4F (1) (ii) of the Parliamentary Committees Act 1968 and as reissued by resolution of the Legislative
Assembly on 14 March 2000. Additional terms of reference were referred to the Committee by resolution of the Legislative Council on 1 March 2000. The Committee resolved to undertake both terms of reference concurrently.

1.7 The two terms of reference are:

To inquire into fisheries management across Victoria: to examine and report on options for the sustainable management of Victoria’s fisheries resources having particular regard to:

a) the effectiveness of the current structure, functions and operations of the Fisheries Co-Management Council;

b) the adequacy of the current system of enforcement of fisheries regulations, both recreational and commercial; and

c) any alternative arrangements for the management of all aspects of commercial and recreational fishing, including the establishment of a single statutory authority for this purpose.

To inquire into the sustainable management of the Victorian abalone and rock lobster fisheries, with particular emphasis on management and enforcement practices and the royalty regime.

THE INQUIRY PROCESS

Processes Used to Gather Evidence

1.8 The Committee has used a number of processes to gather evidence during this inquiry.

1.9 The commencement of the Inquiry was announced in July 2000 through advertisements inserted in the metropolitan and rural press as well as in selected fishery magazines.

1.10 Advertisements calling for written submissions were placed in metropolitan and regional newspapers in September 2000. Media releases were also sent to approximately 50 organisations covering television, print and radio media in both Melbourne and regional areas. Material was also inserted in Fisheries Victoria’s publication *FishFax*. The initial two-month submission period was subsequently extended to three months, closing on 22 December 2000. Late submissions, as well as material tabled during the public hearings, were accepted.

1.11 A Discussion Paper was prepared to assist those wishing to make submissions to the Inquiry. It provided background on current fisheries management structures and processes and some of the key issues facing the sustainable use of Victoria’s fisheries. It also posed a range of discussion points on which the Committee is particularly interested in obtaining feedback. Those making submissions were, however, invited to address any issue related to the terms of reference, whether specifically raised in the Discussion Paper or not. The Discussion Paper was mailed to an extensive list of interested persons and organisations held by the Committee, as well as to holders of commercial licences.
(through Seafood Industries Victoria) and to all fishing clubs on the mailing list of VRFish. The Discussion Paper was also made available through Information Victoria and in electronic form on the Committee’s website and its availability was advertised, with the advertisements calling for submissions.

1.12 In all, over 100 written submissions were received by the Committee. A listing of all submissions received is included in Appendix II. Copies of submissions, other than a small number of confidential ones, may be obtained on request from the Committee.

1.13 The Committee also undertook an extensive inspection program of the various fishing sectors across Victoria. This included hovercraft inspections of mudflats in Western Port, fly-fishing demonstrations at Rubicon, tours of the Melbourne Fish Market and fish-processing plants and time at sea in commercial fishing vessels.

1.14 During the parliamentary recess over Christmas, the Committee undertook a study tour of New Zealand to learn of that country’s experience in quota management and its approaches to traditional fisheries. The Committee had a full schedule of appointments, including meetings with personnel from fish-processing plants, Maori groups, fisheries scientists and managers, marine park advocates, as well as representatives of the commercial, recreational and charter-boat sectors.

1.15 While attending national conferences of Parliamentary Environment Committees in Darwin (July 2000) and Canberra (July 2001) the Committee took the opportunity to meet with a number of the key Northern Territory and Commonwealth fisheries sectors and agencies. In particular, the Committee was interested to learn of the role of the Northern Territory Police in fisheries enforcement procedures, as well as the Territory's Aboriginal Fisheries Consultative Committees and its aquaculture programs. In Canberra the Committee met with a number of Commonwealth bodies involved in fisheries management, including Australia’s only remaining statutory fisheries management authority.

1.16 A listing of Committee inspections and informal briefings is included in Appendix III.

1.17 Public hearings were held in Alexandra, Lakes Entrance and Portland, as well as Melbourne, with 87 witnesses giving evidence. Almost without exception, individuals and organisations that sought to give verbal evidence to the Committee were able to be accommodated in the hearing schedule. All hearings were advertised in the press, with all those on the Inquiry mailing list informed by direct mail. A listing of all witnesses is included as Appendix IV. The Committee also conducted a small number of hearings in camera. Transcripts of the public hearings have been published and are available, on request, from the Committee.

1.18 The Inquiry process is summarised in Figure 1.1.
**Figure 1.1: The Inquiry Process**

<table>
<thead>
<tr>
<th>Step</th>
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<tbody>
<tr>
<td>Announce Terms of Reference</td>
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<tr>
<td>Prepare and Publish Discussion Paper</td>
</tr>
<tr>
<td>Call for Written Submissions</td>
</tr>
<tr>
<td>Undertake Inspections and Informal Briefings</td>
</tr>
<tr>
<td>Conduct Hearings</td>
</tr>
<tr>
<td>Assess Evidence</td>
</tr>
<tr>
<td>Prepare and Adopt Inquiry Report</td>
</tr>
<tr>
<td>Table Inquiry Report in Parliament and Publish</td>
</tr>
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</table>

**Tabling of the Committee’s Report in the Parliament**

1.19 The final stage of the Inquiry process is the tabling of the Committee’s report. The Committee had hoped to complete its Inquiry in time for tabling during the Spring 2001 session of Parliament, but this proved not to be possible. The Committee was, however, aware of the uncertainty hanging over the heads of, in particular, the Fisheries Co-Management Council and its members and staff. Consequently it has made a concerted effort to table a First Report dealing with those aspects of the Inquiry's terms of reference dealing with the Victorian co-management arrangements. It is intended that a Second Report will be tabled early in the Autumn 2002 session of Parliament. The Second Report will respond to the remaining aspects of fisheries management encompassed by the Inquiry's terms of reference.

**Government Response**

1.20 The minister who initiated the Inquiry or who has portfolio responsibility for the matters addressed by the Inquiry is required to inform the Parliament of the action, if any, the Government proposed to take in response to the Committee's recommendations. The minister has six months from the date of the report being tabled in which to report. The minister may accept, reject or amend the Committee’s recommendations.
CHAPTER 1
INTRODUCTION

OUTLINE OF THE INQUIRY REPORT

1.21 The State of Victoria has the stewardship role of the State’s wild fishery resources and, consequently, a key role in the management of the various fisheries sectors operating in Victoria. The Government undertakes this management role in consultation with a number of co-management bodies that have been established under statute.

1.22 The initial chapters of the Committee’s report provide a summary of national fisheries management arrangements, outline some of the general principles of, and options for, co-management and include general findings made in response to evidence received about the principles and general application of co-management arrangements.

1.23 Currently in Victoria the key entities that have a statutory involvement in the management of the State’s fisheries are the Government and the three statutory co-management bodies. Separate chapters of the report cover each of these major entities, which are:
   a) Fisheries Victoria and the Marine and Freshwater Research Institute;
   b) Fisheries Co-Management Council;
   c) Fishery Committees; and
   d) recognised peak bodies.

1.24 While many individuals and groups who are actively involved in fishing and fishery issues are vitally interested in the management of the State’s fisheries, there are few non-government groups who are involved in directly managing the fish resource. Current and proposed involvement of some of the stakeholders in directly managing the resource is covered in the final two chapters of the report.

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1 The entire Act did not, however, come into operation until April 1998.
2 Natural Resources and Environment Committee (1991), Report Upon Allocation of Fish Resources in Victorian Bays and Inlets, Parliament of Victoria.
CHAPTER 2
FISHERIES MANAGEMENT IN AND AROUND AUSTRALIA

- Common Models of Fisheries Management
- Current Arrangements in Other Australian Jurisdictions
- Examples of Industry Self-managed Fisheries

COMMON MODELS OF FISHERIES MANAGEMENT

Government Management

2.1 The top-down model of fisheries management, where policy and management decisions are made exclusively by government, in isolation from industry and the community, is archaic, certainly in the context of Australia. “Government may restrict its role to informing user groups of decisions it is about to make. Communication is one-way; government talks, fishermen listen. Here, fisheries managers see themselves in an educational role vis-à-vis producers, and information typically is presented at a late stage in the planning process.”1

2.2 Traditionally, in Australia and other democracies, fisheries management arrangements have been based on the management agency reporting to the minister responsible for fisheries. Fishery stakeholders have been involved in the development of policy and management arrangements to varying degrees and by various mechanisms. Decision making nonetheless remains predominantly in the government domain.

2.3 There have been many variations of the structural features and reporting relationships of these agencies. For example, in some jurisdictions the management of fisheries has been linked with wildlife management or divided into marine and inland components and managed by different agencies, reporting to different ministers. In some States, including Victoria, the fisheries agency has been incorporated into larger departments responsible for natural resources or for agriculture at different times. While many fisheries agencies existed as more or less separate entities, reporting directly to a minister, over time the trend has been to absorb them into larger departments, so that, in 2001, only two State fishery agencies, Western Australian Fisheries and NSW Fisheries, remain as discrete fisheries departments in their own right.

2.4 Today, these forms of fisheries management arrangement retain some of their basic differences, but all jurisdictions in Australia now feature much more inclusive processes for involving key stakeholder interests in policy and management decision making. Some of these mechanisms involve consultation and input from peak bodies, industry bodies and individual stakeholders, but with final arrangements being determined by the agency or by the minister, based on agency advice.
Co-management

2.5 The participation by resource users in fisheries management is broadly known as co-management, and mostly occurs in the form of some kind of advisory or consultative body. In some instances statutory advisory bodies, which include key stakeholder representatives, provide the minister with advice independently of the agency and its position on issues. Many of these advisory bodies are known as management advisory committees (MACs). It is common for management advisory committees to be set up to address and advise on matters relating to particular fisheries, species or to the fisheries in a particular water or section of a coast. Irrespective of their structure and function, all fisheries management agencies in Australia currently operate at least one form of formal advisory or consultative arrangement. These various fisheries management arrangements continue to operate successfully around Australia, changing where necessary to meet new situations and requirements.

2.6 Of the State and Territory jurisdictions, only Victoria and, since early 2001, New South Wales, have overarching advisory bodies. In Victoria this is the Fisheries Co-Management Council, which provides the minister with advice on State-wide policy and management matters across a range of fisheries, independently of the fisheries management agency. In New South Wales a Fisheries Resources Conservation and Assessment Council has been established to “advise the Minister for Fisheries on the preparation or revision of fishery management strategies for designated fishing activities, including commercial fishing in share management fisheries, charter-boat fishing, recreational fishing, fish stocking and the beach safety netting program.” One of the particular emerging needs that the New South Wales body will meet is the need for “the review of environmental impact statements prepared in connection with draft fishery management strategies”.

Statutory Authorities

2.7 The key features of a statutory authority are:
   a) autonomy from the departmental bureaucracy;
   b) financial independence; and
   c) control by a management board including key stakeholder appointees.

2.8 The successful performance of such bodies appears to be critically dependent on a number of factors. These include the leadership and cohesiveness of the board, the ability of the key stakeholder groups to bear the costs of maintaining the authority, and the degree to which it is able to spare the minister from involvement in all but the final acceptance stages of major policy and management processes. Where major stakeholders are unable to meet their share of costs (for example, where government policy is that anglers should not be licensed), a significant government contribution to the authority’s annual funding is essential.

2.9 While the fisheries management arrangements for several States have featured statutory authorities or commissions in the past, the only such arrangement...
currently in existence is the Australian Fisheries Management Authority, based in Canberra. On this point, the Department of Natural Resources and Environment told the Committee that State-based statutory authorities “have generally not lasted long or been notable in terms of superior fisheries management service delivery”.

**Industry Self-management**

2.10 In some situations, usually where there is a stable and productive commercial fishery with a small number of participants committed to working collaboratively to manage their operations, governments have devolved some aspects of management decision making. Responsibility for decisions on fundamental matters such as resource conservation and allocation remain with the Government. However, industry management decisions relating to the efficient use of human resources and capital, and of the fishery resource, may be devolved to industry. Two examples, referred to below, are South Australia’s Spencer Gulf prawn trawl fishery and the Challenger Scallop Enhancement Company’s management of part of New Zealand’s southern scallop fishery.

**CURRENT ARRANGEMENTS IN OTHER AUSTRALIAN JURISDICTIONS**

2.11 All State and Territory fisheries management agencies currently function as government departments, existing either in their own right or as part of larger departments. All undertake their fisheries management arrangements using various forms of co-management arrangement. The only statutory authority directly and primarily responsible for fisheries management is the Australian Fisheries Management Authority, although the Great Barrier Reef Marine Park Authority also exercises some control over fisheries within its area of jurisdiction. Victoria’s fisheries management arrangements are described in more detail in Chapters 5 to 9.

2.12 Table 2.1 shows a very general comparison of some features of Australian State and Territory fisheries management agencies, indicating for each its position in a larger department, approximate primary value of seafood production and co-management arrangements.

**Queensland**

2.13 Fisheries and aquaculture in Queensland’s marine and inland waters are managed by the Queensland Fisheries Service, a division of the Department of Primary Industries. The Queensland Boating and Fishing Patrol, responsible for fisheries compliance, has recently been brought into this same department. Fisheries are managed with client participation provided through a series of management advisory committees – based on individual fisheries and zonal advisory committees – which bring together representatives of all fishing sectors operating within a geographical area.
### Table 2.1: Comparison of Broad Features of Australian State and Territory Fisheries

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Stand-alone Government Agency</th>
<th>Primary Value of Commercial Production&lt;sup&gt;a&lt;/sup&gt; (million)</th>
<th>Management Advisory Committees&lt;sup&gt;c&lt;/sup&gt;</th>
<th>Statewide Cross-sectional Co-management Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland</td>
<td>No</td>
<td>$241</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>New South Wales</td>
<td>Yes</td>
<td>$121</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Victoria</td>
<td>No</td>
<td>$80</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Tasmania</td>
<td>No</td>
<td>$214</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>South Australia</td>
<td>No</td>
<td>$348</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Yes</td>
<td>$410&lt;sup&gt;b&lt;/sup&gt;</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Northern Territory</td>
<td>No</td>
<td>$82</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Commonwealth</td>
<td>Yes</td>
<td>$408</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>


<sup>b</sup> Excludes pearls.

<sup>c</sup> These are mostly single sector, although some are cross sectoral, that is, for example, include both recreational and commercial fishers.

### New South Wales

2.14 Fisheries in New South Wales are the responsibility of NSW Fisheries, which is a stand-alone government agency. The New South Wales *Fisheries Management Act 1994* provides for the establishment of advisory bodies and committees. These bodies are defined as Advisory Councils for the commercial, recreational, research and aquaculture sectors. Their functions are to advise the minister on any matter referred to them. There are also a number of management advisory committees for restricted or share-managed fisheries. The primary objective of these bodies is to advise the minister on the preparation of management plans.<sup>6</sup>

### South Australia

2.15 The Fisheries and Aquaculture Branch of the Department of Primary Industry and Resources is responsible for the management of the fisheries of South Australia.
2.16 South Australia has a number of individual fishery management committees, with “responsibilities provided for under Section 32 of the *Fisheries Act 1982* to advise the Minister and Director of the effective management and administration of a particular fishery, so as to enable the Minister to achieve the Section 20 objectives of the Fisheries Act”. The membership of each committee is representation based, requiring appropriate representation of the Government, commercial fishing, recreational fishing and community/conservation interests. Extension officers play an important role in communicating the concerns of fishers to the committees and publicising the outcomes of meetings. The Fisheries (Management Committees) Regulations 1995 “prescribe that the ... South Australian Fishing Industry Council and the South Australia Recreational Fishing Advisory Council participate on every management committee established under the Regulations”. The minister has the power to delegate to a management committee any of his or her powers.

2.17 The major difference between South Australia’s and Victoria’s co-management arrangements is that South Australia has no single overarching organisation like the Fisheries Co-Management Council to provide broad policy and management advice to the minister independently of the department.

**Tasmania**

2.18 The responsibility for fisheries in Tasmania comes within the Department of Primary Industries, Water and Environment. Within this department, two separate administrative units are involved in fisheries management – the Marine Resources Division and the Inland Fisheries Service. The Tasmanian Police Force’s Marine and Rescue Divisions have the responsibility for fisheries enforcement.

2.19 Advisory committees can be established under Tasmania’s *Living Marine Resources Management Act 1995* to provide advice and information to the minister. Appointments are on any terms or conditions that the minister determines. One example is the Abalone Fishery Advisory Committee, which comprises representatives of industry, the Tasmanian Police, the Tasmania Conservation Trust, aquaculture interests and the Department of Primary Industries, Water and Environment. There are similar committees across a number of fisheries.

**Western Australia**

2.20 A stand-alone government department, known as Fisheries Western Australia, has overall responsibility for the oversight of the fish resources and fisheries of Western Australia. The Director of Fisheries reports directly to the minister.

2.21 Western Australia has specific provision for a Rock Lobster Industry Advisory Committee and a Recreational Advisory Committee and the ability to establish a number of other committees under the *Fish Resources Management Act 1994*, with the composition and basis of membership as determined by the minister. The Rock Lobster Committee’s functions are to identify issues that affect
rock lobster fishing, and to advise the minister on matters relating to the management of the fishery. The minister is advised by the Rock Lobster Industry Advisory Committee, the Recreational Fishing Advisory Committee and a series of 12 Regional Recreational Fisheries Committees.

Northern Territory

2.22 Fisheries and aquaculture management in the Northern Territory is undertaken by the Department of Primary Industry and Fisheries. Seven Aboriginal consultative committees provide for consultation on matters relating to subsistence fishing and other fishing activities around the coast. These committees’ focus is on sharing of information between the participating coastal Aboriginal communities, the Northern Territory Seafood Council and the Fisheries Division. Fisheries enforcement is undertaken by the Marine and Fisheries Enforcement Unit of the Northern Territory Police.

Commonwealth

2.23 Fisheries operating outside the jurisdiction of the States are managed by the Australian Fisheries Management Authority. It is responsible for the detailed management of defined fisheries, including licensing and enforcement. The Commonwealth’s fisheries policy-development role remains with a fisheries and aquaculture policy unit within the federal Department of Agriculture, Fisheries and Forestry.

2.24 A key element of the authority’s business is a focus on the development of fisheries management plans through fishery-specific management advisory committees. These bodies each comprise an authority member, one representative of State/Territory agencies’ interests and five industry representatives. The committees advise the authority board on management policies and cost-efficient management arrangements for their respective fisheries.

EXAMPLES OF INDUSTRY SELF-MANAGED FISHERIES

South Australian Spencer Gulf Prawn Fishery

2.25 In response to the Inquiry question on co-management arrangements elsewhere that may be usefully applied in Victoria, the Department of Natural Resources and Environment submission pointed to the arrangements that apply to the Spencer Gulf Prawn Fishery in South Australia.12

2.26 All of the commercial licensees of the Spencer Gulf Prawn Fishery work closely with South Australia Fisheries managers and scientists in determining management arrangements, through a 13-person fisheries management committee comprising 11 industry representatives, one departmental fishery manager and one scientist. While the fisheries departmental member holds the power to overrule committee decisions, this is rarely used. Thus the industry was, in effect, managing the fishery.13
2.27 A 1992 Industry Commission report on cost recovery in fisheries management pointed out the particular suitability of devolving management responsibility to industries based on mature and stable fisheries. In the case of the South Australian prawn fisheries, the additional attractive feature was the benefit of managing species like prawns, with short life cycles, under real-time arrangements which can be greatly facilitated by keeping monitoring, management decisions and fishing within a local body.

2.28 The Industry Commission noted that the delegation of some aspects of management responsibility to the commercial industry group had proven successful. In particular, the monitoring of the prawn stocks and decisions on the opening and closing of the fishery are effectively undertaken by industry.

New Zealand Challenger Scallop Fishery

2.29 In 1978, following the introduction of enabling legislation, the Southern Scallop Fishery in New Zealand’s Tasman Bay and Golden Bay became the country’s first “controlled fishery”. The fishery is now managed by the Challenger Scallop Enhancement Company, established in 1994.

2.30 The Committee met with the Chairman and Managing Director of the Challenger Enhancement Company while in New Zealand at the beginning of 2001. The Committee learnt that the scallop fishery in waters adjacent to Nelson underwent a collapse in the latter years of the 20th Century. The Challenger Scallop Enhancement Company was formed by scallop fishers to rebuild the fishery.

2.31 The company is wholly owned by the fishery quota owners, with members’ voting rights proportional to their quota holdings. A booklet of the history of the company was provided to the Committee. It outlines the development and work of the company:

Over the first two years, the company operated under contract to the Ministry of Fisheries to deliver core enhancement services.

Since 1994, Challenger’s relationship with government has appropriately changed from one of being a contract provider of services to one where the company provides its own enhancement services within specified constraints. The company has also significantly expanded its role from simply providing enhancement services to becoming actively involved in research, monitoring and devolved management of the fishery.

The cooperative structure [gives] quota owners a strong organisational base and makes it possible for them to take a leadership role within the industry and community.

Under contractual arrangements, Challenger’s Chief Executive may close areas at any time [and] has implemented ... area closures once catch limits have been reached.
Challenger’s research and monitoring programme provides the information on which good decisions can be made. Its involvement on the spot allows changes to be made throughout the season.\textsuperscript{16}

2.32 The success of the enhancement program has provided significant benefits for recreational and customary fishers. For example, while recreational catch limits elsewhere are between 10 and 20 scallops per day, the limit in the Southern Scallop Fishery is 50 scallops per day. In addition, while commercial fishers are excluded from sub-areas of the fishery on a rotational basis and from other closed areas permanently, recreational fishers have access to all areas.\textsuperscript{17}

2.33 A management plan is being established for the fishery. The planning process was initiated and is being run by the Challenger Scallop Enhancement Company. It does, however, involve the input of all relevant stakeholders, including a range of non-commercial-fishing and non-fishing groups.

\begin{itemize}
\item Department of Natural Resources and Environment (2001), \textit{Written Submissions}, F/079.
\item \textit{Fisheries Management (General) Regulations 1995}, New South Wales.
\item Parliament of South Australia Environment, Resources and Development Committee (1999), \textit{Fish Stocks of Inland Waters}, Thirty-first Report of the Committee.
\item \textit{Fisheries Act 1982}, South Australia.
\item \textit{Living Marine Resources Management Act 1995}, Tasmania.
\item Department of Primary Industries, Water and Environment (1999), \textit{Review of the Management Plan of the Tasmanian Abalone Fishery – For Public Consultation}, Department of Primary Industries, Water and Environment, Tasmania.
\item Department of Natural Resources and Environment (2001), \textit{Written Submissions}, F/079.
\end{itemize}
CHAPTER 3
FISHERIES CO-MANAGEMENT

- The Concept of Fisheries Co-management
- The Development of Co-management in Victoria
- An Assessment of Victorian Co-management Arrangements

THE CONCEPT OF CO-MANAGEMENT

3.1 As stated previously, the participation by resource users in fisheries management is broadly known as co-management.

Co-management Models

3.2 The Committee’s discussion paper commented that co-management is an increasingly common component of the management of common property resources.\(^1\) There are many variations in co-management institutions.

3.3 At one end of the spectrum of fisheries management is the traditional model involving ‘top down’ management, where management decisions are essentially made by government. At the other end is ‘bottom up’ management, where user groups have the primary decision-making role. In between these two arrangements are a number of models of what may be described as co-management.

3.4 These include:
   a) a consultative model where government takes the decisions, but consults with stakeholders;
   b) a co-operative model where government and stakeholders co-operate in decision making; and
   c) delegated models in which management authority for some functions is delegated to stakeholders or committees and government is informed of the decision taken.

3.5 Figure 3.1 provides a diagrammatic representation of the various management models in relation to the level of government influence on decision making.

3.6 Co-management has been defined as “an arrangement where responsibility for resource management is shared between the government and user groups”\(^2\). As such it is distinct from “community-based resource management” arrangements, where responsibility has been devolved wholly to community or user groups, with no government role remaining in decision making.

3.7 In its narrowest sense, non-government participation in co-management is limited to the direct resource users. The social, political and economic context in which fisheries operate has a significant bearing on the form that co-management arrangements may take.
For example, in the case of some Northern Hemisphere commercial fisheries and those in developing countries, co-management principally involves government and industry, with the possible addition of scientific interests. In many countries, the adoption of co-management approaches is a response to crises, in particular cases of over-exploitation. In contrast to the narrow government–industry forms of co-management in many European countries, user-group involvement in co-management arrangements in the USA and Canada is more inclusive.

Increasingly, involvement of stakeholders in co-management includes all sectors directly involved in the fishery, most typically commercial and recreational fishers targeting the same resource.

Under the broadest application of the cross-sectoral model of co-management, all those with interests in the resource, its use, existence and sustainable benefits that can be derived from it, may be involved. For example, in the USA, under the Magnusson Fishery Conservation and Management Act, in addition to State and federal agency representation on regional fisheries management councils:

The councils can contain people as diverse as commercial and recreational fishermen, environmentalists, consumers, seafood processors, or just interested members of the public.

Figure 3.2 provides a simplified representation of the levels of comprehensiveness of stakeholder involvement possible under co-management arrangements.
3.12 Another variable observed in the various models of co-management developed to date is the nature of the actual fishery resource involved. This is illustrated diagrammatically in Figure 3.3. Most commonly in Australia, the resource involved is limited to the particular licensed fishery or a single species. Less commonly, the co-management arrangements have responsibility for all fisheries within a geographic area, which may be considered as a rough proxy for a whole-of-ecosystem approach.

3.13 In summary, co-management arrangements can be defined by a combination of three factors:
   a) level of decision-making authority;
   b) comprehensiveness of stakeholders involved; and
   c) comprehensiveness of resource scope.
3.14 There is no obvious typical trend or relationship between these three variables. Some very simple fisheries involving few stakeholders and a limited resource have limited delegated decision-making authority, whereas other similar fisheries are under co-management arrangements with substantial delegated decision-making authority. Likewise, some complex fisheries, such as a bay fishery that involves any array of both resource-using and non-fishing stakeholders, may have virtually no co-management arrangements in place at all or, alternatively, may include quite formal and inclusive structures with delegated authority to produce, for example, a management plan.

3.15 The Committee notes that most co-management arrangements currently in place offer relatively moderate delegated decision-making authority, and few are comprehensive to the extent of involving whole-of-community interests and a whole-of-ecosystem perspective.

Benefits of Co-management Arrangements

3.16 The potential benefits of co-management bodies are that they may:
Make the decision-making process more open, less hierarchical and more decentralised than would otherwise be the case, provide a two-way channel for communication of information and knowledge between industry and government [and] a means of producing support and of sharing responsibility for hard decisions that ... pose a challenge to every management system.7

3.17 Co-management has evolved through the realisation of some fundamental aspects of fisheries management:
First, there are no simple technical solutions to management problems...
Second, fisheries management is therefore a political issue and must, accordingly, relate to conflicting interests, values and world views...
Third, knowledge needed for effective management must be “multi-disciplinary”. In other words, biological data must be supplemented with socio-economic data...
Fourth, the regulatory process is dependent on inputs from the industry.

What are the general and specific conditions or prerequisites most favourable to effective participation in fisheries management? The hypothesis is that knowledge, compliance, and mediation of social and economic impacts are all influenced by the extent to which user-groups are brought into the management process and the ways that are used to encourage their participation.8

3.18 Pinkerton identified seven management functions that can be improved by co-management arrangements. These are data gathering, harvesting decisions, allocation decisions, protection of habitat, compliance, enhancement and planning and broad policy making.9
3.19 A checklist of “desirable features of a contemporary fisheries management system” was provided to the Committee.\textsuperscript{10} It is included as Table 3.1. It shows that involvement of stakeholders is considered an integral part of contemporary fisheries management systems – a requirement that the various co-management models are well placed to provide.

\textbf{Table 3.1: Desirable Features of a Contemporary Fisheries Management System}

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Desirable Feature</th>
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<tbody>
<tr>
<td>1</td>
<td>A broad, well-defined and stable set of aims and objectives for each fishery.</td>
</tr>
<tr>
<td>2</td>
<td>Amenable to effective monitoring and review with stakeholder involvement.</td>
</tr>
<tr>
<td>3</td>
<td>A clear and precise definition of stakeholder use rights.</td>
</tr>
<tr>
<td>4</td>
<td>Management settings at the most appropriate geographical scale.</td>
</tr>
<tr>
<td>5</td>
<td>All major stakeholders directly involved in the ‘policy community’.</td>
</tr>
<tr>
<td>6</td>
<td>All major stakeholders involved in monitoring budgets and performance.</td>
</tr>
<tr>
<td>7</td>
<td>A comprehensive set of simple, transparent and consistent procedures.</td>
</tr>
<tr>
<td>8</td>
<td>A well-integrated combination of measures within compliance programs.</td>
</tr>
<tr>
<td>9</td>
<td>Implementation through responsible stakeholder organisations.</td>
</tr>
<tr>
<td>10</td>
<td>A capacity to respond quickly and decisively to changed circumstances.</td>
</tr>
</tbody>
</table>


3.20 In addition to user participation and the inclusion of knowledge drawn from outside government sources, co-management offers a third vital ingredient of effective fisheries management – relationships. For too long, the top-down approach to management was seen to have relied excessively on government’s own gathering and interpretation of technical information:

Fisheries professionals have envisioned fisheries management as governed by biological and ecological facts and principles – with an occasional reference to economic returns – and placed themselves in the role of interpreters of that material into management philosophies, laws, regulations, policies and programmes.\textsuperscript{11}

3.21 Acknowledging the importance of objective technical information to decision making, it has been argued that such knowledge on its own is insufficient and often questionable as to its quality and objectivity. Challenges have occurred more frequently, along with the increasing impact of government decisions on industry and communities:

Professional reaction to these challenges has typically been confrontational, based on position bargaining that established a biological/ecological position opposite a utilization position (utilizing
varying from recreational to commercial to habitat-altering). The upshot has been the development of explicit procedures for institutions to divulge and gather information and opinions. Rather than satisfy either agencies or the public, these procedures tend to pass on the conflict to political appointees, judges, and legislators. The result has been delay, wasted funds, decisions based on demonstrable power – and declining fisheries.

The situation can be improved via a widely accepted model for conflict resolution – the stakeholder satisfaction triangle [where] satisfactory decisions are based on three major axes – substance, process and relationship – [and where]

- Substance refers to the technical and factual content of the situation.
- Process refers to the explicit steps that are followed in a management decision.
- Relationship refers to the development of positive networks among individuals with direct or indirect interest in or influence over a management decision.

Through time, fisheries management has emphasized substance and has added process as a reality of modern government. For the future, however, the addition of relationship and the synthesis of all three elements will be necessary for success.12

3.22 Co-management thus appears to offer much. As was noted in the Department of Natural Resources and Environment’s submission to the Inquiry:

The current management model that best reflects the present context of Fisheries Victoria is the consultative model. This model enables Government to make the decisions relating to resource management however, provides for comprehensive consultation with stakeholders. This model will provide the best opportunity for enhanced ESD outcomes by enabling key stakeholder groups to be involved throughout the decision making process.13

Finding 3.1

Co-management offers much for enhanced fisheries management and, in particular, Ecologically Sustainable Development outcomes - through its formal involvement of stakeholders and consequent conduciveness to a broader perspective of fish resources being obtained.

Co-management is increasingly recognised as an integral part of contemporary fisheries management.
3.23 The Committee understands that while the term ‘fisheries co-management’ only came into general use as part of the development and introduction of the Fisheries Act 1995, this was preceded by many years of industry–government interactions at various levels of formality. Such interactions were on a sector-by-sector basis.

3.24 For example, under the 1975 amendment to the Fisheries Act 1968, the Fisheries Management Committee was established in 1976. At the same time, direct industry participation in the issuing and transfer of commercial licences and related appeals was instituted through the establishment of the statutory Commercial Fisheries Licensing Panel and the Licensing Appeals Tribunal. In addition, several industry-specific committees were created, for example, the Abalone Advisory Committee, which provided advice through the Fisheries Management Committee. There were also formal mechanisms for interaction between the Government and the recreational sector through a non-statutory Victorian Recreational Fisheries Advisory Council, which advised the minister and a non-statutory Amateur Fishermen’s Consultative Committee of Victoria (AFCCV). Apart from an informal Aquaculture Advisory Committee that operated during the mid-1990s, there were no formal consultative or advisory mechanisms at all for the aquaculture industry and other sectors, such as conservation interests and indigenous fishers.

3.25 The commercial-fishing sector had its own well-developed, State-wide body, the Victorian Fishing Industry Federation (since replaced by Seafood Industries Victoria), whereas there was no State-wide body to support recreational fishers, with recreational groups tending to be “split into various interest groups which could not always agree on issues”.

3.26 A former departmental officer noted that the Abalone Advisory Committee worked well, with membership structured to include representatives from each of the three management zones, and the Department supplying members with expertise in management, enforcement and research. Their advice was forwarded via the Fisheries Management Committee to the minister, usually without question or amendment. However, he went on to say that it should be noted that:

Some other commercial industry sectors (eg scallop, rock lobster) did not exhibit the same degree of stability or expertise that enabled the AAC [Abalone Advisory Committee] to function effectively, with internal politics regularly splitting sectors into several rival factions, each seeking to gain advantage over the others.

3.27 The message seemed to be that without goodwill, co-management would not work.
3.28 However, until the 1995 Act, there was no general forum at which the interests of commercial, recreational, aquaculture, conservation, indigenous and other stakeholders could be expressed or to address issues that were of cross-sectional interest – for example, for recreational-fishing interests to provide input into commercial-fishery decisions that affected them.\(^{19}\)

**Influence of Developments in Co-management in South Australia**

3.29 South Australia was the first jurisdiction to formally introduce co-management into fisheries management through a series of Integrated Management Committees – some of which included representatives of both commercial and recreational fisheries. Prior to this initiative, advisory arrangements were sector specific. These committees, now known as Fisheries Management Committees, exist for the Spencer Gulf Prawn Fishery, Rock Lobster Fishery, Abalone Fishery, Inshore Scale Fishery, Lakes and Coorong Fishery, Marine Scalefish Fishery, Blue Crab Fishery and the Inland Fishery. They provide for formal participation of representatives of the South Australian Fishing Industry Council (that is, the commercial industry peak body) and the South Australian Recreational Fishing Advisory Council,\(^{20}\) as well as government fishery managers, scientists and independent chairs\(^{21}\).

3.30 An Industry Commission 1992 report on cost recovery in fisheries management\(^{22}\) described the forerunner to South Australia’s first integrated fisheries management committees. At the time, all of the Spencer Gulf prawn fishers worked closely with South Australia Fisheries managers and scientists in determining management arrangements, through a 13-person management committee. Similar arrangements also existed for the management of South Australia’s abalone fishery.\(^{23}\)

3.31 In 1994, senior Victorian fisheries officers visited South Australia to examine the integrated management committee arrangements in that State. This subsequently led to formal co-management provisions being included in the 1995 Fisheries Act. More recently, the South Australian model was adopted to varying degrees in the other States.

**Development of Co-management Policy**

3.32 The following section is paraphrased from a written submission provided to the Inquiry by a former departmental officer, who was involved in the development of the Victorian co-management policies and structures that were eventually adopted in the *Fisheries Act 1995*.\(^{24}\)

3.33 The early policy development for fisheries co-management in Victoria can be traced to the appointment of Dr Geraldine Gentle as the manager of Fisheries Victoria. Immediately prior to her appointment, Dr Gentle had been involved in a review, *Cost Recovery for Managing Fisheries*, undertaken by the Commonwealth Industry Commission. That review:
highlighted the co-management success in the South Australian Spencer Gulf fishery, where there had been scope for industry, at the fishery level, to play a greater part in management … it illustrated that where a fishing industry was stable and mature, such as in the Spencer Gulf Fishery, co-management could enable industry to take a greater role at the same time as government managers deliberately took a step back.\textsuperscript{25}

3.34 In July 1994, the Department of Conservation and Natural Resources released a document titled ‘Fisheries Co-Management’, which stated that “the Abalone Fishery is probably the best suited to pilot the introduction of fisheries co-management in Victoria.”\textsuperscript{26} In August 1994, the Department released a discussion paper, ‘A New Fisheries Act for Victoria’, which indicated that the purpose and objectives of the proposed new legislation were to enable: “greater involvement of resource users in fisheries management decisions”, “the introduction of government/industry co-management”, “minimise bureaucracy” and “encourage co-management and self regulation”.\textsuperscript{27} On 9 March 1995, in the second reading speech, the then Minister for Natural Resources indicated the Government’s intentions to enable co-management of fisheries in Victoria. On 5 December 1996, in a second reading speech for the Fisheries (Further Amendment) Bill, the then Minister for Conservation and Land Management referred to the Government’s intention to promote “genuine partnership between government and user”.\textsuperscript{28}

3.35 According to the submission,\textsuperscript{29} there was a high level of commitment to co-management by the then minister, the then Director of Fisheries, as well as the various senior managers between them. However, the actual implementation of the co-management structures envisaged under the Act were put into place largely by a new minister and a new body of managers who had not been involved in the development of the co-management policies and did not share the same understanding of the concept and the proposed arrangements.

**Implementation of Co-management**

3.36 The implementation of Victoria’s statutory co-management arrangements was largely undertaken at the time when the Department of Conservation and Natural Resources was amalgamated with the Department of Agriculture. A new minister was responsible for the new department, with a new departmental head, a new executive director responsible for fisheries and (with the departure of Dr Gentle) a new director of fisheries. There were also continual changes in the staff supporting the new Fisheries Co-Management Council.

3.37 According to the submission of a former fisheries policy officer, the new Departmental head had no experience in fisheries management, the new fisheries executive director had no experience in fisheries co-management, and the staff of the co-management council, following its appointment, had no fisheries experience or understanding of co-management.\textsuperscript{30}

3.38 The Fisheries Co-Management Council was established in July 1996, with members appointed for three-year terms.\textsuperscript{31} In August 1996, the then minister
announced the council’s appointment, stating: “It is critical members not see themselves as representing the positions of various interest groups but the interests of the whole community”. The council’s first meeting was held on 2 September 1996. For the first time there was a joint forum for Victorian fisheries stakeholders to work together. The 11 members comprised an independent chair, a departmental nominee and members with knowledge and expertise in the fields of aquaculture (one member), commercial fishing (two members), indigenous fishing (one), marine conservation and biodiversity (one), recreational fishing (two), seafood processing (one) and seafood marketing (one).

3.39 During the following year, nominations for membership of several statutory fishery committees were examined and the members were appointed in May 1997 for three-year terms, establishing the:

- **Aquaculture Committee**;
- **Commercial Abalone Fishery Committee**;
- **Commercial Bays and Inlets Fishery Committee**;
- **Commercial Rock Lobster Fishery Committee**;
- **Commercial Scallop Fishery Committee**;
- **Fish Habitat Committee**;
- **Inland Fishery Committee**;
- **Recreational Marine Fishery Committee**; and
- **Research Committee**.

3.40 In October 1998, following a review of the initial operations of the council and committees, the then minister announced a restructure of fisheries management bodies. In summary, the key elements of the restructure were:

**Changes to structure, function and operation of the council:**

- the council membership was to be reduced to seven members, “with membership continuing to be expertise based as follows:
  - **Chairperson** 1 person
  - **Commercial Fishing** 2 members
  - **Recreational Fishing** 1 member
  - **Aquaculture Sector** 1 member
  - **Seafood Processing** 1 member
  - **Fisheries Victoria (DNRE)** 1 member”;

- process to remove members with poor attendance records;
- preparation, monitoring and reporting of an annual business plan, which will be used as the basis for funding;
- an annual meeting of stakeholders;
- requirement for the council to become “proactive with equivalent bodies on fisheries issues or fisheries habitat protection”;

**Changes to structure, function and operations of fishery committees:**

- “fishery committees to comprise of no more than seven members including the Chairperson, with one of the members being appointed.
having appropriate expertise in aquatic resource conservation, and one of
the members being from Fisheries Victoria (DNRE)”;
b) “the number of committees reporting to Council be reduced by one, this
being the conservation [Fish Habitat] committee”;
c) process to remove members with poor attendance records;
d) “unless delegated with specific tasks, fishery committees are to remain as
advisory bodies only” and only in accordance with approved annual
work plans or “on the direction or approval of the Council”.33

3.41 While the proposals relating to the restructuring of the fishery committees
were implemented, those relating to the restructure of the Fisheries Co-
Management Council were not. The Committee notes that ministerial
correspondence at the time requested the Fisheries Co-Management Council to
implement that part of the restructure involving the fishery committees.34 The
other changes were the responsibility of the Government. The Committee
understands that the Government subsequently chose not to introduce the
structural changes foreshadowed to the Fisheries Co-Management Council.

AN ASSESSMENT OF VICTORIAN CO-MANAGEMENT
ARRANGEMENTS

3.42 Where detailed comments were made in submissions about particular co-
management bodies, such as the Fisheries Co-Management Council and particular
fishery committees, these have been included in subsequent chapters dealing with
these bodies. The following section provides a snapshot of the evidence received
by the Committee, commenting on the general nature of the Victorian system of
co-management and whether the use of a co-management approach has had or
could have benefits for Victorian fisheries.

3.43 Figure 3.4 provides a summary of the various elements of Victorian fisheries
management. Note that it includes three sorts of co-management structure – the
Fisheries Co-Management Council, the fishery committees and the recognised peak
bodies.

Views About Co-management in Victoria

3.44 The Committee, in its discussion paper, posed the following question as a
discussion point:
What model of management best responds to the present context of
Victorian fisheries and which model promises the best opportunity for
enhanced ESD outcomes? 35

3.45 Some responses were strongly supportive of the current Victorian model.

3.46 In the Fisheries Co-Management Council’s view:
The system of co-management embraced in Victoria is the best in
Australia. We do not consider there is an equivalent management
arrangement in other States or at least one that would further enhance the management of fisheries in Victoria. 36
Figure 3.4: Summary of the Victorian Fisheries Management Arrangements

- Government
  - Minister
    - (Cross-sectoral co-management)
    - (Statewide – all fisheries)
    - (Fishery based)
      - Fishery Committees
      - Recognised Peak Bodies
    - (Sectoral co-management)
      - Fisheries Victoria
      - Fisheries Co-Management Council
      - For example: Commercial Scallop Fishery Committee; Inland Fishery Committee
      - Seafood Industry Victoria; VRFish; Victorian Aquaculture Council; Victorian National Parks Association
3.47 The responses to the question in the discussion paper, as received in the form of written submissions, were, however, far from unanimous. An overview providing an indication of whether or not anticipated benefits of co-management have or are likely to be achieved follows.

**Benefits of Co-management**

**Benefits to Particular Stakeholders**

3.48 According to the Research Committee of the Fisheries Co-Management Council, “by world standards collaboration in Australia between industry and government in fisheries management is regarded as advanced”.

3.49 Seafood Industry Victoria supported co-management as “an essential component of modern fisheries management”, but felt that “government action is restricting progress and confusing stakeholders”. It felt that the reasons for the lack of understanding and confidence in the co-management processes to date are due to: “the lack of transparency, and an absence of clear lines for authority and processes, and the dominance of the Fisheries Department”.

3.50 Seafood Industry Victoria also made the rather interesting comment that with respect to a long-term vision for fisheries in Victoria, “there are more issues of consensus than contention”, but that the system “is creating barriers to being proactive and innovative”, leading to “frustration and expenditure of effort in areas where there is little or no positive contribution to achieving long-term goals”.

3.51 Some believed that the Co-Management Council had contributed little to some fisheries. Had it just become another bureaucracy that has to be dealt with? This was clearly the perception of some sectors.

3.52 For example, one fisher felt that there had been little benefit for freshwater recreational fishers – they had little conflict with commercial fishers, other than with the eel fishers, with whom he felt they had had good relationships prior to the creation of the Fisheries Co-Management Council. He felt that the Director of Fisheries had the necessary authority and expertise to give appropriate advice to government – providing a more direct process than having to go through another body (but acknowledged that where recreational and commercial issues overlap, the Fisheries Co-Management Council may have more relevance).

3.53 Another example was provided by a commercial abalone diver, who wrote: The bottom line of the abalone industry as I perceive it, was that the Co Management Council became another bureaucracy which had to be negotiated in the tangle of resource management. Not only did we still have a real need to regularly meet with the Fisheries Victoria personnel, but we had to devote time and energy to Fisheries Co-Management Council/Commercial Abalone Fishery Committee, to achieve parallel results.

This is not an easy burden to carry for fishermen who live at the extremes of the State, far away from Melbourne.
It has been my experience that direct negotiation with Fisheries managers and researchers and other stakeholder peak bodies offers better results in terms of my investment of time and energy. However, it may well be that the existence of [the] Co Management Council has been beneficial in promoting the preparedness of Fisheries Victoria to enter cooperative management discussions.\(^{41}\)

3.54 This view that direct consultation with the fishery manager was more effective was raised by other commercial fishers.\(^{42}\)

3.55 In the opinion of a departmental officer involved with the original development of co-management policy in Victoria, the expectations of stakeholders for co-management have not been met. This occurred largely because of the restructuring of a large department at the critical time, with a resultant loss of “corporate memory at senior levels to deliver the co-management policy that had been so clearly articulated previously”.\(^{43}\) He emphasised that Victoria’s co-management model was based on the management of the Spencer Gulf Prawn Fishery and other South Australian fisheries, where the management was devolved to the relevant user group and “was not subject to the machinations of a remote and unconnected Council … [which had] placed itself in a position of being able to filter Fishery Committee advice en-route to the Minister.”\(^{44}\) He also suggested that stakeholders had more ability to be involved in management decisions under the *Fisheries Act 1968* than under the *Fisheries Act 1995*.\(^{45}\)

3.56 Some felt that the co-management processes had let them down and made decisions that were against their particular interests. For example, a commercial rock lobster fisher told the Committee:

> I am very disappointed in the Fisheries Co-Management Council. There is no ‘co’ in the co-management. We had no consultation with them at all; they have worked against us and the crayfishing industry instead of for us or with us. It has been absolutely terrible. Their rock lobster advisory panel was sworn to secrecy. Nothing has been discussed with us. It is just a sham.\(^{46}\)

### Benefits to Stakeholders More Generally

3.57 However, the Committee noted that prior to the *Fisheries Act 1995*, stakeholder involvement in management decisions was largely based on sector-specific arrangements. The co-management arrangements brought in by the *Fisheries Act 1975* were different in that they brought the various sectors together.

3.58 Of the fisheries management functions, allocation is one of the more controversial, and the one area that co-management provides most potential to satisfactorily address. A subset of allocation issues is security of access, which remains a key component of addressing sustainability of common property resources.\(^{47}\)

3.59 Such allocation issues involve the whole of a fisheries resource, sector-specific mechanisms are inadequate – co-management, where it involves the
bringing together of all stakeholders, as in the Fisheries Co-Management Council, is well positioned to address such issues.

3.60 As was noted in the previous chapter, it is the Committee’s understanding that co-management appears to encompass two elements – a sharing of authority and a bringing together of stakeholders.

3.61 In accordance with the first objective of the *Fisheries Act 1995*, the Committee considers that co-management is about involvement of stakeholders in “the management, development and use of Victoria’s fisheries, aquaculture industries and associated aquatic biological resources in an efficient, effective and ecologically sustainable manner”. It is about a partnership.

3.62 The critical question then is who are the stakeholders? And who are the partners in co-management? While some have considered that the peak bodies, or individual sectors, are the stakeholders, the Committee has come to the view that co-management is about a partnership with the community as well as with particular fishery sectors. Individual sectors can and should continue an array of partnerships with the Government, but perhaps the greatest opportunity offered by co-management is for new whole-of-community partnerships to be developed to create a whole-of-community vision and viewpoint for fisheries that responds to challenges and opportunities of the future.

3.63 For some, the co-management structures have not been successful in bringing people together:

   From our perspective where the co-management structure is failing is that it does not seem to be bringing people together … There are still different people there representing their particular backgrounds or the particular people they are there to represent. A joint approach is not coming out of it.

3.64 Others were more optimistic:

   The co-management council is [probably] the best hope we have of all groups talking to each other.

3.65 A former member of the Fisheries Co-Management Council and commercial fisher commented that the keys to the co-management process included “independence, transparency, openness of communication and adequate resources” and noted the “difference between ownership of a process versus communication”.

3.66 One abalone diver recalled that “when co-management was first talked about I was looking forward to a constructive air of co-operation and enthusiasm from all stakeholders working together and embracing a concept that would see new ground broken in the development and implementation of fisheries management”. But went on to note that: “Instead, it had turned into a poisoned chalice”. After making a number of suggestions on how co-management could be improved he concluded:
Co-management should result in Victoria going ahead, and I believe the only way for the problems facing the Victorian fishery resources to be truly addressed and solved is to include stakeholders in the development and implementation of management decisions, which would promote ownership and responsibility towards decisions made. Victoria could develop a management style that would be the envy of other states.\textsuperscript{52}

**Benefits to the Natural Resource**

3.67 The Victorian National Parks Association expressed the view that current co-management arrangements have not been effective to date in addressing sustainability issues. In particular, the emphasis on single-species management is considered limiting, with issues such as ad hoc monitoring and assessment of other than the “major revenue earners” not being addressed. It suggests that new management arrangements must be “broader in their scope, ensure that all stakeholders have equal input and integrate with the management thinking for catchment and coastal areas.”\textsuperscript{53}

3.68 Others commented that the co-management process has failed to date to produce improvements in fisheries or aquatic environments. For example: There seems to be an inordinate amount of money spent on co-management councils, coastal management groups, committees and a whole range of feel-good, look-good solutions to our coastal problems. But as a long term user of the coast, a stakeholder, we see very little improvement or change to our coastal environments.\textsuperscript{54}

3.69 Nonetheless it was felt by some that: ESD [Ecologically Sustainable Development] and co-management are inextricably linked … if ESD is about making decisions that improve benefits to the community now and into the future, those decisions must be reached between agreed and transparent processes of which the stakeholders must have a certain degree of ownership. That cannot be achieved through a hierarchical system, [but] rather through a broad stakeholder system. \textsuperscript{55}

**Role of the Department of Natural Resources and Environment**

3.70 Seafood Industry Victoria appeared to the Committee to be, in particular, aggrieved by the influence it perceived the Fisheries Department had had on co-management decisions: The Fisheries Department is seen as having multiple inputs into consultation and co-management processes through the FCMC [Fisheries Co-Management Council] and Fishery Committees, in addition to its own activities and lines of communication to the Minister. It concluded that this “has marginalised stakeholders and peak industry bodies”.\textsuperscript{56}

3.71 Another submission put it more strongly: Largely [due] to the presence of Fishery Directors on the Fisheries Co-Management Council, and the absence of skilled Departmental staff in providing administrative support for co-management, the workings of co-management have reflected an autocratic Council which has not
effectively understood the need to inclusively devolve responsibility to Fishery Committees.\textsuperscript{57}

\textbf{Attitudes}

3.72 The Research Committee of the Fisheries Co-Management Council observed that “Equally important are the attitudes of the FCC [Fisheries Co-Management Council], the Peak Bodies and Fisheries Victoria, their relationships to one another and the clear understanding that each body has in relation to the roles and responsibilities of each of these entities”.\textsuperscript{58} The Victorian Abalone Divers Association submission perhaps encapsulated this aspect in its comment: “Any process/structure can be made to work if the participants are committed”.\textsuperscript{59}

3.73 A former member of the Fisheries Co-Management Council said of his experience in co-management, that it “has demonstrated that it is possible that stakeholders, who at times in the past would have been considered arch rivals, can co-operate to such an extent that even the seemingly improbable can be achieved”.\textsuperscript{60}

\textbf{An Independent View}

3.74 During 2000, Western Australia Fisheries launched a “Coastal Fisheries Initiative … in recognition that the many disparate management [arrangements], while focused on particular users, did not provide an integrated framework. Nor did it recognise the growing community expectation of management within an ecosystem framework”.\textsuperscript{61} In the same year, Western Australia Fisheries released a series of management discussion papers on the theme “Protecting and sharing Western Australia’s coastal fish resources: the path to integrated management”. Arising from these concerns and discussions, Western Australia proposed:

\begin{itemize}
  \item Investigate and deliberate on resource allocation issues
  \item Assist with long term planning
  \item Provide advice to Government on many resource use issues at regional level
  \item Assist with communication and mediate between sectors
  \item Provide a balanced assessment of the merits of competing uses to Government.
\end{itemize}

3.75 The close similarity between the intended functions of this proposed Western Australian Fisheries Resources Council and Victoria’s Fisheries Co-Management Council are clear. The Western Australia Fisheries submission to this Inquiry stated:

As can be seen, the proposed role for the Fisheries Resources Council mirrors in many ways the current Co-Management Council structure in Victoria.\textsuperscript{63}

\textbf{General Views About Co-Management}

3.76 Some of the more general points made in submissions to the Inquiry about the current co-management arrangements are summarised below:
a) if fishers are involved in the creation of rules, they are far more likely to support them and comply;

b) co-management may have contributed to the successful introduction of a fishing licence and the acceptance of the buy-back of Bays and Inlets commercial fishing licences; and

c) there was a general feeling that the current co-management processes could be built upon and improved – rather than “throw the baby out with the bath water”.

3.77 Many are, however, disillusioned – not so much with co-management per se, but with the way in which the co-management bodies in Victoria turned out – because they have not promoted a more balanced view, have supported a particular sector’s view, or because expectations of an increased say in fisheries decisions have not eventuated. And some believe that some stakeholders have actively tried to sabotage co-management.

3.78 The Victorian Aquaculture Council submitted that the co-management process was “often used as a conduit to deliver unpopular Government/Departmental decisions” and consequently that “it is hard to escape the feeling that politics are a very real part of the process”. It concluded that “on some committees a duplication of the real political system takes place”.

3.79 More detailed comments made to the Inquiry about particular co-management bodies are included elsewhere in this chapter.

3.80 One submission noted that “Victorian fisheries management is currently evolving from a model of centralised governmental regulation to one of increased consultative processes with stakeholders [and] is as yet too immature to predict whether delegated and decentralised co-management will emerge”. The written submission to the Inquiry from the Fisheries Co-Management Council posed the interesting question: Why should the Government want to move toward sharing its power with stakeholders and the community? In summary, it believes the answer lies in:

a) better information for government – as those who are actively involved in the industry have more relevant and up-to-date information;

b) increased commitment to decisions – as there is a better appreciation by stakeholders of the full factors affecting the decision.

3.81 Seafood Industry Victoria appeared to support this view and considered that the “best model for co-management is the co-operative model of management where government and stakeholders co-operate in decision making”.

3.82 In the words of a former member of the Fisheries Co-Management Council:

It has been shown that when a broad stakeholder group reach consensus on an issue the outcome provides Ministers with a rock solid platform on which sound decisions can be made.
Finding 3.2
Co-management is a worthy concept and the Victorian model should be retained and improved.

Finding 3.3
For co-management to succeed it must involve all stakeholders. But more particularly, co-management is about a partnership with the community, as well as with particular sectors – and should be about the sustainable and equitable use of fish, both as a food product and as a natural resource.

Finding 3.4
The roles of the co-management bodies need to be clear and distinctive (different from each other) and each one’s members selected to reflect the body’s particular role. The processes taken by each co-management body also need to be clear, with clear lines of responsibility and transparent decision-making processes.

Finding 3.5
Consultation processes of the co-management bodies need to be inclusive of all stakeholders.


Department of Natural Resources and Environment (2001), *Written Submissions*, F/079, p. 39.

Fisheries and Wildlife Division (1976), *Fisheries Management in Victoria*.


Research Committee (2001), *Written Submissions*, F/074.


However, to date this aspect of fisheries management – while arguably central to the usefulness of co-management – has still to be dealt with by Victoria’s co-management bodies in a comprehensive or strategic manner.

Fisheries Act 1995, s. 3 (a).


Malcolm, D (2001), Chair, Gippsland Coastal Board, Minutes of Evidence, 9 April 2001, p. 75.


VNPA (2001), Written Submissions, F/046.


Barker, J (2001), Written Submissions, F/002, p. 6.

Research Committee (2001), Written Submissions, F/074.


Western Australia Fisheries (2000), Written Submissions, F/025.

Western Australia Fisheries (2000), Written Submissions, F/025.

Western Australia Fisheries (2000), Written Submissions, F/025, p. 3.


Seafood Industry Victoria (2001), Written Submissions, F/070, p. 29.

CHAPTER 4
STATUTORY AUTHORITY MODELS

- Statutory Authorities in Australasia
- Opinions about Statutory Authority Models for Victoria

4.1 The Committee is required, by the terms of reference, to inquire into the establishment of a single statutory authority as a possible alternative arrangement for the management of the State’s fisheries.

4.2 In this chapter, the Committee reviews current and past statutory fishery authorities in Australasia and considers the comments it received on this issue in both written and verbal evidence.

STATUTORY AUTHORITIES IN AUSTRALASIA

Australian Fisheries Management Authority

4.3 Australia’s only current fisheries management statutory authority is the Australian Fisheries Management Authority. This body was established under Commonwealth fisheries legislation in 1991, “setting in place the administrative and operational structure for the implementation of the Commonwealth’s fisheries management objectives”.¹ This followed a comprehensive review of Commonwealth fisheries policy and management arrangements in 1989, with the intention that:

The structure of a statutory authority would enable the Government to effect its responsibilities in a flexible, open and less bureaucratic way. It would also allow greater community and industry participation in determining the appropriate management programs for Commonwealth fisheries …²

4.4 The Australian Fisheries Management Authority has three statutory objectives:
   a) to promote ecologically sustainable develop;
   b) to promote economic efficiency; and
   c) to provide cost-effective management.

4.5 The Authority is a body corporate whose directors are chosen for their expertise in fishing, processing, natural resource management, fisheries science, marine ecology and business management. Board members serve a three-year term.

4.6 The Committee met with senior executives of the Authority in Canberra in July 2001.³ The following overview of the Authority’s operations and some of the issues it faces is based on these discussions.
4.7 The fisheries under the Australian Fisheries Management Authority’s jurisdiction are mostly commercial fisheries; there is comparatively little aquaculture or recreational fishing. A key element of the Authority’s business is the development of fisheries management plans through fishery-specific management advisory committees. The committees advise the Authority’s board on management policies and cost-efficient management arrangements for their respective fisheries. As at July 2001, the Authority had about 100 staff organised into three branches: fisheries policy, operations, and strategy and planning.

**Relationship with Government**

4.8 The minister has powers of direction and can override the decisions of the Authority, but the Committee was told that this power has yet to be exercised and would not be exercised lightly.

4.9 The Authority performs a complimentary role to that of the Department. The Authority deals with operations and operational policy. The Department deals with broader policy and assesses the performance of the Authority. The Authority developed a concise memorandum of responsibilities early in its existence and believes this to have been important to its success. Nonetheless, it seems that it has proved difficult to define the bounds of ‘policy’.

**Management Advisory Committees**

4.10 The Australian Fisheries Management Authority has established a series of management advisory committees. The Committee noted that these have some similarities to the Victorian arrangements. They are advisory only and make recommendations about policy for the management of their fisheries to the Authority. There is a management advisory committee for each of the Commonwealth fisheries.

4.11 Their membership is ‘expertise-based’ – a statutory requirement, with the members appointed by the Authority. A member of the Authority sits on each committee. Usually there are also two members with expertise in the commercial fishery as well as a research member and an environment/conservation member. Some include members with experience in the charter industry or recreational fishing. Some also include a State government observer. With the exception of the chairpersons, committee members are not paid sitting fees, but travelling expenses are covered.

**Management Plans**

4.12 The Committee was told that management plans have a significant role in defining fishery management arrangements. They require extensive consultation before adoption. Aggrieved fishers have extensive rights of appeal within the context of a plan – internal review, redress at the Administrative Appeals Tribunal or, on matters of law, the Federal Court. The Commonwealth Parliament may disallow management plans.
Fishery Assessment Groups

4.13 The Authority has also established fishery assessment groups. Their role is to provide independent expert advice on the status of fisheries. These groups are separate from the management advisory committees and have no policy role – a demarcation the Authority considers important.

Funding

4.14 The Australian Fisheries Management Authority is mostly funded by government, but there is a degree of cost recovery from industry. The Committee was told that about 64 per cent of funds come from the Government, with the remainder derived from industry. Moneys are collected in one fee, which incorporates a licence fee as well as other cost-recovery items. The Committee was also told that fees and levies have increased in recent years, but that this was at the behest of industry, which has sought a greater level of services.

Effectiveness

4.15 The Committee asked the General Manager of the Fisheries and Aquaculture section of the federal Department of Agriculture, Fisheries and Forestry about the Department’s view of the work of the Australian Fisheries Management Authority. The Committee was told that Department is generally happy with the way that the Authority does its business, although concern was expressed about the method of appointing members to the management advisory committees.

4.16 The Committee also notes that of the fisheries managed by Australian Fisheries Management Authority (28 in number), only four are subject to approved management plans. This is another issue of concern to the federal Department of Agriculture, Fisheries and Forestry.

4.17 The departmental representatives also told the Committee that “fisheries management performance has not improved as much as expected over the last decade”.

4.18 The Committee received no first-hand evidence from fishing groups as to the success or otherwise of the Australian Fisheries Management Authority in managing the fisheries under its jurisdiction. The Committee is aware, however, that there has been much dissatisfaction with the manner in which the Authority has managed the South East Fishery, where many commercial fishers have taken their grievances to the courts.

4.19 The Committee also notes the comment made by the Director of WAFisheries that there are two models of board membership for a statutory authority – representative and expertise based:

AFMA [Australian Fisheries Management Authority] has the latter, although the expertise base is mandated so as to have knowledge of the main stakeholder groups. Inherently, better decision making comes from such a model as members have more opportunity to develop a collegiate approach without being “beholden to two masters”.

5
New Zealand Fish and Game Council

4.20 The Committee was most interested to learn that the management of recreational hunting and inland fishing in New Zealand is delegated to a non-government body, the New Zealand Fish and Game Council, known as ‘Fish and Game New Zealand’.

4.21 Fish and Game manage New Zealand’s inland recreational fisheries. These arrangements are completely separate from the management arrangements for New Zealand’s marine fisheries. The recreational fisheries are based on trout and salmon, which are reserved exclusively for recreational use. Inland aquaculture or any other commercial use of these species is not permitted.

4.22 The Committee was fortunate to meet with one of the regional managers of Fish and Game New Zealand, Mr Deans, and learn of his work and of the operations of the organisation.

Operations

4.23 Mr Deans described the non-government status of his organisation, the licensing regime and how funds are distributed to the various regions.

4.24 Responsibilities of Fish and Game New Zealand include:
   a) setting and enforcing regulations, including bag limits;
   b) issuing licences allowing access to the fishery (currently there are 220,000 such licences);
   c) publishing guides for fishing areas;
   d) creating fly-fishing-only waters;
   e) stocking waters (in a limited number of waters where natural reproduction is inadequate);
   f) acting as a watchdog and advocate for the riverine environment (such as seeking the provision of fishways through impoundments); and
   g) undertaking works to conserve and enhance fish habitat.

4.25 It conducts social surveys to determine the expectations of fishers.

4.26 It is self-funding from licence fees. The licence fees are allocated to the various regions through an equitable formula that recognises that the region in which a fee is collected may not be the region in which the licensed fisher actually fishes.

4.27 Fish and Game is not responsible for the conservation of native species occurring in inland waters. Nor is it responsible for an inland lake, Lake Taupo, which has a commercial fishery – this is managed by the government fishery agency.

Management Structures

4.28 The Fish and Game Council is established under the New Zealand Conservation Act 1987. Under the council, recreational fishing (and hunting) are
managed at a regional level by 12 Fish and Game Councils that evolved from
former acclimatisation societies. Each of the regional Fish and Game Councils
comprises up to 12 fishing or hunting licence holders, elected for periods of three
years. Licence holders may nominate for council elections and all are entitled to
vote. Each regional council appoints one member to the New Zealand Fish and
Game Council, where “they are expected to provide expert commentary affecting
their appointing Fish and Game region as decisions evolve for the national good of
sports fish and game”.8 The regional councils employ field and administrative staff
and engage the services of honorary rangers.

**Funding**

4.29 The Government makes no contribution towards the councils’ funding,
which is derived from the sale of fishing and hunting licences, court fines for
fishing and hunting offences, and corporate sponsorship.9

**Effectiveness**

4.30 The Committee understands that New Zealand has a reputation for
providing first-rate recreational fisheries for salmonids. While the local
environment is particularly suitable for this group of fishes, the reputation also
appears to be due to good management.

4.31 In response to a question from the Committee about some of the current
issues facing Fish and Game, Mr Deans indicated that problems were emerging
from demands from fishing tour operators for exclusive areas and conflicts
between the needs of local recreational fishers and paying overseas tourists.10

**Queensland Fisheries Management Authority**

4.32 Until 2000, the Queensland Fisheries Management Authority was
responsible for the administrative and operational aspects of fisheries management
in Queensland waters. This included licensing regulation and the development of
management arrangements. The responsibility for policy development and
research remained with the Queensland Department of Primary Industries,
Fisheries Division. However, from July 2000, all policy and management
responsibilities in relation to fisheries and aquaculture have been brought together
in the Queensland Fisheries Service.

4.33 Professor Tor Hundloe told the Committee of his observations of the
establishment of the Australian Fisheries Management Authority (AFMA) and his
involvement in the Queensland Fisheries Management Authority (QFMA):

In both cases there was never a clear enough differentiation between
what the old departments … and the [remaining] fisheries departments
were doing and what the new statutory bodies were doing.

There was a degree of vagueness in that the old department would do
policy and in a sense the AFMA would manage. When the QFMA was
formed the same thing happened. The QFMA consisted of
representatives of the commercial and recreational sectors, the processing
sector, science and environment, and in a sense it was closer to what we
have here [in Victoria]. However, there was always tension, if you like, between the department and that body. In some sense you have the same thing here.

When I was on the board of the QFMA it certainly had the trust of the commercial sector and the recreational sector. Those parts of the industry were not against it. There was a change of government and a political decision to re-look at fisheries management … behind the scenes there was some tension because of a lack of clarity between the authority and the department – a bit like Victoria.11

**Tasmanian Fisheries Development Authority**

4.34 In Tasmania during the 1970s, the responsibility for marine fisheries management was transferred from the Department of Agriculture’s Sea Fisheries Division to a new body – the Tasmanian Fisheries Development Authority. This move coincided with a period when commercial fisheries in Tasmania and elsewhere in south-eastern Australia were undergoing a period of rapid and significant development, particularly in regard to the offshore trawl fishery. However, after several years this arrangement was abandoned and these responsibilities reverted to the Department.

**Tasmanian Inland Fisheries Commission**

4.35 In March 2000, the responsibility for managing Tasmania’s inland fisheries changed, with the replacement of the Tasmanian Inland Fisheries Commission by the Inland Fisheries Service, a stand alone part of the Department of Primary Industries, Water and Environment. The commission had functioned as a statutory body for 140 years, but a recent review identified growing difficulties in relation to rising costs and limited revenue-generating capacity, among other issues.12

4.36 The Department of Natural Resources and Environment submission to the Inquiry made comment about the demise of the Tasmanian Inland Fisheries Commission. While it noted that “as a statutory authority there were advantages in terms of independent decision-making and control and retention of its own finances, etc … in latter years these advantages were very much eroded”. According to the Department’s submission the Commission’s problems included:

- a) a serious lack of financial resources;
- b) senior management having to be continually focused on financial viability;
- c) a growing complexity in, and overlap of agency responsibility for, natural resource management;
- d) being left out, bypassed or overridden by larger management agencies;
- e) little sharing of information with core government agencies; and
- f) limited ability to access specialist resources such as information technology, communications and legal advice.13
Finding 4.1
Statutory fisheries management authorities appear to have been most successful where their responsibility is for single-sector fisheries and where there is a clear client group that can be targeted for cost recovery.

Finding 4.2
Statutory fisheries management authorities appear to have been least successful where required to manage State waters subject to multi-sector fisheries and of high value for non-fishing uses.

OPINIONS ABOUT STATUTORY AUTHORITY MODELS FOR VICTORIA

4.37 The Committee asked, in its Discussion Paper, “What might the benefits be, if any, of a statutory authority model of fisheries management?” It received some, but not extensive, comment on this aspect of the terms of reference.

4.38 The Fisheries Co-Management Council gave detailed consideration to the possibility of a statutory authority model. It assumed that the board would comprise members appointed by the minister on the basis of their expertise in fishing, aquaculture, environmental management, business management, marketing, law and stakeholder liaison. And that it would be responsible for producing and implementing a strategic plan covering policy, management and licensing, but contract Fisheries Victoria to undertake compliance. Community service obligations would be paid for by government, with services to industry funded through fees associated with licences.

4.39 The Fisheries Co-Management Council considered that the advantages of such a model would be:
   a) may improve the relationships between Government, commercial and recreational fishers and environmental organisations;
   b) may lessen lobbying by interest groups of the Minister;
   c) an independent authority required to have transparent processes and procedures and be held accountable for its actions to the community;
   d) improves industry’s (commercial and recreational) focus on development and sustainability issues;
   e) stakeholders would be encouraged to become more involved in the management of fisheries …; and
   f) may provide increased accountability to the various aquaculture resource users, fishers, conservers, industry, the community and the Parliament for management of fisheries.
4.40 The Fisheries Co-Management Council considered that the disadvantages of such a model would be:

a) selection of the Board may be difficult – how to get expertise driven without domination by sectoral interests. Perceptions will as always be difficult to overcome;

b) government may consider it loses its flexibility in allocation of resources as well as a loss of control of decision making;

c) depending on the size of the Authority, may well require a significant capital contribution by Government;

d) may have tax implications for the State;

e) may well result in an increased cost to industry if the structure is not well designed and the mandate clear;

f) Government may consider it loses contact with its constituency – puts itself at arm's length;

g) rather than increasing accountability and transparency it may in fact reduce this;

h) the move to an authority structure may well result in the need for redundancies of Fisheries Victoria staff; and

i) may also have industrial sensitivities and include transfer and right of return issues.17

4.41 The Fisheries Co-Management Council concluded:

On balance, we do not consider it likely that a Statutory Authority would serve the Victorian Community in any better way than an effectively working Co-Management/Fisheries Victoria system of fisheries management. In fact, other alternatives may result in less accountability and transparency of decision-making than what is being or could be achieved under an improved co-management model.

4.42 A professional fisheries scientist and manager noted that experience elsewhere in Australia and overseas indicates that corporatised or privatised fisheries management institutions “usually only operate effectively if their jurisdiction is confined to management of one type of use of fish resources” and notes that such institutions are ‘prone to ‘client capture’ … and tend to have little or no incentive to consider the broader ‘public interest’ consequences of their management decisions’.18 He also observed that where “separate corporatised or privatised management institutions established to manage competing uses of the same fish resource … will almost inevitably be in conflict with each other” and went on to note that “separate corporatised or privatised management institutions set up to manage a variety of competing uses … have not been successful because of an inability to reconcile the competing demands of their various client groups”.

4.43 Some “strongly oppose the creation of a new statutory authority”,19 believing that while the Fisheries Co-Management Council structure is not perfect it makes sense in the long term. Others had similar views – “We believe that progress will come from continuous improvement rather than ‘throwing the baby out with the bath water’. We see no point in re-inventing the wheel with yet another process model”.20 Seafood Industry Victoria also did not support a statutory authority
model, commenting that it was confident “that a properly structured FCAC [its proposed Fisheries Co-Management Advisory Council] and functional fishery committees can achieve the objectives of fisheries management and ecologically sustainable management”. 21 Representatives of VRFish told the Committee that VRFish did not support a statutory authority: “We do not see it as a good alternative or a cost-effective way of managing fisheries.” 22

4.44 Comment about the possibility of introducing a statutory authority model did not, however, only receive negative comment:

It is my strong personal conviction that fisheries management in Victoria would be much better if delivered from a Statutory Authority which was properly resourced. One problem which has been experienced by Australian Fisheries Management Authority (the statutory body for managing Commonwealth fisheries) is the inability to readily achieve legislative reform. This would be overcome if a Victorian statutory authority is adequately supported by Government legislative agencies under the appropriate Minister. 23

4.45 Another submission considered that “when the structure is right to ensure outcomes based on sustainability the FCCC [Fisheries Co-Management Council] should become a single statutory authority and be resourced to act as such.” 24

4.46 The Australian Fisheries Management Authority was suggested as a suitable model for the Victorian fisheries,25 with others suggesting a statutory body as in New Zealand (presumably Fish and Game New Zealand). 26

4.47 If the Fisheries Co-Management Council were replaced by a statutory model of fisheries management, one submission observed that this would “require a major shift of resources and power” and noted that the Victorian fishing industry is comparatively small in value terms. 27 This submission also raised issues that would arise with respect to research and development and notes that while the Marine and Freshwater Research Institute currently undertakes research into fisheries as well as environmental issues, the latter will not be of prime concern to a statutory fisheries authority, but of utmost importance to government environment managers.

4.48 The Director of Fisheries Western Australia outlined features of the alternatives that were considered during a structural review of Fisheries Western Australia in 1994 in his submission to the Committee. The review included a comparison of the features of a departmental fisheries management model with a statutory authority model, summarised in Table 4.1. 28

4.49 While the table indicates that the operational requirements placed on a statutory authority are similar to that of a Government department, the Committee notes that the experience to date of statutory authorities indicates that they find it more difficult to resolve cross-sectoral conflict and balance competing interests.
### Table 4.1: Comparison of the Features of a Government Department and a Statutory Authority.

<table>
<thead>
<tr>
<th>Department</th>
<th>Statutory Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational legislation (for example, Fisheries Act, Marine Reserves Act)</td>
<td>Same</td>
</tr>
<tr>
<td>CEO accountable to minister and Parliament</td>
<td>Same</td>
</tr>
<tr>
<td>CEO appointed by Public Sector Management Act</td>
<td>Board appointed by minister</td>
</tr>
<tr>
<td>Strategic and corporate plans</td>
<td>Same</td>
</tr>
<tr>
<td>Delegations from minister to CEO</td>
<td>Delegations from board to CEO</td>
</tr>
<tr>
<td>Ministerial policy guidelines</td>
<td>Same</td>
</tr>
<tr>
<td>Funding approved by Parliament</td>
<td>Same</td>
</tr>
<tr>
<td>Minister administers trust funds</td>
<td>Board administers trust funds</td>
</tr>
<tr>
<td>Delegated legislation subject to Parliamentary approval (for example, licence fees, management plans)</td>
<td>Same</td>
</tr>
<tr>
<td>Statutory advisory committees</td>
<td>Same</td>
</tr>
<tr>
<td>Consultative processes necessary with advisory committees and interested parties</td>
<td>Same</td>
</tr>
<tr>
<td>Minister determines management plans</td>
<td>Board determines management plans</td>
</tr>
<tr>
<td>Minister is ultimate decision maker</td>
<td>Board is ultimate decision maker</td>
</tr>
<tr>
<td>Minister to issue leases for aquaculture</td>
<td>Same</td>
</tr>
<tr>
<td>National Competition Policy principles apply (for example, competitive neutrality between public and private sectors)</td>
<td>Same</td>
</tr>
<tr>
<td>Manages fish resources on behalf of the minister and the community</td>
<td>Same</td>
</tr>
<tr>
<td>Independent appeals process</td>
<td>Same</td>
</tr>
<tr>
<td>Minister may give directions to CEO</td>
<td>Minister may give directions to board</td>
</tr>
</tbody>
</table>

Source: After Rogers, P.R. (2000), Director of Fisheries Western Australia, Written Submissions, F/025, p. 8.

4.50 The Director of Fisheries Western Australia also listed the “essential principles that need to be determined for the effective operation of a statutory authority model”:

a) a framework for decision making for the sustainable management for fisheries;

b) a clear Government policy framework;

c) performance indicators and performance monitoring;

d) clear principles and processes for resource sharing/reallocation between fish resource users and between those users and other users eg marine reserves;

e) an independent appeals/objections framework with respect to administrative decisions;

f) a clear process of financial accountability to both Parliament and stakeholders.
4.51 The Director also listed, in his submission to the Inquiry, a series of issues that he believed should be considered before moving to a statutory authority model. In summary:

a) whether a statutory authority will be more cost effective and accountable than a Department (especially given the economies of scale of a fisheries agency being within a larger Department, as in Victoria);
b) the role of the minister; and
c) the membership structure of the board (notably whether it should be representative or expertise based – and the possibility of capture on the basis of cost-recovery policies and membership).  

4.52 His submission finished with the following quote:
The fact that I have said all these rather unkind things about regulatory authorities doesn’t indicate that we shouldn’t have them. It merely indicates that we shouldn’t have dreams about their efficiency.

Finding 4.3
There is no obvious support for, nor obvious advantages of, the creation of a statutory body to manage the fisheries of Victoria.

Finding 4.4
There are no issues raised with the Committee that could not be dealt with by Victoria’s fisheries management structures as they currently stand (albeit that modifications to these existing structures may assist their effectiveness to deal with such issues).

RECOMMENDATION 4.1
That a single statutory authority not be established to manage Victoria’s fisheries.

4 Hurry, G. (2001), General Manager, Fisheries and Aquaculture, Department of Agriculture, Fisheries and Forestry, personal communication, 12 July 2001.
5 Rogers, P.R., Director of Fisheries Western Australia (2000), *Written Submissions*, F/025, p.5.
8 New Zealand Fish and Game Council (undated), Management of New Zealand’s Fresh Water Sports Fish and Gamebird Resources, brochure.
9 New Zealand Fish and Game Council (undated), Management of New Zealand’s Fresh Water Sports Fish and Gamebird Resources, brochure.
13 Department of Natural Resources and Environment (2001), Written Submissions, F/079, p. 16.
18 MacDonald, C. M. (2001), Written Submissions, F/022.
19 Australian Freshwater Crayfish Growers Association (2001), Written Submissions, F/067.
20 Scuba Divers Federation of Victoria (2001), Written Submissions, F/064, p. 11.
21 Seafood Industry Victoria (2001), Written Submissions, F/070, p 36.
23 Barker, J (2001), Written Submissions, F/002, p. 10.
26 Australian Recreational Fishing Alliance (2001), Written Submissions, F/060.
28 Rogers, P.R. (2000), Director of Fisheries Western Australia, Written Submissions, F/025, p. 8.
29 Rogers, P.R. (2000), Director of Fisheries Western Australia, Written Submissions, F/025, p. 4.
30 Rogers, P.R. (2000), Director of Fisheries Western Australia, Written Submissions, F/025, pp. 4-5.
31 Tullock, G (n.d.), Economics of the Bureaucracy and Statutory Authorities, as quoted by Rogers, P.R. (2000), Director of Fisheries Western Australia, Written Submissions, F/025, p. 6.
CHAPTER 5
GOVERNMENT FISHERIES BODIES

• Role of Government
• The Minister
• Department of Natural Resources and Environment
• Fisheries Victoria
• Marine and Freshwater Resources Institute

ROLE OF GOVERNMENT

5.1 While there is clearly a range of views about the level and nature of involvement of government in fisheries management, the Committee did not obtain a sense that there wasn’t support for, or at least acknowledgment of the need for, government involvement.

5.2 There also appeared to be a general consensus that, given that the fisheries resources are owned by the people of Victoria, “it is reasonable that the Government should retain ultimate responsibility for their management”.

5.3 The Committee considers that it is entirely appropriate for a government agency to have a key role in fisheries management. That is not to say, however, that other groups shouldn’t have a greater role.

5.4 The Inquiry also generated some comment about whether Fisheries Victoria was a ‘stakeholder’ or not. The Committee considers that while a government agency is not a stakeholder in fisheries as such, it is the servant of the stakeholders; it does have a vital role and interest in the good management of the State’s fisheries on behalf of the whole community.

THE MINISTER

5.5 The Fisheries Act 1995 is assigned to the Minister for Energy and Resources. The minister has an array of powers and authorities under the Act, which is administered through the Department of Natural Resources and Environment. In particular, the minister is responsible for the approval of management plans and appointment of members to various fishery bodies, as well as authority to make a variety of Ministerial Directives and Fishery Notices covering an array of fisheries matters.

5.6 The Governor-in-Council also has a number of powers under the Fisheries Act 1995, including the declaration of protected aquatic biota and fisheries reserves. All fishery regulations are also made by the Governor-in-Council. In practice the minister responsible for the Fisheries Act 1995 provides the advice to the Governor-in-Council in such matters.
5.7 Seafood Industry Victoria commented that while it felt that “the Minister should remain the decision-maker for critical issues”, it questioned why “the Minister [is] required to be involved in so much of the decision making”.2

5.8 From a budgetary and policy perspective, the Energy and Resources portfolio is also responsible for the Fisheries output group of the Department of Natural Resources and Environment.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

5.9 The Department of Natural Resources and Environment is the government agency responsible for the management of Victoria’s natural resource base.

5.10 The Department also has a range of responsibilities for matters including promoting primary industries production and related food quality, protection of biodiversity, and oversight of the protection of catchments and public land and water (marine and water) environments. Many of the Department’s programs aim to ensure the long-term sustainability of the State’s natural resources.

5.11 The Department’s biodiversity protection programs include instruments such as the biodiversity strategy, which encompasses fish and aquatic environments.

5.12 Recent governments of both political persuasions have recognised the vital role that food industries play in the development of Victoria: “The Government of Victoria is working with agribusiness to remove impediments to the growth of the food industry”.3 “The Government recognises the continued potential for growth in this sector”.4

5.13 Departmental programs for agriculture and food industries typically deal with the dairy, meat, grains, horticulture and wool sectors;5 the Committee notes that fish and fish products are rarely covered by such programs. Likewise, departmental programs in animal health and welfare do not appear to encompass fish and fish products.

5.14 Under the Fisheries Act 1995, the Secretary of the Department of Natural Resources and Environment has a number of specific powers and responsibilities for fishery matters, including the authority to grant a range of fishery licences and permits.

5.15 The Department includes a Fisheries Division, which operates under the business name ‘Fisheries Victoria’. It has the day-to-day responsibility for the delivery of the Department’s fisheries program and the administration of the Fisheries Act 1995 and the associated Fisheries Regulation 1998.
Finding 5.1
There is a need for greater support of fisheries by other areas of the Department, over and above the more specialised role and responsibilities of Fisheries Victoria, particularly in the areas of aquatic habitat protection and promotion of aquaculture and seafood quality.

FISHERIES VICTORIA

5.16 The Committee notes that many of those contributing to the Inquiry use the terms Department of Natural Resources and Environment, Fisheries Victoria, the Department, and the Fisheries Department interchangeably. Unless the particular context means otherwise, the Committee has assumed that such terms refer to Fisheries Victoria, being that part of the Department of Natural Resources and Environment that deals with most fisheries-related issues.

The Role of Fisheries Victoria

5.17 Fisheries Victoria is “responsible for ensuring that the State’s fish resources and the habitats that support them are conserved by careful management of commercial and recreational fishing and of aquaculture”. Fisheries Victoria undertakes two main areas of activity – fisheries management and aquaculture management and assistance.

5.18 The fisheries program “provides policy advice, expert scientific opinion and management advice to Government and the community on the management of Victoria’s marine and freshwater fish resources and on the commercial, recreational and aquaculture industries utilising these resources.” The aquaculture program has focused on “improving the investment climate by providing technical and business information, and by facilitating improved cross-agency dealings with new applicants”. In organisational terms, Fisheries Victoria has four branches: Policy, Commercial Fisheries, Recreational Fisheries and Aquaculture. The Director of the Marine and Freshwater Research Institute (see next section) also reports to the Director of Fisheries Victoria. The Director of Fisheries Victoria reports to the Secretary of the Department. See Figure 5.1.

5.19 Fisheries Victoria has no direct field presence, but its fisheries programs are delivered by departmental staff who are responsible to the managers of the Department’s six Regional Services regions. The program delivery is subject to negotiated ‘service agreements’ between Fisheries Victoria and the Regional Services Division.

5.20 Some felt that the role of the Fisheries Department should be redefined and should not be involved in policy but rather be limited to include “licensing, enforcement and in specified areas certain technical expertise, assessment and monitoring and research.”
Figure 5.1: Simplified Organisational Chart of Department of Natural Resources and Environment
Confidence in Fisheries Victoria

5.21 The Committee received much evidence about perceived shortcomings of the activities of Fisheries Victoria. For example:

a) need to rebuild confidence; 10
b) “a broom should be put through the fisheries department”; 11
c) “despite a succession of directors and ministers nothing is ever done”; 12
d) should be more focused; 13
e) should be more service orientated; 14 and
f) need a program to improve Fisheries Department relations with clients. 15

5.22 Some groups were quite antagonistic about the Department. For example, the Eastern Zone Rock Lobster Association, in commenting on the manner in which the Department had gone about restructuring the rock lobster sector (and, specifically, how quotas had been introduced) considered that the Department “has a demonstrated disregard for the welfare of stakeholders”. 16

5.23 However, for some, their dealings with Fisheries Victoria had been positive. For example:

In our experience, Fisheries Victoria under the guidance of the present Director, has proven to be suitably cautious, receptive to industry input, co-operative and well intentioned. 17

5.24 And, as another example, the submission to the Inquiry from the Victorian Abalone Processors Association gave credit to the Fisheries Department for introducing a fisheries regulation to strengthen labelling provisions for abalone being sold in Victoria – following representations that they made to the Department. 18

Independence and Service Delivery

5.25 The Committee also gained a sense that some felt that Fisheries Victoria had been consumed by a mega-department and that fishery issues were not given high enough priority. An allied concern was expressed that the Director of Fisheries Victoria had to work through a departmental structure and hierarchy and did not have direct access to the minister.

5.26 One suggestion put to the Committee was that there be a fully integrated Fisheries Service – with licensing, research, education and field staff being part of the one organisation. The advantage of this was that there would be:

A single accountable body dealing with fisheries issues only, that has direct lines of communication, reporting, expenditure and is transparent, ie you can see where the money goes. 19

5.27 This suggestion responded to another view put to the Committee that Fisheries Victoria needed more direct control of the fisheries officers in the regions – as the separation of field staff from the Fisheries Victoria structure was seen by some as a disadvantage. It was argued that if all field personnel were part of an integrated Fisheries Service they would “know and understand the complex and
unique problems surrounding Victorian Fisheries” – and that they should provide “a mix of delivery across extension, education and enforcement.”

5.28 VRFish also supported the creation of a separate Fisheries Service, which while within the Department of Natural Resources and Environment, would report through a Fisheries Director directly to a Minister for Fisheries. It envisaged that a Fisheries Service would be responsible for providing policy advice, administrating and enforcing fisheries law, issuing licences and providing reports on fisheries resources.

5.29 The Director of Fisheries, in giving evidence to the Committee, also indicated that while the Department’s preferred delivery approach was through a regional services structure, rather than as a separate fisheries management structure, this approach had been made more efficient in recent years. He stated that there were now dedicated fisheries officers, rather than joint fisheries and wildlife officers, and there is now “very detailed service agreement between [the] fisheries division and regions about what fisheries officers will do.”

5.30 The Department’s submission concluded that “in short, there is little to be gained from splitting off fisheries management from a larger corporate structure that is responsible for management of many of the main forcing factors for fisheries performance, these being land and water management” (see the next section) and noted that “Fisheries Victoria also benefits significantly from a strong corporate support function in areas such as information technology, human resources and finances.” The Committee is inclined to agree.

Aquaculture

5.31 The Committee also received some comment on how well aquaculture sat with Fisheries Victoria. For example, Australian Freshwater Crayfish Growers Association Victoria Inc. informed the Committee that “our industry has much more in common with agriculture than fisheries management and many of our members believe that the aquaculture section of Fisheries Victoria should be part of the Department of Agriculture.” Similar views were also put to the Committee by the Victorian Aquaculture Council, who submitted that aquaculturalists “regard themselves as farmers, rather than as fishermen, and their inclusion with ‘Fisheries’ therefore does not sit comfortably to begin with.”

5.32 The Victorian Aquaculture Council also commented that Fisheries officials are in the business of managing, which it saw as appropriate where it is a resource being managed, but it felt that in the case of aquaculture “where the resource plays only a minor role or none at all”, it was the industry being managed.

5.33 The Committee noted that key elements of the operation of aquaculture activity are affected by the Fisheries Act 1995, and that much current aquaculture carried out in Victoria does in fact involve or directly affect the State’s natural resources. While the Committee has sympathy with the proposition that many aquaculture sectors operate in a similar manner to agricultural sectors, it notes that
the Government’s agricultural programs are now also within the same department as Fisheries Victoria (Department of Natural Resources and Environment) and does not consider that the evidence it received necessitates a change in administrative arrangements.

5.34 The Committee also notes that, in addition to its fisheries management goals, Fisheries Victoria aspires to promote substantial growth in the volume and production of the aquaculture industry. While much progress appears to have been made during an aquaculture development initiative in 1999-2000, the resources necessary to continue such progress and achieve the envisaged objectives for aquaculture appear to be lacking. Progress appears to be limited both in terms of its own programs and in its leadership of other agencies in the facilitation of industry growth:

The rapid growth of the aquaculture industry is placing considerable strain on government processes, agencies and their staff that are unprepared to meet the policy challenges and information needs of this emerging sector.

Habitat Management

5.35 Others felt that it was appropriate for Fisheries Victoria to remain within the Department of Natural Resources and Environment, being the home of all of the other natural resource managers.

5.36 The Department, in its written submission to the Inquiry, stated that “in isolation, fishery managers currently have few if any tools with which to directly influence environmental and habitat outcomes in Victoria. DNRE as a whole Department can have such an influence and an integrated approach to these issues is a priority within the Department.”

5.37 The Committee notes that the other non-fisheries agencies, such as the catchment management authorities and water authorities, which manage activities that impact on the success of fisheries management, lie outside the Department and are not responsible to the Minister for Energy and Resources (who is responsible for the Fisheries Act 1995).

5.38 In addition, while Fisheries Victoria aspires “To establish Fisheries Victoria as the lead advocate for fish habitat”, its structure and resourcing show little capability for meeting this goal. It also appeared to the Committee that the active interests of other agencies and divisions within the departmental umbrella in the area of ecosystem protection were focused on terrestrial systems, inland waters, marine exotic species and marine protected areas. There is no specific arm of the Department taking an active, broad, marine-habitat-protection role.

Resourcing and Effectiveness

5.39 Many felt that Fisheries Victoria should be given more resources – that is, enough resources to do the required task. Indeed, some felt that the resourcing issues were more important than any problem with structures: “Any current
difficulties perceived in relation to the performance of Fisheries are in our view, the result of a serious lack of resources rather than structural deficiencies”.

5.40 The Committee has not attempted to evaluate Fisheries Victoria’s performance against departmental objectives and budget outputs and deliverables. It does note that the Department had a fisheries recurrent budget of $15.2 million in 2000-01, with the 2001-02 budget being $16.1 million, and that of this about $4.3 million is allocated to the Marine and Freshwater Resources Institute for fisheries research, catch and effort monitoring, and stock assessment programs. Table 5.1 shows details of Fisheries Victoria’s annual income from 1997-98 to 2000-01.

**Table 5.1: Fisheries Victoria’s Annual Income for the Period 1997-98 to 2000-01, Showing Major Funding Sources**

<table>
<thead>
<tr>
<th>Revenue Item</th>
<th>1998-99 a (million)</th>
<th>1999-00 b (million)</th>
<th>2000-01 c (million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State recurrent funding</td>
<td>$12.3</td>
<td>$13.8</td>
<td>$15.2</td>
</tr>
<tr>
<td>Commonwealth/industry funding, including:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• National Heritage Trust</td>
<td>$0.6</td>
<td>$3.1</td>
<td>$3.9</td>
</tr>
<tr>
<td>• Fisheries Research &amp; D/ment Corporation</td>
<td>$0.1</td>
<td>$0.3</td>
<td>$0.3</td>
</tr>
<tr>
<td>• Aust. Fisheries Management Authority</td>
<td>$0.2</td>
<td>$1.6</td>
<td>$1.9</td>
</tr>
<tr>
<td>Other funding, including:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• MAFRI Discovery Centres</td>
<td>$2.1</td>
<td>$3.2</td>
<td>$2.3</td>
</tr>
<tr>
<td>• Aquaculture Initiative</td>
<td>$0.2</td>
<td>$0.2</td>
<td>$0.2</td>
</tr>
<tr>
<td>Miscellaneous (Consolidated Revenue), including:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Commercial fishing licences</td>
<td>$5.2</td>
<td>$5.0</td>
<td>$5.5</td>
</tr>
<tr>
<td>• Recreational fishing licences</td>
<td>$1.7</td>
<td>$3.9</td>
<td>$3.1</td>
</tr>
<tr>
<td>Recreational Fishing Licence Trust</td>
<td>–</td>
<td>–</td>
<td>$2.4 d</td>
</tr>
<tr>
<td>Total</td>
<td>$22.0</td>
<td>$29.1</td>
<td>$32.5</td>
</tr>
</tbody>
</table>


d $2.0 million is due to Treasury as first instalment of commercial bay and inlet access licence buyback repayments.

5.41 Of Fisheries Victoria’s 2001-02 normal recurrent fund allocation of $13.6 million, 36 per cent was for the directorate/policy/management group, 33 per cent for the Marine and Freshwater Resources Institute and 31 per cent for regional fisheries services. Additional recurrent funds were also allocated for the
implementation of the rock lobster fishery licence buyout and quota management system, an annual payment to the Fisheries Research and Development Corporation and a grant to the Rex Hunt Futurefish Foundation.

5.42 The Department has 50 fisheries officers in the field, with Fisheries Victoria, the head office policy division, having a staff of 32.\(^{37}\) Each Department of Natural Resources and Environment region also has a fishery manager and one or two fishery planning officers.

5.43 Despite the benefits of being part of a larger resource-management department and having a comparatively healthy budget and staffing, the Committee noted evidence received during its Inquiry that poaching of abalone is seemingly out of control, not one fishery is subject to an approved management plan, many fish habitats are degraded and members of some stakeholder groups feel very dissatisfied with their interactions with the Department (for example, in the quota allocation processes of the rock lobster sector).

5.44 The Committee has also gained the impression that there is a morale problem among some of the Departmental staff working in the fisheries area.\(^{38}\) The Committee also notes that fisheries management staff have been subject to regular changes in work locations, most recently the 1998 decision to split the group into two groups, based at Box Hill and Geelong, separated from the directorate and policy group in East Melbourne (and the Snobs Creek and Queenscliff research stations).

5.45 However, the Committee understands that all sections of the Fisheries Victoria policy and management group have now been relocated to a single location in East Melbourne. This latest relocation may well provide a ‘critical mass’ that will assist in both better morale and better work outcomes.

5.46 The Committee believed there to be clear indications that, as an organisation, the Department of Natural Resources and Environment, and in particular Fisheries Victoria, could and should improve how it does its business.

5.47 On several occasions, during evidence, concerns were expressed about the adverse influence by other sections of Department of Natural Resources and Environment on fisheries management policy and decisions. Fisheries Victoria is comparatively small in number and budget but its direction and decisions in its area of responsibility affects one of Victoria’s key economic and sustainable natural resources.

**Bias and Accountability**

5.48 The Committee became aware of a perception that Fisheries Victoria had undue influence in the policy-development and decision-making processes of the fisheries industry.\(^{39}\) Indeed, some groups regard Fisheries Victoria as a partisan organisation with its own agenda.
5.49 For example, the Committee heard evidence that Fisheries Victoria was biased against the bait fishers, who cited that repeated attempts to create a limited-entry bait fishery have been thwarted by the Department, even while the latter allowed an increased number of fishers in other sectors to take bait.  

5.50 Some felt that departmental agendas, such as putting the rock lobster industry under quota, were being forced onto the Fisheries Co-Management Council. Indeed, it was suggested that there is a strong perception in industry that, at least in some instances, “Fisheries Victoria deviates strongly from the truth in order to pursue an outcome”.

5.51 Some suggested that the Fisheries Department should be more open and accountable. For instance, Seafood Industry Victoria commented that it considered that the Department should be “formally accountable to stakeholders” and subject to strict guidelines to ensure that it delivers client services “in a manner that is to the satisfaction of stakeholders”.

5.52 In a similar fashion, the Victorian Abalone Divers Association suggested that stakeholders ought to have the opportunity to be involved in the setting of budget priorities in the fisheries program, and in reviewing performance against agreed criteria. It envisaged that such involvement would provide the basis for ‘contestability’ for the provision of some of the program’s service delivery and make the effect of budget cuts on particular programs more transparent.

Fisheries Victoria and the Management of Marine Parks and Reserves

5.53 The Committee considers that Fisheries Victoria should be involved in the management of fish reserves where they are primarily designated for fisheries purposes.

5.54 The Committee has not taken a particular view as to the appropriate nature of Fisheries Victoria’s involvement in the management of marine parks established for biodiversity objectives under the National Parks Act 1975, other than to note that the arrangements already in place between Fisheries Victoria and Parks Victoria for aquatic environments within existing terrestrial parks (and existing marine parks) established under the National Parks Act 1975 may provide useful guidance.

Finding 5.2

The benefits of Fisheries Victoria remaining as part of the Department of Natural Resources and Environment outweigh any perceived benefits of Fisheries Victoria being a stand-alone department.
CHAPTER 5
GOVERNMENT FISHERIES BODIES

Finding 5.3
Fisheries Victoria should retain its role as a professional source of fisheries management policy advice and the primary implementer of policy through departmental field staff.

Finding 5.4
Fisheries Victoria needs to improve its processes for interacting with fishery stakeholder groups and ensure that decisions are consistent and undertaken in a transparent manner.

Finding 5.5
Fisheries Victoria should take an active advocacy role for fisheries in other departmental and government processes such as catchment and water management.

RECOMMENDATION 5.1
That a new program be developed within Fisheries Victoria for the advocacy of fisheries in departmental and other statutory programs and processes that may affect fish resources, fish habitat and fisheries.

MARINE AND FRESHWATER RESOURCES INSTITUTE
5.55 The Marine and Freshwater Resources Institute was established by the Victorian Government “to provide research, consultancy and educational services required for the sustainable management of aquatic resources and their environment.” The institute operates as part of Fisheries Victoria, with facilities at Queenscliff and Snobs Creek and a staff of around 130 scientists, technicians and educationists. In recent years it has received State recurrent funding of around $4.3 million from the Fisheries Victoria budget for commissioned fisheries, aquaculture and aquatic habitat research, monitoring and assessment programs and for the marine and freshwater discovery centres. In addition, the institute is funded by other State agencies, Commonwealth agencies and programs and private sector clients to undertake specific projects. The Marine and Freshwater Resources Institute’s revenue for the period 1998-99 to 2000-01 is shown in Table 5.2, showing major funding sources.
Table 5.2: The Marine and Freshwater Resources Institute’s Annual Revenue for the Period 1997-98 to 2000-01, Showing the Major Funding Sources

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>1997-98 ($’000)</th>
<th>1998-99 ($’000)</th>
<th>1999-2000 ($’000)</th>
<th>2002-01 ($’000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>State recurrent allocation</td>
<td>4,196</td>
<td>4,728</td>
<td>4,408</td>
<td>4,528</td>
</tr>
<tr>
<td>Fisheries R&amp;D Corporation</td>
<td>784</td>
<td>1,588</td>
<td>1,865</td>
<td>1,442</td>
</tr>
<tr>
<td>Australian Fisheries Management Authority</td>
<td>72</td>
<td>1,171</td>
<td>994</td>
<td>1,180</td>
</tr>
<tr>
<td>Natural Heritage Trust</td>
<td>17</td>
<td>0</td>
<td>119</td>
<td>158</td>
</tr>
<tr>
<td>Industry and other sources</td>
<td>4,106</td>
<td>2,918</td>
<td>2,303</td>
<td>2,110</td>
</tr>
<tr>
<td>Total</td>
<td>9,175</td>
<td>10,405</td>
<td>9,689</td>
<td>9,418</td>
</tr>
</tbody>
</table>

Source: Marine and Freshwater Resources Institute, 22 November 2001.

5.56 The Committee noted that all Marine and Freshwater Resources Institute programs were costed and funded so that all of the institute’s overheads were spread across the programs; that is, there was no separate government funding to meet the institute overheads. In this way, the true and full costs of undertaking research, assessment and education programs were identifiable.

5.57 Specialist services provided by the institute include:
   a) aquaculture research and development;
   b) recreational fisheries assessment;
   c) oil testing;
   d) geographic information systems;
   e) aquatic ecology;
   f) ecotoxicology;
   g) fisheries biology and assessment;
   h) aquatic chemistry;
   i) marine and estuarine dynamics;
   j) fish ageing, and
   k) a capacity to undertake field-based research in marine and inland aquatic environments.46

5.58 The institute also runs the Marine Discovery Centre, which is an educational facility conducting a range of programs and educational services to schools, universities, government agencies and corporate clients. Its community-based projects and activities include sea dragon monitoring, revegetation works, short courses in marine biology, and summer holiday interpretative programs. The centre is assisted by a group of 50 to 60 trained volunteers, who undertake tour-
guide, office and survey work. Funding is provided partly from Fisheries Victoria’s annual budget and partly from Education Victoria, philanthropic organisations and corporate sponsors.  

5.59 A Freshwater Discovery Centre, which operates on a much smaller scale, is located at the institute’s Snobs Creek site.

5.60 The Committee had the opportunity to visit the Queenscliff and Snobs Creek facilities of the institute and inspected the facilities and spoke to managers and researchers. The Committee noted that the work of the institute was highly valued by an array of fishery sectors and that its work undertaken for Fisheries Victoria on stock assessment is a critical input into fishery management in Victoria. Not only did the Committee find that the institute was well regarded in Victoria, but also that its reputation was high in New Zealand as well as among Commonwealth fisheries managers.

**Finding 5.6**

The Marine and Freshwater Resources Institute is a well-respected research body that has a vital role in providing fisheries research services to fisheries managers and the industry.

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1 Western Abalone Divers Association (2001), *Written Submissions*, F/039.
5 For example, see Agriculture Victoria (1996), *Agriculture and Food in Victoria*.
17 Western Abalone Divers Association (2001), *Written Submissions*, F/039.
Confidential (2001), *Written Submissions*, F/051.

Confidential (2001), *Written Submissions*, F/051.


Department of Natural Resources and Environment (2001), *Written Submissions*, F/079, p. 17.


Department of Natural Resources and Environment (2000), *Written Submissions*, W/025, p. 5.


Western Abalone Divers Association (2001), *Written Submissions*, F/039.


An impression gained from some of the comments made by staff and former staff in submissions and during the Committee’s Inquiry inspection and briefing program.


CHAPTER 6
THE FISHERIES CO-MANAGEMENT COUNCIL

- The Role of the Fisheries Co-Management Council
- Effectiveness
- Vision
- Membership
- Processes, Powers and Operations
- Resources
- Relationships with Fisheries Victoria

6.1 The Fisheries Co-Management Council was established in 1996 under the

THE ROLE OF THE FISHERIES CO-MANAGEMENT COUNCIL

6.2 The Fisheries Co-Management Council is established under the Fisheries Act 1995. Its functions, as defined by the Act, are as follows:
   a) to promote co-management fisheries;
   b) to oversee the preparation of management plans under section 28 [of the Act] and to advise the Minister in respect of proposed management plans;
   c) to advise the Minister on state-wide priorities for fisheries management and fisheries research, and on matters relating to inter-governmental agreements and arrangements;
   d) to advise the Minister generally on the operation, resourcing and administration of the Act and on any matter relating to the achievement of the objectives of the Act or which is referred to the Fisheries Co-Management Council by the Minister;
   e) to promote investigation into and research, education and training on any matter relating to fisheries;
   f) to advise the Minister on the introduction and issue of recreational fishery licences in marine waters and on the priorities for disbursement of funds obtained from such licences;
   g) to prepare, publicise and distribute codes of practice that provide guidance to the holders of fishery licences or permits under this Act on best practice concerning any matter relevant to the holders of fishery licences or permits;
   h) to publicise and distribute such codes of practice that have been prepared by a recognised peak body or a fishery committee; and
   i) to carry out any other function conferred on the Fisheries Co-Management Council by or under this Act or any other Act.1

6.3 There is considerable confusion about the exact role of the Fisheries Co-Management Council. Indeed the Council itself appears to have spent much time
debating its role. According to a former member of the Fisheries Co-Management Council:

The council was always very confused about whether it was supposed to be a reactive or a proactive committee. Was it supposed to be formulating policy and advice for government, or was it simply supposed to be reacting to questions put to it by the Minister? That always caused a lot of angst during the three years, and we spent almost 40 per cent of our time discussing a business plan at one stage because of those sorts of tensions. No-one had a shared vision; we were not sure what we were there for. We could react to specifics, but in more general terms we did not come up with any major policy issues ... We tended to react to things that the fisheries department would give us or major issues that were given to us by government.²

6.4 An interesting issue raised was that industry, Fisheries Victoria and the Fisheries Co-Management Council appear to each have a different interpretation of the roles and responsibilities of the Council.³

6.5 More particularly, the Fisheries Co-Management Council considers that:

There appears to be some duplication of responsibility and/or role ambiguity between the Council, Fisheries Committees and the Fisheries Victoria [leading] to tensions between the various parties [which] do nothing to help achieve the objectives of the Act or better manage the fisheries.⁴

6.6 It provided a detailed analysis of these potential overlaps. In summary, overlaps included the provision of advice on fisheries management, involvement in management plans, promotion of research, education and training.⁵

6.7 The Department of Natural Resources and Environment considered that the Fisheries Co-Management Council’s main role “is to provide advice on strategic issues relating to the management of our fish resources”, and provide “independent input on behalf of the community, based on a range of expertise and should focus on maximising the benefit/wellbeing of the community from the use of fish resources.”⁶ But it also acknowledged that “there is a need to better define the role and responsibilities of the Council”.⁷

6.8 One of the concerns expressed by the Fisheries Co-Management Council about the perceived lack of clarity of roles and relationships is that this impacts on accountability.⁸ Consequently, it believes that if the legislation clarified the roles and responsibilities of all parties in the co-management process it would then be possible to “identify and hold organisations or persons responsible for delivering certain outcomes”.⁹
6.9 According to the Fisheries Co-Management Council, areas of duplication or ambiguity appear to primarily involve areas of:
   a) management;
   b) provision of policy advice; and
   c) industry education.\(^{10}\)

6.10 Others have suggested that there are overlaps with respect to the responsibility for the preparation of management plans.\(^{11}\)

6.11 The Fisheries Co-Management Council has suggested the functions of the State's co-management body be revised to:
   a) provide advice to the minister on the strategic direction for fisheries in Victoria, including the establishment of policy and on State-wide priorities for fisheries management and research and matters relating to inter-governmental agreements;
   b) advise the minister generally on the operation, resourcing and administration of the Act and on any matters relating to the achievement of the Act; and
   c) undertake any other functions that are conferred on the board by this Act or by the minister.\(^{12}\)

6.12 VRFish has suggested a list of functions for its proposed State co-management body. Like the Fisheries Co-Management Council, VRFish saw that the State-wide co-management body should have a longer-term view – suggesting that one of its functions should be to “advise the Minister on how fishery resources should be allocated between different users and generations”.\(^{13}\) This view was repeated in other submissions.\(^{14}\)

6.13 In addition to advisory functions, VRFish envisages the body having the function of providing “a forum for the reconciliation of differing points of view on the management and allocation of the fishery”, with ancillary functions including:
   a) to build consensus among users of fisheries; and
   b) to facilitate open communications between all stakeholders.\(^{15}\)

6.14 This function of co-ordinating and bringing together all interested groups and sectors was highlighted in a number of other submissions.\(^{16}\)

6.15 Other suggestions included:
   a) providing the Government with far-sighted advice about the ownership/access to/benefit from fish resources for all sections of the community (and consequent resource-sharing policy options);\(^{17}\)
   b) formulating fisheries policy;\(^{18}\)
   c) benchmarking the performance of the fisheries program;\(^{19}\) and
   d) lead responsibility for the development of fishery management plans.\(^{20}\)
6.16 Others commented on what its powers should not include. For example:
   a) the council should not have the power to influence the outcome of inquiries,
      or to edit the reports produced; and
   b) the council should leave the role of planning, developing and reviewing
      management plans to the Fishery Committees.

6.17 With respect to management plans, some felt that the Fisheries Co-
Management Council should oversee these, undertake them, or delegate their
responsibility to Fishery Committees. One person suggested the State-wide body
should consult with the Director of Fisheries on the implementation of the
proposed plan.

6.18 Others believe that the key role of the Fisheries Co-Management Council is
in providing good independent advice to the Government of the day - to balance
the sectional interests of the designated peak bodies.

6.19 Such roles imply that the Fisheries Co-Management Council is the key co-
management body. In contrast, Seafood Industry Victoria considered that the
focus of co-management arrangements lies with the fishery committees: “the thrust
of co-management would be through the Fishery Committees” with the “chairs of
fishery committees [forming] a nominal Fisheries Co-Management Advisory
Council [that] would meet when required mainly to oversee and ensure that Fishery
Committees’ outputs were uniform and consistent [as well as] identify directions
for the future, monitor progress and activities and exercise governance of related
processes”.

Joint Management Versus Advisory

6.20 The Committee discerned a clear difference of opinion about whether the
Fisheries Co-Management Council actually had a co-management role or whether it
was merely advisory. The name of the council certainly suggests that the body is
about joint management, whereas the actual legislative provisions refer to the
giving of advice, with the decision making firmly retained by the minister and the
Department.

6.21 Some commercial fishing sectors consider that the concept of co-
management was “sold” to them as a mechanism for joint decision making when in
fact “it has simply resulted in the creation of an ‘advisory’ bureaucracy.” Its role
is “to promote, to oversee, to advise, to prepare, to publicise: never to manage”.

6.22 In its submission, the Department of Natural Resources and Environment
stated:

   In the current Act, the Council and its Committees are a primary source
   of advice to the Minister. This advisory role does not (and should not)
   extend to any operational role in many areas, despite the desire of many
   participants to be actively involved in operational issues or to
   inappropriately use co-management in order to have a “stronger” right of
   say over resource management decisions.
6.23 The Fisheries Co-Management Council has suggested that the co-management process could be improved by enhancing joint decision making. It suggested a number of key ingredients for successful joint decision making:
   a) there must be adequate time to participate;
   b) the issues with which participants are involved must be relevant to their interest;
   c) the participants must have the technical knowledge and communication skills to participate; and
   d) the culture that co-management operates in must support the involvement of all key stakeholders.

Name

6.24 There is a perception that the name Fisheries Co-Management Council does not accurately describe its functions and creates false expectations.

6.25 The name Co-Management Council conjures up, for some, a vision of the Fisheries Co-Management Council being a manager of fisheries alongside Fisheries Victoria, in a day-to-day operational sense. Some suggested that a renaming of the council to better reflect its advisory nature. Names such as Fisheries Co-Advisory Board or Fisheries Co-Management Advisory Council have been suggested as alternatives.

EFFECTIVENESS

6.26 One of the original members of the Fisheries Co-Management Council noted that the council “was a unique advancement in fisheries management in this country. It has been an evolutionary process and any assessment of FCC must acknowledge that there was no other organisation or model from which FCC could gain experience”.

6.27 Some felt that everything was fine: “quite frankly we can’t see any need to tinker with something that is working quiet well.” Much of the evidence received by the Committee, however, indicates that there appears to be plenty of room for improvement.

6.28 Indeed, the Fisheries Co-Management Council itself has acknowledged this point, but its members feel that their role has been misunderstood and that their successes, given their limited resources and newness, not acknowledged. It also noted that “many stakeholders have had an unreal expectation that the role of the Council was to effectively take over the running of the fisheries in Victoria”.

6.29 Some believed that “it is a step in the right direction ... for the unified management of fisheries across the state, both commercial and recreational”, and that “the current arrangements are a workable basis on which we can do something to improve the overall management of fisheries, and that “probably the co-management council is the best hope we have of all groups talking to each other.”
6.30 However, the Committee received many submissions considering that the Fisheries Co-Management Council had not done a good job in undertaking its advisory role. For instance, a commercial rock lobster fisher felt that:

The Co-management Council is a complete failure. I agree with co-management but my version of it is fishermen having a say and working together, but it does not work that way. They take no notice of their own sub-committee ... There is no communication. That is why we get so frustrated.37

6.31 Other adverse comments included:

a) “the Fisheries Co-management Council has failed because it has failed to deliver a fishery that is performing at an economically optimal rate”;38
b) “a lot of effort has gone into structuring it but it has not got going”;39
c) “it does not seem to be bringing people together”;40
d) “they should be proactive as well as reactive”;41
e) “our concerns are not being listened to”;42
f) “there is no ‘co’ in co-management”;43
g) the greater number of participants from the commercial sector “has restricted the effectiveness of the FCC [Fisheries Co-Management Council] when dealing with issues of sustainability”;44
h) “it turned into a poisoned chalice”;45
i) “the Fisheries Co-Management Council is falling apart at the seams”;46 and
j) “why does the [Fisheries Co-Management Council] not take note of its subcommittees”.47

6.32 Many of these people prefaced their adverse comments with statements like “I am a believer in co-management but”,48 and some, while expressing disappointment with the Fisheries Co-Management Council to date, still believed that “co-management is the best way to manage Victoria’s fishery resource”. For example, a commercial fisher commented: “with the inclusion of all stakeholders and the application of specialist advice we should see management of Victorian resources bloom”.49

6.33 Some felt that the Fisheries Co-Management Council had been good in some areas and not in others: “I think that the body was quite good at operational issues but poor on policy-based issues”.50

6.34 The Chairman of the Fisheries Co-Management Council suggested that any review of the history of the Fisheries Co-Management Council “should be balanced with a clear and important recognition that it was a zero base exercise”.51 He noted that it had been a time-consuming process to establish resources, facilities, committees, let alone a common interpretation and agenda, and argues that the diverse expectations and intentions of the small group of part timers appointed as members needs also to be taken into account.52

6.35 The Committee notes that at the commencement of the Inquiry the Fisheries Co-Management Council had been in existence for four years.
6.36 The Fisheries Co-Management Council listed, in its written submission to the Inquiry, what it sees as some of its significant achievements since its inception in 1995, these being:

- increased co-operation and consensus;
- Victorian Bay and Inlet Review;
- recreational all waters fishing licence (RFL);
- rock lobster quota advice;
- voluntary buy-back of bays and inlets commercial licences; and
- more targeted application of research monies.\(^{53}\)

6.37 The Committee noted that while some thought that some of this work had been very significant,\(^{54}\) others did not consider the outcomes of some of these projects as successful at all. For example, the Eastern Zone Rock Lobster Association considered that the FCC under its current structure “had failed to deliver an outcome in line with the objectives of the Act, and hence the principles of ESD for the Eastern Zone Fishery.”\(^{55}\)

6.38 A recreational fisher considered that the Fisheries Co-Management Council had not been effective in supporting recreational fishers by adopting a voluntary buy-out of commercial bay and inlet commercial licences.\(^{56}\) He provided detailed material on how the buy-out would not assist recreational fishers and considered that the Fisheries Co-Management Council has had difficulty in dealing with an entrenched interest such as commercial fishing and a growing interest in recreational fishing – exacerbated in his opinion by the independent body having “a largely commercial fishing background” and “no long term workable plan to sustain fish stocks,... other than the buy back [which] for the Gippsland Lakes was totally flawed”.\(^{57}\)

6.39 After examining the lists of tasks achieved by the council each year, in its annual reports, the Committee concluded that the major substantial projects undertaken by the Fisheries Co-Management Council were the provision of advice on:

- the review of the bays and inlets fishery (1997-98);
- the proposal to introduce the all-waters Recreational Fishing Licence (1997-98); and
- assistance with the buy-out of bay and inlet access licences (1999).

6.40 In addition, the Council appears to have spent much of its time responding to requests from the Department and the minister for advice on a large variety of matters. Much of its time was also spent on providing general oversight and guidance to the work of the fishery committees. Table 6.1 indicates the range of matters on which the Council has provided advice to the Minister during the period 1998-99 to 2000-01.
Table 6.1: Summary of Advice Provided by the FCC to the Minister, from 1998-99 to 2000-01

<table>
<thead>
<tr>
<th>Subject of Advice</th>
<th>Year Advice Was Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stunted abalone stocks in Port Phillip Bay</td>
<td>✓</td>
</tr>
<tr>
<td>Abalone Total Allowable Catch for the coming year</td>
<td>✓</td>
</tr>
<tr>
<td>Future management of the rock lobster fishery</td>
<td>✓</td>
</tr>
<tr>
<td>Restructure of the fishery committees</td>
<td>✓</td>
</tr>
<tr>
<td>Bay and inlet gill netting; commercial bait fishing in Gippsland Lakes; transfers of bay, inlet and inland licences</td>
<td>✓</td>
</tr>
<tr>
<td>Ministerial direction regarding ocean fishery access licences</td>
<td>✓</td>
</tr>
<tr>
<td>Buy-back of bay and inlet commercial fishing licences</td>
<td>✓</td>
</tr>
<tr>
<td>Draft policy on cost recovery in fisheries</td>
<td>✓</td>
</tr>
<tr>
<td>Advice on compliance and enforcement</td>
<td>✓</td>
</tr>
<tr>
<td>Review of Export Control Act 1982 exemption provisions</td>
<td>✓</td>
</tr>
<tr>
<td>Abalone management plan draft guidelines</td>
<td>✓</td>
</tr>
<tr>
<td>Eel fishery management plan guidelines</td>
<td>✓</td>
</tr>
<tr>
<td>Ministerial directions and management plan guidelines for the rock lobster and giant crab fisheries</td>
<td>✓</td>
</tr>
<tr>
<td>Algae bloom in the Gippsland Lakes</td>
<td>✓</td>
</tr>
<tr>
<td>Draft Fisheries (Abalone) Regulations 1999</td>
<td>✓</td>
</tr>
<tr>
<td>Fishery Regulations 1999 Regulatory Impact Statement (RIS)</td>
<td>✓</td>
</tr>
<tr>
<td>Abalone aquaculture and ranching policy</td>
<td>✓</td>
</tr>
<tr>
<td>Voluntary buy-out process for bay and inlet access licences</td>
<td>✓</td>
</tr>
<tr>
<td>Quota Allocation Panel for rock lobster and giant crab fisheries</td>
<td>✓</td>
</tr>
<tr>
<td>Success of bay and inlet commercial licence buy-out</td>
<td>✓</td>
</tr>
<tr>
<td>Use of opera house yabby pots</td>
<td>✓</td>
</tr>
<tr>
<td>New appointments to Fishery Committees</td>
<td>✓</td>
</tr>
<tr>
<td>Banded morwong fishery</td>
<td>✓</td>
</tr>
<tr>
<td>Report of Quota Allocation Panel for rock lobster/ giant crab fisheries</td>
<td>✓</td>
</tr>
<tr>
<td>Opening of 20-mile Victorian scallop fishery zone</td>
<td>✓</td>
</tr>
<tr>
<td>Scallop Total Allowable Catch for Vic. scallop fishery zone</td>
<td>✓</td>
</tr>
<tr>
<td>Draft ECC investigation report and recommendations</td>
<td>✓</td>
</tr>
<tr>
<td>RFL revenue expenditure strategy</td>
<td>✓</td>
</tr>
<tr>
<td>Recommended noxious aquatic species list</td>
<td>✓</td>
</tr>
<tr>
<td>Ecologically Sustainable Development principles in Victoria</td>
<td>✓</td>
</tr>
<tr>
<td>Offshore Constitutional Settlement arrangements for the Southern Shark Fishery</td>
<td>✓</td>
</tr>
<tr>
<td>Fisheries (Amendment) Bill 2000</td>
<td>✓</td>
</tr>
<tr>
<td>RIS Fisheries (Commercial No.2) Regulations 2000</td>
<td>✓</td>
</tr>
<tr>
<td>Fishery Committee ocean access expertise</td>
<td>✓</td>
</tr>
<tr>
<td>Banded morwong management arrangements</td>
<td>✓</td>
</tr>
<tr>
<td>RIS Fisheries (Commercial &amp; Aquaculture) Regulations 2000</td>
<td>✓</td>
</tr>
<tr>
<td>Future directions for bay and inlet fisheries</td>
<td>✓</td>
</tr>
<tr>
<td>Bait harvesting in Cunningham Arm, Gippsland Lakes</td>
<td>✓</td>
</tr>
<tr>
<td>Listing of southern bluefin tuna under Flora and Fauna Guarantee Act 1988</td>
<td>✓</td>
</tr>
<tr>
<td>Membership of Fisheries Revenue Allocation Committee</td>
<td>✓ ✓</td>
</tr>
<tr>
<td>Tambo River commercial fishing closure (algal bloom)</td>
<td>✓</td>
</tr>
<tr>
<td>Council membership and succession planning</td>
<td>✓</td>
</tr>
<tr>
<td>Council tasks for 2001-02</td>
<td>✓</td>
</tr>
<tr>
<td>Gippsland Lakes fishery closure (algal bloom)</td>
<td>✓</td>
</tr>
<tr>
<td>Rock lobster fishery quota orders</td>
<td>✓</td>
</tr>
<tr>
<td>Goulburn River water flows</td>
<td>✓</td>
</tr>
<tr>
<td>Giant crab fishery closure</td>
<td>✓</td>
</tr>
<tr>
<td>Lake Charlegrark closure</td>
<td>✓</td>
</tr>
<tr>
<td>Proposed listings under Flora and Fauna Guarantee Act 1988</td>
<td>✓</td>
</tr>
<tr>
<td>Proposed Fisheries (Amendments) Bill 2002</td>
<td>✓</td>
</tr>
<tr>
<td>Council budget 2001-02</td>
<td>✓</td>
</tr>
<tr>
<td>Draft council business plan for 2001-02</td>
<td>✓</td>
</tr>
</tbody>
</table>

Sources:  

6.41 The Committee notes that many of the items dealt with by the Fisheries Co-Management Council are detailed operational issues, many of which relate to a specific fishery. Few of the areas of advice appear to deal with broader State-wide strategic issues for the fish resource or Victorian fisheries as a whole.
6.42 In addition to providing advice, the Fisheries Act 1995, requires that the Fisheries Co-Management Council oversee the preparation of management plans and to prepare, publicise and distribute codes of practice.\(^6\) The Committee notes that, to date, no management plans have been approved (although some are in currently in preparation) and it understands that only two codes of practise, both of which were prepared by others, have been endorsed.

6.43 In the area of new strategic undertakings, the council was to have undertaken a post-bye-out review of the bay and inlet fisheries as a major project during 2000-01.\(^5\) However, this did not occur. This may be because of the combination of the review of the buy-out undertaken by the Auditor-General’s Department and the uncertain position of the council itself during this Committee’s inquiry.

6.44 The Council’s need to take a lead role in setting a course for the future of Victoria’s fisheries was reflected in the 1999-2000 Chairman’s report when he said:

> It is time we ... worked out how to go forward. This must be the prime focus for the remaining period of this Council. Its successor should be equipped and encouraged to vigorously pursue shared understanding and planning that delivers real value to the community. In short, industry, Government and the community need to develop a clear vision for the future of Fisheries in Victoria.\(^6\)

6.45 The Committee noted that while VRFish considered that the Fisheries Co-Management Council had performed well in some areas – it mentioned the provision of advice on the introduction of the Recreational Fishing Licence and the commercial bays and inlets fishing licence buy-out:

> it did not ... consider that the Council had performed well in what VRFish feels are its primary roles: to promote co-management, and to oversee the preparation of management plans.\(^6\)

6.46 The Victorian Aquaculture Council picked up on deficiencies in regard to some of these broader roles – it considered that the Fisheries Co-Management Council needed “a more clearly defined mission to justify its existence, together with a compelling vision of the outcome it aspires to” – such that it will fire “the enthusiasm of those participating in the process”.\(^6\)

6.47 Seafood Industry Victoria commented that they had hoped: that co-management would be participative, transparent and free from political interference and government manipulation” but had found that “the opposite has been the case.”\(^6\) This aspect was picked up by others who considered that the co-management system may struggle to realise its full potential unless:

> The Council and some Committees stop involving themselves in the tactical and operations details of fisheries management processes and concentrate on what they are supposed to do - provide strategic advice on higher level fisheries policy matters and ensure that management planning processes are conforming to the requirements of the Fisheries Act.\(^6\)
In particular, if the FCC and relevant Committees do not provide the Government with far-sighted advice on ownership/access to/benefit from fish resources for all sections of the community, and consequent resource sharing policy options, then ... they are failing in their duties and might as well not exist.64

6.48 VRFish considered that a key issue for the effectiveness of the Fisheries Co-Management Council was the "commitment of stakeholders, including the Government and its agencies to the principles of co-management".65

6.49 The Fisheries Co-Management Council also identified some of the reasons that it considered why it has been difficult in "meeting its obligations to the fullest extent." These reasons being:

a) lack of sufficient staffing and financial resources;

b) there is no reliable information base on the state of the fisheries;

c) the Council does not have the necessary authority to fulfil all its obligations;

d) the Council’s structure precludes it from entering into contractual relationships and operating at arm’s length from government; and

e) the Council’s role in some activities appears to be duplicated by Fisheries Victoria.66

6.50 The Research Committee of the Fisheries Co-Management Council considers that the ongoing success of the co-management arrangements depends on its staffing and financial support and how it is used by the minister.67

6.51 Some suggested that the Fisheries Co-Management Council should have more authority. It should “be able to make decisions when there is a stalemate otherwise it will become just another toothless tiger”.68

VISION

6.52 The Fisheries Co-Management Council has not been given, nor produced, any form of vision or strategic framework for managing fisheries.

6.53 A primary issue for Victoria's fisheries appears to be the absence of an agreed vision and strategic plan that provides a consistent framework and commitment for the long-term direction of the State's fisheries. Indeed the Fisheries Co-Management Council has stated that:

The primary issue for Victoria's fisheries is the lack of a unified strategic plan for the commercial and recreational fisheries ... the current lack of a strategic plan is a fundamental omission.69

6.54 From the Committee's perspective, the obvious question is why has the Fisheries Co-Management Council not taken the lead and initiative and developed such a strategic plan? Indeed, in its submission to the Inquiry the Fisheries Co-Management Council argued that it “is the ideal body to co-ordinate the development of the strategic plan ... on behalf of the stakeholders and be the ‘guardian’ of the plan”.70
6.55 It seems that the problem is that “with its current level of staffing and financial resources it is not in a position to do so”. However, it seems that the Fisheries Co-Management Council has not in fact sought such additional funds.

6.56 The Committee received a submission that the creation of robust solutions to major sector problems involves two processes - stakeholder engagement and ‘strategic foresight’, the later being the:

Building [of] a robust 10 year or longer view of the sector, and constructing well founded strategies to achieve desirable outcomes. These outcomes and goals address economic requirements, as well as social and environmental outcomes.

6.57 The use of this ‘strategic foresight’ approach has apparently been used with success in New Zealand and Queensland fishing industries. Seafood Industry Victoria also supported this concept:

[The statewide co-management body] should spearhead the Fishery Committees undertaking a 10-year foresighting program with active participation of all stakeholders.

6.58 According to Seafood Industry Victoria:

More effort should be put into establishing a long-term vision for fisheries management that all stakeholders agree to … wherein stakeholders would commit to pathways, accept certain obligations and be part of an annual reporting/review process.

6.59 The Committee notes that one of the primary tasks of the Victorian Coastal Council, which is a State-wide body for coastal issues established at around the same time as the Fisheries Co-Management Council, is to prepare a Victorian Coastal Strategy. The first such Victorian Coastal Strategy was approved in 1997, and is currently being revised. It is a whole-of-government strategy for coastal management and provides a framework for the planning of the regional coastal boards and government agencies, but also local government and peak bodies involved in coastal management. The Victorian Coastal Council is not only responsible for its preparation, but also for monitoring its implementation.

6.60 The Committee also notes that each of Victoria’s regional catchment management authorities is obliged to “prepare a regional catchment strategy for the region and to co-ordinate and monitor its implementation”.

6.61 It seems to the Committee that the preparation and implementation of such a State-wide strategy would provide the Fisheries Co-Management Council not only with a clear focus and a basis for the making of advice requested by the Minister, but give it a task that is different from that undertaken by the other bodies involved in fisheries management. The broad-based nature of the Fisheries Co-Management Council and its separation from particular sector interests makes it ideally positioned to undertake the preparation of a Victorian Fisheries Strategy.
6.62 The Committee has drawn upon an array of issues raised in its evidence to prepare an outline some of the key elements of the envisaged Victorian Fisheries Strategy. Among other things, the strategy could encompass actions to achieve, as suggested by the Fisheries Co-Management Council, a vision of a viable community resource (fish stocks), a healthy marine environment and economically sustainable industry.

**Finding 6.1**

The Fisheries Co-Management Council should be retained as the primary State-wide co-management body. There is no need to rename it. It should take on and/or be given greater responsibility for initiating co-management tasks in its own right.

**Finding 6.2**

The functions of the Fisheries Co-Management Council should be more specific. In particular, they need to be specific and selective with respect to:

a) advice given by the Fisheries Co-Management Council to be based on State-wide whole-of-fisheries issues - not sector-specific issues (which should be the province of the fishery committees);
b) requiring the council to prepare a Victorian Fisheries Strategy and to actively promote and monitor its implementation;
c) requiring any advice provided by the council to be consistent with the Victorian Fisheries Strategy and to take into account Ecologically Sustainable Development principles - and not be on an ad hoc basis.

**Finding 6.3**

The Fisheries Co-Management Council's role should encompass a whole-of-community perspective of fisheries:

a) fish as a food resource;
b) fish as a natural resource and biodiversity asset;
c) fisheries as an economic activity and contributor to social wellbeing; and
d) fisheries as an influence on ecosystem processes.

It should be able to adopt an advocacy role (for example, good fisheries practices or a position on marine parks), while remaining expertise based.

The Council should be more proactive, and less reactive.
Finding 6.4

The Victorian Fisheries Strategy should provide a long term vision for Victoria’s fish resources and fisheries, ensuring the sustainability of the wild fishery as a natural resource and providing for the planning of fish as a food product, and as a tourism and aquarium resource. It should cover issues such as:

a) implementation of Ecologically Sustainable Development principles across all sectors;

b) ensuring the sustainable use of fishery resources;

c) allocation of fishery resources between competing sectors;

d) defining fisheries and identifying potential new fisheries;

e) management plan priorities;

f) use of fisheries as an indicator and outcome of degraded aquatic environments;

g) measures to support and promote aquaculture;

h) minimisation and/or use of by-catch and discard – and ‘best use’;

i) encouragement of value-adding to fish, including food quality systems;

j) improved training of industry personnel;

k) involvement of rural communities;

l) long-term State-wide fisheries research and education priorities;

m) measures to promote improved aquatic habitat;

n) actions to implement the strategy; and

o) procedures to monitor the implementation of the strategy.

Formal consultative processes should be defined for the preparation of the Victorian Fisheries Strategy, including:

a) public announcement of the commencement of preparation;

b) publishing a draft strategy and making it available for public comment;

c) consultation with any agency or public authority or municipality that may be affected by the strategy;

d) consultation with the designated peak bodies;

e) consultation with the Victorian Coastal and Bay Management Council;

f) consideration of submissions; and

g) providing the minister with copies of all submissions received when submitting a final plan for approval.

The Victorian Fishery Strategy needs to take into account and be consistent with:

a) the objectives of the Fisheries Act 1995;

b) the National Parks Act 1975 in the case of any park within the meaning of that Act;

c) the biodiversity strategy and any action plans under the Flora and Fauna Guarantee Act 1988; and

d) regional tourism strategies.
Finding 6.5
There is a need for clear guidance on the reporting arrangements of the Fisheries Co-Management Council and the fishery committees. In particular, the Fisheries Co-Management Council should not prepare fishery management plans – rather this responsibility should lie with the fishery committees – nor should it amend any advice that a fishery committee may provide to the minister.

RECOMMENDATION 6.1
That the functions of the Fisheries Co-Management Council include:

a) the preparation of a Victorian Fisheries Strategy;

b) the co-ordination and monitoring of the implementation of the Victorian Fisheries Strategy;

c) the preparation of guidelines for the development of fisheries management plans;

d) the setting of priorities for the preparation of fishery management plans; and

e) the liaison and facilitation of the operation of fishery committees.

That the Fisheries Co-Management Council not be responsible for the preparation of fisheries management plans or fishery sector-specific codes of practice.

That the Fisheries Co-Management Council be required to take into account the Victorian Fisheries Strategy and Ecologically Sustainable Development principles when providing any advice to the minister.

MEMBERSHIP

6.63 The Fisheries Act 1995 prescribes the membership of the Fisheries Co-Management Council. It consists of not more than 11 members appointed by the Governor-in-Council on the recommendations of the minister. Its members are:

a) a chairperson – nominated by the minister;

b) two nominees of the Secretary of the Department of Natural Resources and Environment; and

c) up to eight others on the recommendation of the minister, having “regard to the need for the members of the Fisheries Co-Management Council to have between them experience and knowledge in commercial fishing, fish processing, fish marketing, recreational fishing, traditional fishing uses, aquaculture, conservation and fisheries science”.

6.64 The legislation also requires that “if a recognised peak body exists, the minister must consult the recognised peak body before making a recommendation for an appointment to the Fisheries Co-Management Council, having regard to the expertise of the recognised peak body”.
6.65 Thus its membership is established on an experience and knowledge basis rather than by way of representation by sector organisations.

**Expertise based Versus Representation based**

6.66 The Committee received a number of submissions raising the appropriateness or otherwise of the Fisheries Co-Management Council having its members appointed on the basis of their expertise, rather than being selected as representatives of particular sectors. Many of these comments seemed to arise from confusion about the roles of peak bodies as representational and lobby groups, as distinct from the council’s role as an expertise-based co-management forum where the broad interests of the whole community – and the resource – are paramount.

6.67 Strong views were expressed by some that the members of the Fisheries Co-Management Council should include peak body representatives. For example:

VRFish is the Government recognised body for all recreational fishers and they must have a serious input.82

6.68 Another submission argued that if the Director of Fisheries is on the Fisheries Co-Management Council, then it is fair and reasonable to expect that the other major stakeholders, the designated peak bodies, should also be represented on the council. 83 This view overlooked the key role of the director in contributing specialist knowledge and expertise in the technical and policy aspects of fisheries management to the co-management process, as distinct from representing an agency.

6.69 Another interesting perspective on the demand for representation-based membership (rather than being expertise-based) came from Seafood Industry Victoria:

Demand for representative membership exists because the understanding and confidence in co-management is low. As the understanding and confidence in co-management increases, stakeholders will be satisfied when members are selected solely on the basis of expertise.84

6.70 A number of submissions acknowledged that members selected on the basis of ‘expertise’ would probably have or have had close association with a peak body.85 The Committee also noted that members of the Fisheries Co-Management Council appear to find these roles difficult to separate in practice.

6.71 It was suggested that potential for conflict of interest could be avoided using tools such as:

a) a code of conduct for members; and

b) new arrangements for consultation by the Fishery Committees with peak industry bodies.86

6.72 While the Committee received few submissions making detailed suggestions about which stakeholder organisation should or should not be represented on the
Fisheries Co-Management Council, most implied that the peak bodies recognised in the Fisheries Act would be the sector bodies canvassed for nominations for membership.

6.73 Support for the Fisheries Co-Management Council membership to remain expertise based was widespread.\textsuperscript{87}

6.74 The Fisheries Co-Management Council has expressed the view that it supports membership based on expertise and skills – because it considers that effective fisheries management involves collaboration and co-operation from a broad spectrum of interests.\textsuperscript{88}

6.75 The Department of Natural Resources and Environment made an interesting comment in its submission about the rationale for the expertise-based membership of the Fisheries Co-Management Council:

In developing the concept of Fisheries Co-Management, it was thought that the council should be expertise based and not comprised of representatives. It was thought that a representative based Council would be prone to disputes and less likely to develop a culture of cooperation due to representatives tending to compete for outcomes which were favourable to their memberships.\textsuperscript{89}

6.76 The Committee notes that the membership of Western Australia’s proposed State-wide co-management body is envisaged to be:

A five member group … consisting of the Chief Executive of Fisheries WA or nominee; an independent fisheries management expert; an independent community representative; and one representative each from commercial and recreational fishing interests.\textsuperscript{90}

Other Models

6.77 It was also suggested that the some of the perceived problems of excessive influence by the Department and lack of communication with the Fishery Committees could be avoided by having the Chairs of the committees participate in Fishery Co-Management Council discussions, especially when matters of technical detail pertaining to a committee’s fishery were being discussed.\textsuperscript{91} Some suggested that the Chairs of the Fishery Committees should either be on the Fisheries Co-Management Council or actually form the entire membership of the Council.\textsuperscript{92}

6.78 The Victorian Aquaculture Council suggested that rather than having ‘committees of experts’ (“which are of necessity leading industry stakeholders and senior Government officials with their own interests and preferences”), panels of qualified investigators should be appointed on a consultancy basis as an issue arises, to gather evidence for analysis and presentation to industry and government.\textsuperscript{93}
Suggested Additional Skills

6.79 Of those who supported the retention of the expertise-based membership of the Fisheries Co-Management Council, some recommended additional areas of expertise to be included. Other skills and/or stakeholder areas suggested include:

- a) knowledge and experience in consultation and consensus building;
- b) economics and business management;
- c) qualified board directors;
- d) marketing; and
- e) consumers of fish product.

6.80 Others thought that the current expertise mix should be retained but complimented by the inclusion of legal, social and economic expertise on an as-needed basis. In its discussion paper, the Committee noted that Victorian seafood consumers are the ultimate stakeholders in Victoria’s commercial fisheries. In its submission to the Inquiry, the Department of Natural Resources and Environment also noted that seafood consumers are a “key stakeholder group not directly referred to in Victorian fisheries legislation”. However, the Committee received no suggestions on how consumer representation might be added to Victoria’s co-management arrangements.

6.81 One suggestion was that the membership of the Council should not actually include fisheries expertise at all – that this expertise come from the Fishery Committees with the Fisheries Co-Management Council having the planning, marketing and facilitation-directing role.

6.82 Experience in ornamental and aquarium fisheries is not encompassed by the current composition of the Fisheries Co-Management Council and it was submitted that:

With a client base exceeding 150,000 people it would not be unreasonable to expect that the co-management council expand its membership to include a representative with the required expertise to advise it on the issues of the hobby and the industry.

6.83 The Committee notes that while the Secretary of the Department of Natural Resources and Environment may nominate two members, to date it has only one – the Director of Fisheries. Other areas of government activity that may influence fisheries, including water and catchment management and the local government sector, are not represented on the Council. Nor are coastal boards or catchment authorities.

6.84 While some believe that the Director of Fisheries should not be a member of the Fisheries Co-Management Council, it has been suggested that other senior fisheries officers – who may have less conflict of responsibility or be less likely to exert undue influence – could be considered for appointment. The Committee notes that the current legislation does not prescribe the nature of the Department’s representative.
6.85 The Committee further discusses issues related to the presence of Department of Natural Resources and Environment nominated members on the Fisheries Co-Management Council in a later section of this chapter. It notes, however, that one or more departmental nominees serve on similar State-wide bodies – such as the Victorian Coastal Council and the Victorian Catchment and Land Protection Board.

**Appointment Process**

6.86 According to the Departmental Project Officer who conducted the original selection process for the appointment of members to the new Fisheries Co-Management Council:

The selection process was modelled on the process that had been used by the Department for similar appointments to other bodies (Coast and Bays Management Advisory Committee CABMAC, Regional Coastal Boards, Catchment Management Authority and Catchment Boards).

6.87 The Committee understands that this involves the invitation of nominations by way of public advertisements, followed by a discreet refereeing process undertaken by the Department.

6.88 In addition, the Fisheries Act 1995 requires that the minister must consult with a recognised peak body when appointing members to the Fisheries Co-Management Council. This appears to the Committee to be an unusual requirement, given the apparent intent for the council to be independent and providing an alternative source of advice from the peak bodies. This requirement may also have led to some feeling that the council members are some how beholden to the peak bodies.

6.89 Submissions were made to the Committee that these requirements for consultation have not been met in any case.

6.90 Fisheries Co-Management Council has also suggested that members be appointed on a rotational basis (they suggest four-year appointments with half the members being appointed every two years) and, as is currently the case, that there be an independent Chairman appointed by the minister after consultation with the designated peak bodies.

**Attracting Quality Members**

6.91 The Fisheries Co-Management Council, in its submission to the Inquiry, commented that “the work of Council members is demanding and time-consuming, and is done largely on a voluntary, unpaid basis”. It acknowledges that its members are paid sitting fees and reimbursed for expenses such as those associated with travel, but “they are not paid for work done outside of committee meetings, which under current arrangements, involves considerable time on the part of members.”
6.92 This point was taken up by others, with the Committee receiving a number of submissions (mainly from those associated with the Fisheries Co-Management Council and the Fishery Committees) noting that council members have “virtually acted as volunteers, receiving a nominal sitting fee per meeting” and that “in order to ensure the participation of highly qualified and experienced individuals it will be necessary to renumerate them at an appropriate level.”.  

6.93 The Committee notes that the fees paid to Fisheries Co-Management Council members are identical to the fees paid to the members of all other statutory bodies. It also notes that the fees are, however, only payable for the time spent at meetings, preparation time or the time spent preparing material is not covered.

6.94 The Committee also received a suggestion that the Chairperson position be a part-time funded position.

**Finding 6.6**

In addition to the areas of expertise currently defined in the legislation, the Fisheries Co-Management Council’s membership should also include experience and knowledge in consumer issues. It would be useful to ensure that the council also includes a spread of regional background among its members.

**Finding 6.7**

The role of each member should be clearly established in the legislation and upon appointment - that is, to serve the interests and objectives of the Fisheries Co-Management Council over and above the interests of any other group to which the member may or may not belong.

**Finding 6.8**

It is important for the expertise of Fisheries Victoria to be available to the Fisheries Co-Management Council, especially as expertise in fisheries management largely lies within the government sector - as a full voting member.

**Finding 6.9**

The Chairman of the Fisheries Co-Management Council need not necessarily have fisheries management skills; the position requires, in particular, leadership, organisation and strategic-planning skills. It is important that the person selected is, and is seen to be, independent of any particular sector. In line with other similar statutory bodies, some form of honorarium would be appropriate.
Finding 6.10
Members of the Fisheries Co-Management Council should be offered an induction program and the opportunity to undertake training relevant to their statutory role.

RECOMMENDATION 6.2
That consideration be given to making the Chairman of the Fisheries Co-Management Council a part-time position, with an appropriate honorarium, at least for the next term of the council.

RECOMMENDATION 6.3
That the requirement for consultation by the minister with the recognised peak body prior to making a recommendation for appointment to the Fisheries Co-Management Council be removed.

RECOMMENDATION 6.4
That the membership composition requirements of the Fisheries Co-Management Council include experience and knowledge of consumer issues.

PROCESSES AND POWERS

Processes
6.95 While it is the general function of the Fisheries Co-Management Council to provide advice to the Minister on a range of fisheries matters, there is no clear basis for the provision of such advice – in terms of processes of consultation and decision making.

6.96 The Committee posed the following question in its Discussion Paper: Are more formal mechanisms required to involve consultation and/or participation in management decision making?\(^{114}\)

6.97 A range of comments were received, principally that the Fisheries Co-Management Council’s processes were limited and/or ad hoc. Liaison with other relevant fisheries and habitat bodies appears to be informal and limited. Nor have links been made with bodies such as the Victorian Coastal Council and the Victorian Catchment Management Council.

6.98 Suggestions for improved processes included:
   a) team-building exercises for improved internal relations of Council members and external relations between Council and Fishery Committees;
b) forging of links with other fishery co-management bodies around Australia; 
and

c) establishment of links between the Council administration staff and administrators of other high-level government advisory bodies.  

6.99 There are no prescribed requirements in the Fisheries Act 1995 for consultation or communication between the Fisheries Co-Management Council and the designated peak bodies. The Department considered that such liaison is a matter of good administrative practice and commented: “if it provides for greater security for stakeholder groups then there is no reason why it should not be provided.”

6.100 The operations of the Fisheries Co-Management Council and the Fishery Committees are considered by many to be far too secret. Of particular concern were the limited opportunities for those likely to be directly affected by a recommendation of the Council to be involved in the decision-making process. For example, one commercial fisher commented:

It was set up in an environment of secrecy and non-transparency, with people forced not to discuss major issues with their peers. That created an environment of suspicion and anger among the commercial sector.

6.101 It was also suggested that council meetings should be more open to attendance by observers, “especially by Chairs of Fishery Committees when dealing with business of direct concern to a Fishery Committee”.

6.102 Indeed, it seems that even the decisions of the Fisheries Co-Management Council are secret. The Committee was given correspondence between the Western Abalone Divers Association President and the Chairman of the Fisheries Co-Management Council. It seems that the minutes of a meeting of the council were sought by a fishing association but the latter was advised there were no minutes because “no matters of note arose.”

6.103 The Committee was interested in the comments made about consultative processes in one submission. The submission noted that in any group representing all stakeholders, those sectors “with the numbers” will always win out – a problem exacerbated in “the fact that many peak body representations and sector interest associations are cross-represented in the FCC [Fisheries Co-Management Council] structures or have undue (ie outside process) influence with decision makers ... there is no independent test of community values and expectations”.

6.104 The Schedule to the Fisheries Act 1995 that deals with the membership and procedure of bodies under the Act gives some basic requirements for the chairing and quorums of deliberative meetings and for the minister to provide guidelines on operations, including meeting and voting procedures, but otherwise states that the body’s procedure is in its discretion.
Powers

6.105 The Fisheries Co-Management Council has suggested that the “Incorporation of Council would greatly assist in its ability to resource and manage itself.” It considers that this is limiting because it “has no legal basis for employing staff or otherwise entering into contractual arrangements ... such as renting premises and appointing staff” which would allow it to operate “at arm’s length from government.”

6.106 The Fisheries Co-Management Council has suggested that the State-wide co-management body be given the power to “do all things necessary or convenient for it to carry out its function”, including:

a) with the consent of the minister make use of the services of any person employed in the Department of Natural Resources and Environment;
b) advise the minister on the need for the establishment of Fishery Committees or other bodies;
c) be responsible for the overall development and monitoring of fishery plans; and
d) for the purposes of investigating matters, the board may, with the minister’s approval, appoint any committees or consultants that are considered necessary to undertake any investigation or for advice to be provided to the council or to the minister.

Finding 6.11

As is provided for in the Fisheries Act 1995, the minister should prepare guidelines to assist the Fisheries Co-Management Council better regulate and target its operations.

Finding 6.12

Where the Fisheries Co-Management Council is providing advice on a particular matter outside the context of the Victorian Fisheries Strategy, it needs to identify all of the likely affected stakeholders – so that they can be informed of the opportunities for involvement and so that their views can be taken into account.

Ordinarily most of the council’s advice should be in the form of the Victorian Fisheries Strategy, which will have defined statutory consultation processes.

Finding 6.13

As a matter of course, the Fisheries Co-Management Council should maintain both formal and informal liaison with peak bodies and other stakeholders in the use and management of the State’s fisheries.
Finding 6.14

The Fisheries Co-Management Council may seek the advice of a Fishery Committee on a matter, but the Fisheries Co-Management Council should not have any formal authority over the Fishery Committees - the Fishery Committees' primary responsibility is to report to the minister.

Finding 6.15

The Fisheries Co-Management Council should focus on its task of providing particular co-management advice. The establishment of separate administrative arrangements and associated authorities may be an unnecessary diversion from undertaking this primary task. The Department should continue to provide administrative support, including staff and offices dedicated to the use of the Fisheries Co-Management Council. The council should have the authority to engage consultants and enter into agreements.

RESOURCES

6.107 One of the discussion points raised in the Committee's Inquiry Discussion Paper related to the adequacy of the resources of the Fisheries Co-Management Council relative to the tasks and responsibilities assigned to it.125

6.108 While the Fisheries Co-Management Council cries poor, many submissions responded that it had in fact been given adequate resources.126

6.109 The council also submitted that it is "not sufficiently well resourced to take a pro-active role in ensuring management plans are developed and reviewed, and codes of practice promulgated".127

6.110 As noted previously, while acknowledging that development of an agreed vision and strategic plan of the long-term direction of the State's fisheries is vitally important, the Fisheries Co-Management Council has not undertaken this work - it seems that the problem is that "with its current level of staffing and financial resources it is not in a position to do so".128

6.111 The council's submission to the Inquiry stated that its funds have been progressively cut over the past three years - from $500 000 in 1998, to $450 000 in 1999, to $400 000 in 2000. When the Committee asked the Director for Fisheries Victoria why this was, he answered "The budget for council is ... set with consultation with the minister, the secretary and me based on what the workload is for the year. Indeed, if the council had a very large job to undertake where it needed additional resourcing, I would be the first person to suggest that the council should be approaching the minister for the appropriate resources".129 In fact in its five years of existence, the council had a total budget of nearly $2 million.130 By any standard, this is a reasonably large amount for a body whose major task to date has
been to provide strategic management and policy advice – it has no operational function. Table 6.2 summarises the council’s annual income and expenditure from 1997-98 to 2000-01.

### Table 6.2: Fisheries Co-Management Council Income and Expenditure, from 1997-98 to 2000-01

<table>
<thead>
<tr>
<th>Year</th>
<th>Income</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997-98</td>
<td>$500,000</td>
<td>$501,742</td>
</tr>
<tr>
<td>1998-99</td>
<td>$450,000</td>
<td>$330,088</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$450,000</td>
<td>$396,137</td>
</tr>
<tr>
<td>2000-01</td>
<td>$400,000</td>
<td>$362,366</td>
</tr>
</tbody>
</table>


6.112 The Fisheries Co-Management Council has suggested that the arrangements for determining its budget be reviewed, with their budget tied to income generated from permits and licences and that it be separated from the Fisheries Victoria budget.\(^{131}\)

6.113 The Fisheries Co-Management Council has also expressed concern that its staff, who are currently under contractual arrangements with the council, are being replaced with people on departmental contracts.\(^{132}\) However, a contrary view presented to the Committee is that administrative arrangements for servicing co-management should be modelled on service-delivery arrangements to other similar-level government advisory bodies – that is, the staff should be fully accountable to the Department.\(^{133}\)

6.114 The Committee was interested in the comments made by the departmental project officer, Mr Barker, who conducted the selection process for the appointment of members to the new Fisheries Co-Management Council. According to Mr Barker:

> It was anticipated that once FCMC [Fisheries Co-Management Council] appointments were made, the Department would provide support to the Council and Fishery Committees, and that the level of support would be similar to and modelled on the support provided to other similar bodies (eg CABMAC, etc). It was also anticipated that there would be a deliberate exercise in team building to enable the Council to become effective internally and in its relations with Fishery Committees.\(^{134}\)

6.115 But this anticipated support did not appear to be forthcoming.
6.116 The Victorian Aquaculture Council considered that:
  If independent professional advice is to be provided to the minister, often
as a counterpoint to departmental advice, then the funding needs to come
from the minister, rather than from the Department ... in practical terms
this is a fundamental issue. ‘He who pays the piper calls the tune’ may be
a well worn cliché, but it is a constant reality for those dealing with
Government Departments on a daily basis.135

6.117 The Department of Natural Resources and Environment submitted that it is
appropriate for the Fisheries Co-Management Council to be funded separately
from the Fisheries Division “to ensure that no conflicts of interest arise or are
perceived”. Interestingly, it suggested that Fisheries Co-Management Council
funding should be “similar to that associated with similar advisory boards
established under other Victorian legislation (eg Coastal Boards or Catchment
Management Council)” and noted: “this can be achieved administratively by
DNRE [Department of Natural Resources and Environment]”.136

6.118 The Research Fishery Committee also suggested that the Fisheries Co-
Management Council have a level of funding sufficient to give it the flexibility to
commission specific studies and “should not, as has occurred in the past, have to
curtail necessary meetings of its Committees because of budgetary constraints”.137

**Staffing**

6.119 The Committee received few submissions relating to the actual staff
resourcing of the Fisheries Co-Management Council. The Committee understands
that to date the role of support staff has been primarily to provide administrative
support.

6.120 The Research Committee of the Fisheries Co-Management Council has
suggested that current staff need to be complemented “with an individual who is
experienced in fisheries management ... to facilitate the work of the Council and its
Committees, in terms of the preparation of analysis, the formulation of issues and
the provision of technical advice”.138

6.121 Seafood Industry Victoria also suggested that, in addition to a chief
executive and administrative officer, the secretariat should include a technical
officer.139

**Finding 6.16**
The Fisheries Co-Management Council should be required to prepare an annual
business plan as well as to report on its implementation. The council should be
funded and audited against this.
Finding 6.17
It is important that the Fisheries Co-Management Council have a funding process separate from Fisheries Victoria.

The Fisheries Co-Management Council should seek ongoing funding for recurrent operational items from the Government.

It should also seek separate additional funds from the Government for special projects. It should actively seek joint funding with other relevant agencies and organisations for its special projects.

RECOMMENDATION 6.5
That the Fisheries Co-Management Council be funded by a distinct budget item separate from that of Fisheries Victoria.

6.122 The Chairman of the Fisheries Co-Management Council has suggested that “clear independence from the Department (Fisheries Victoria) would greatly enhance stakeholders’ trust and confidence in the process”.140

RELATIONSHIPS WITH FISHERIES VICTORIA

6.123 The Fisheries Co-Management Council notes, in its written submission to the Inquiry, that while it was established to provide independent advice to the minister, “under the current arrangements, Council relies heavily on Fisheries Victoria for advice”. This results in:
A circuitous arrangement whereby Council gets information from Fisheries Victoria and provides advice to the Minister who may, indeed, refer the matter back to Fisheries Victoria for comment.141

6.124 The council also noted that the Executive Director of Fisheries Victoria is a full voting member of the council, and that while acknowledging the crucial input of the Executive Director to its operations, considers that this has led the fishing industry to perceive that the council is “in the pocket of Fisheries Victoria rather than acting as an independent advisory body ... a barrier rather than a facilitator, operating as a servant of the government.”142

6.125 Indeed the presence of Fisheries Victoria on the Fisheries Co-Management Council and the Fishery Committees in the absence of similar representation by the peak bodies was cited as “a major obstacle in the acceptance of the co-management system”.143

6.126 The Victorian Aquaculture Council considered that while Fisheries Victoria had a very important role to play, it would benefit by having independent input into
their policies and succinctly commented: “independent input is not as effective when provided by a body dominated by the recipient of the input”. 144

6.127 On the other hand, the Department of Natural Resources and Environment considered that the Fisheries Co-Management Council “can and does provide significant service to Government”. 145

6.128 Others were more generally concerned that the Department dominated the co-management processes - participating as a member of not only the Fisheries Co-Management Council but also of all the Fishery Committees and having control of their budgets. 146 It was also noted that the Fisheries Department:

Has had a strong influence on final recommendations from the co-management council to the minister. This has given the Department two bites at the cherry as they already have a direct line to the minister. 147

6.129 Another aspect of the relationship between the Fisheries Co-Management Council and the Department is the council’s staffing. The council’s staff were previously on council contracts, but are now being placed on government contracts - a process that the council believes “lends further credence to the perception that the Council is not operating at arm’s length from Government”. 148 This aspect is taken up in the previous section of this chapter.

1 Fisheries Act 1995, s. 91.
3 As stated, for example, in Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 23.
4 Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 29.
5 Fisheries Co-Management Council (2001), Written Submissions, F/001B, pp. 31-4.
6 Department of Natural Resources and Environment (2001), Written Submissions, F/079, p. 9.
7 Department of Natural Resources and Environment (2001), Written Submissions, F/079, p. 13.
8 Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 27.
9 Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 28.
10 Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 29.
11 For example, VRFish (2001), Written Submissions, F/030, p. 4.
12 Fisheries Co-Management Council (2001), Written Submissions, F/001B, pp. 53-4.
13 VRFish (2001), Written Submissions, F/030, p. 5.
14 For example, MacDonald, C.M. (2000), Written Evidence, F/022.
15 VRFish (2001), Written Submissions, F/030, p. 5.
16 For example, Geelong and District Angling Clubs Association Inc. (2001), Written Submissions, F/036.
17 MacDonald, C. M. (2001), Written Submissions, F/022.
21 Victorian Aquaculture Council (2001), Written Submissions, F/047.
22 For example, Seafood Industry Victoria (2001), Written Submissions, F/070, p. 27.
23 VRFish (2001), Written Submissions, F/030, p. 8.
26 As commented, for example, in Fisheries Co-Management Council (2001), *Written Submissions*, F/001A.
27 Western Abalone Divers Association (2001), *Written Submissions*, F/039.
28 Also, for example, Crowther R. E. (2001), *Written Submissions*, F/056.
29 Department of Natural Resources and Environment (2001), *Written Submissions*, F/079.
30 For example, Coffey, R (2001), *Written Submissions*, F/015.
51 Fisheries Co-Management Council (2001), *Written Submissions*, F/001A.
52 Fisheries Co-Management Council (2001), *Written Submissions*, F/001A.
54 For example the voluntary buyout in the bay and inlet inquiry, McKenzie, B. (2001), *Written Submissions*, p. 58.
58 *Fisheries Act 1995*, s. 91.
64 MacDonald, C.M. (2000), *Written Submissions*, F/022.

Australian Foresight Institute (2001), *Written Submissions, F/041*.

Australian Foresight Institute (2001), *Written Submissions, F/041*.


*Coastal Management Act 1995*, s. 8 (1) (b).

*Catchment and Land Protection Act 1994*, s. 13 (a).


*Fisheries Act 1975*, s. 90 (2).

*Fisheries Act 1975*, s. 90 (2) (c).

*Fisheries Act 1975*, s. 90 (2) (d).

Geelong and District Angling Clubs Association (2001), *Written Submissions, F/036*; also Far West Anglers Association Inc. (2001), *Written Submissions, F/062*.


For example, Native Fish Australia (Vic) Inc (2001), *Written Submissions, F/058*.

Fisheries Co-Management Council (2001), *Written Submissions, F/001B*, p. 43. More specifically it has suggested that the members between them have experience and knowledge in “commercial and recreational fishing, fish processing, fish marketing, traditional fishing uses, aquaculture, fisheries science, consumer requirements, business management, environmental protection and conservation and natural resource management, community consultation and participation” and that “it would also be preferable that commercial and recreational interests be balanced”, Fisheries Co-Management Council (2001), *Written Submissions, F/001B*, p. 55.

Department of Natural Resources and Environment (2001), *Written Submissions, F/079*, p. 39.


East Gippsland Fishermans Association Inc. (2001), *Written Submissions, F/012*.

For example, Eastern Zone Rock Lobster Association (2001), *Written Submissions, F/050*, p. 7.


VRFish (2001), *Written Submissions, F/030*, p. 5.

VRFish (2001), *Written Submissions, F/030*, p. 5.

Lonimar Australia Pty Ltd (2001), *Written Submissions, F/065*.

Lonimar Australia Pty Ltd (2001), *Written Submissions, F/065*.


Department of Natural Resources and Environment (2001), *Written Submissions, F/079*.

Lonimar Australia Pty Ltd (2001), *Written Submissions, F/065*.


For example, Capella Developments Pty Ltd (2001), *Written Submissions, F/026*.

For example, Barker, J. (2001), *Written Submissions, F/002*, p. 7.

*Fisheries Act 1995*, s. 90(d).


Fisheries Co-Management Council (2001), Written Submissions, F/001B, p. 35.


Department of Natural Resources and Environment (2001), Written Submissions, F/079, pp. 37-8.


For example, Barker, J. (2001), Written Submissions, F/002, p. 7.

Attachment to Coffey, R. (2001), Written Submissions, F/015.


Fisheries Co-Management Council (2001), Written Submissions, F/001A.

Fisheries Co-Management Council (2001), Written Submissions, F/001b, pp. 27-8.

Fisheries Co-Management Council (2001), Written Submissions, F/001b, p. 54.


Department of Natural Resources and Environment (2001), Written Submissions, F/079, pp. 37-8.
CHAPTER 7
FISHERY COMMITTEES

• The Role of Fishery Committees
• The Nature of Fishery Committees
• Membership
• Relationship with the Fisheries Co-Management Council
• Processes, Powers and Operations
• Research Committee

THE ROLE OF FISHERY COMMITTEES

7.1 Fishery committees may be established under the . While they are established by the minister, the legislation states that the recommendation for establishment is to be from the Fisheries Co-Management Council.

7.2 The functions of the fishery committees are defined by the Act as follows:
   a) to advise the Fisheries Co-Management Council on the fishery in respect of which they were appointed;
   b) to advise the Fisheries Co-Management Council in respect of preparation of management plans for the fishery;
   c) to advise the minister, upon the request of the minister, in relation to any matter relevant to the fishery that relates to a proposed fishery notice; and
   d) to carry out any other function conferred on the fishery committee by or under the Fisheries Act 1995 or any other Act.

7.3 In essence, the fishery committees provide advice to the Fisheries Co-Management Council and the minister on the fisheries in respect of which they were appointed.

7.4 Concern was expressed by some that the Fisheries Act 1995 does not clearly spell out the relationships between the various co-management bodies - and, more particularly, others were concerned that “the system as currently interpreted relegates [the fishery committees] to an advisory committee not a true partner in the co-management of the fishery”.

7.5 While the primary task of the fishery committees is to provide advice, there are not any particular requirements on how such advice should be provided or what kind of consultation process, if any, should be undertaken in the preparation of such advice. And given the absence of any approved management plans or other strategic document, it is not obvious to the Committee on what strategic basis their advice was based on.

7.6 Concern was expressed that some committees involved themselves too much in operational matters of fisheries management, rather than providing broader-level strategic advice.
7.7 Additional and alternative roles suggested for the fishery committees included:
   a) preparation of management plans; 6
   b) monitoring and review of management plans and their implementation; 7
   c) review of research needs; 8 and
   d) consultation with peak bodies. 9

7.8 VRFish strongly contended that:
   The job of [the fishery] committees would be to prepare fishery
   management plans and once the plans are in place, to monitor them ...
   rather than it being the responsibility, as is the case now, of Fisheries
   Victoria. 10

   It also believed that the plans should be made with maximum involvement from
   and as closely as possible to the stakeholders.

7.9 This was also the view of Seafood Industry Victoria: “Fishery Committees
   should be the strategic focal point for fisheries management, and preparation and
   review of fisheries management plans”. 11

7.10 The Committee notes that the fisheries management plans currently in
   preparation are being prepared by ad hoc committees reporting to Fisheries
   Victoria. While there is some cross-membership between the management plan
   committees and the fishery committees, they have separate funding, servicing and
   no direct communication links.

7.11 Seafood Industry Victoria considered that the fishery committees should be
   the “pinnacle of technical expertise” and provide independent advice directly to the
   minister but in accordance with fisheries management planning objectives and
   procedures laid down by the State-wide co-management body - and have a
   complimentary work program. 12 This view of the fishery committees being
   comprised of groups of specialists had support from others. 13

**Finding 7.1**
The key driver for a fishery is arguably a management plan - but the fishery
committees are not directly involved.

**Finding 7.2**
The fishery committees are well placed to oversee the preparation and
monitoring of management plans for fisheries, especially where the fishery
committee is principally concerned with the fisheries involved or reliant on the
wild harvest of fish. Any advice given by a fishery committee should be on the
basis of consistency with an approved management plan.
Finding 7.3
The fishery committees should be appointed by the minister and report to the minister. While they may provide advice on request to the Fisheries Co-Management Council, this should not be a statutory obligation – they should focus on their own co-management tasks.

RECOMMENDATION 7.1
That fishery committees may be established by the minister, with or without reference to the Fisheries Co-Management Council.

RECOMMENDATION 7.2
That the functions of fishery committees include:
- the preparation of fishery management plans;
- the co-ordination and monitoring of the implementation of fishery management plans.

RECOMMENDATION 7.3
That the fishery committees not have a statutory role of providing advice to the Fisheries Co-Management Council and not have a statutory requirement to provide copies of their advice to the minister to the Fisheries Co-Management Council.

RECOMMENDATION 7.4
That fishery committees be required to take into account the relevant fisheries management plan and Ecologically Sustainable Development principles when providing any advice to the minister.

THE NATURE OF FISHERY COMMITTEES
7.12 As at November 2001, there are eight fishery committees. These being:
  a) Aquaculture;
  b) Commercial Abalone;
  c) Commercial Bays and Inlets;
  d) Commercial Rock Lobster;
  e) Commercial Scallop;
  f) Inland;
  g) Recreational Marine; and
  h) Research.
7.13 The actual composition of the fishery committees is set out in Table 7.1. The original fishery committees also included a ‘Fish Habitat’ fishery committee, but this was abandoned after the 1998 Ministerial Review.14

Table 7.1: Composition and Functions of Victoria’s Fishery Committees (as at November 2001).

<table>
<thead>
<tr>
<th>Fishery Committee</th>
<th>Knowledge and Expertise (numbers)</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture</td>
<td>Conservation (1 – vacant) Fisheries Victoria (1) Mariculture (2) Ornamental fish (1 – chair) Salmonids (1) Warmwater (1)</td>
<td>Issues relating to aquaculture in Victoria</td>
</tr>
<tr>
<td>Commercial Abalone</td>
<td>Conservation (1) Fisheries Victoria (1) Eastern Zone divers (1) Central Zone divers (1) Western Zone divers (1) Independent chair (vacant) Processors (1)</td>
<td>Issues relating to commercial harvesting of wild abalone</td>
</tr>
<tr>
<td>Commercial Bays and Inlets</td>
<td>Fisheries Victoria (1) Gippsland licensees (2, includes chair/conservation) Port Phillip Bay licensees (4)</td>
<td>Issues relating to the commercial Bay and Inlet fishery</td>
</tr>
<tr>
<td>Commercial Rock Lobster</td>
<td>Conservation (1) Eastern Zone licensees (2) Fisheries Victoria (1) Independent chair (1) Western Zone licensees (2)</td>
<td>Issues relating to commercial rock lobster and giant crab fisheries</td>
</tr>
<tr>
<td>Commercial Scallop</td>
<td>Conservation (1) Fisheries Victoria (1) Processors/retailers (1 – chair) Scallop licensees (5 – 1 vacant)</td>
<td>Issues related to the Victorian commercial scallop fishery (includes opening/closing of the Victorian 20-mile zone and landing of Commonwealth or Tasmanian scallops in Victoria)</td>
</tr>
<tr>
<td>Inland</td>
<td>Commercial eel fishery (1) Commercial inland fishery (1) Conservation (1 – vacant) Fisheries Victoria (1) General knowledge (1) Independent chair (vacant) Recreational fishery (1)</td>
<td>Issues of fisheries and habitat aspects for freshwater aquatic species</td>
</tr>
<tr>
<td>Recreational Marine</td>
<td>Charter fishing (1) Diving/retail (1) Fisheries Victoria (1) Recreational fishing (3, includes</td>
<td>Issues of recreational fishing in marine waters</td>
</tr>
</tbody>
</table>
7.14 The current fishery committees by and large reflect most, but not all, of the main access licence based fisheries – for example, the Ocean Access licensees are not being specifically served by a fishery committee.\textsuperscript{15} Most of the committees include members with conservation expertise, none includes members with expertise on traditional use of fish resources.

7.15 There was some support for separate sector-based fishery committees, with VRFish suggesting that there be a fishery committee appointed for each fishery.\textsuperscript{16} The submission of Seafood Industry Victoria also indicates support for this approach.

7.16 One submission suggested that there be only two or three committees – for recreational, commercial and, perhaps, indigenous fisheries.\textsuperscript{17}

7.17 The Committee received a number of submissions suggesting that the fishery committees not be based on sectors, but rather on the fishery resource.\textsuperscript{18} It was suggested that if each of the fishery committees (except perhaps for aquaculture) were fishery fishery/resource based, rather than being sectoral based (as they currently are), the co-management system would work better.\textsuperscript{19}

7.18 The rationale varied. One submission considered that the formation of separate fishery committees of commercial and non-commercial stakeholders “was not conducive to ensuring good debate, as representation from some stakeholder groups was absent from analysis and management decisions”.\textsuperscript{20}

7.19 Another advantage of such an approach is that a committee based on the fishery resource provides for the debate and resolution of resource-allocation issues between all sectors. For example:

- The [abalone] fishery requires an holistic approach to resource and fishery management and having a forum where all stakeholders are represented would lead to a broader skills base and improved decision making.\textsuperscript{21}

7.20 However, concern was expressed that a more widely based committee may be too diverse to enable consensus advice to be produced. But the Committee noted the comment that:

<table>
<thead>
<tr>
<th>Chair) Scuba/ conservation (1)</th>
<th>Provides expert advice to the Fisheries Co-Management Council on the priorities for applications for Fisheries Research &amp; Development Corporation funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research</td>
<td>Aquaculture (1)</td>
</tr>
<tr>
<td></td>
<td>Commercial fishing (1)</td>
</tr>
<tr>
<td></td>
<td>Conservation (1)</td>
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<tr>
<td></td>
<td>Economics (1)</td>
</tr>
<tr>
<td></td>
<td>Fisheries science (1 - chair)</td>
</tr>
<tr>
<td></td>
<td>Fisheries Victoria/MAFRI (1)</td>
</tr>
<tr>
<td></td>
<td>Recreational fishing (1)</td>
</tr>
</tbody>
</table>
If the ... [fishery] committees are not able to provide far-sighted advice on ownership/access to/benefit from fish resources for all sections of the community, and consequent resource sharing policy options, then in my opinion they are failing in their responsibilities and might as well not exist.

Suggestions for Additional Fishery Committees

7.21 A number of groups have suggested that additional fishery committees be established. As noted above, the Fisheries Act provides broad scope for the creation of fishery committees.

7.22 Suggested additional fishery committees include:
   a) an indigenous fishery committee;\(^\text{22}\)
   b) an independent allocation committee - to "advise the Minister on the allocation of resources for specific fisheries and generations";\(^\text{23}\)
   c) an ocean access licences committee;
   d) a fishing charter industry fisheries management committee - with regional representatives;\(^\text{24}\) and
   e) an ornamental and aquarium fishery committee.\(^\text{25}\)

7.23 With respect to the last proposal, it was submitted that:
This proposed fishery committee would [comprise] representatives from each of the five major aquarium societies, retail traders, unaffiliated hobby breeders and members of the Asian community.\(^\text{26}\)

7.24 The desire for the creation of additional fishery committees appears to generally arise from a need to serve the interests of the sector more directly and thus more effectively.

Finding 7.4

Fishery committees should primarily be based on fishery resources, rather than fisheries defined by access-licence categories. The fishery resource could be species and/or geographically defined.

MEMBERSHIP

7.25 The Fisheries Act 1995 prescribes that the membership of a fishery committee consists of:
   a) a chairperson - appointed on the nomination of the minister;
   b) a nominee of the Department of Natural Resources and Environment; and
   c) up to seven other members who "have between them experience and knowledge of matters relevant to the fishery".\(^\text{27}\)

7.26 This means that the membership of the fishery committees is similar to that of the Fisheries Co-Management Council, in that they are based on experience and skills rather than as representatives of any particular sector or group.
7.27 Two opposing views were received on the desirability of an expertise-based membership rather than a representative membership.

7.28 It was also suggested that peak bodies should have representatives on relevant committees. Notably, many of those who had been affected by the advice-giving processes of the rock lobster fishery committee felt that decisions were being made about their industry without that industry’s representatives having a direct say.

7.29 An alternative view was that if the fishery committee is a means of getting advice on an issue then it would be easier to:

Get someone at arms-length to gather evidence, to analyse it and put it in a report and provide it to the [Fisheries Co-Management] Council which can append any opinions it might have as a general body with representation across the industry and give the information to both the minister and the industry ... as essentially [with the Committee] all you are getting is the view of one person who has expertise.

7.30 VRFish, while supporting members being selected on the basis of their collective skills, suggested that they also include nominated members - and not be restricted to representatives nominated by the Director of Fisheries but by the recognised peak bodies as well.

7.31 While members are currently appointed on the basis of their expertise, it was pointed out to the Committee that many such individuals are also members of various fishing associations. This had led to at least perceptions by others that such associations enjoy more direct representation on the fishery committee.

7.32 The Committee notes that while the legislation requires that members of fishery committees be selected on the basis of experience and knowledge relevant to the fishery, as is indicated in Table 7.1, each individual member is considered to bring expertise and knowledge relevant to a particular sector only. The Committee also notes that there is nothing to stop any sector association or peak body putting up the names of its members for selection.

7.33 It was the experience of at least one fishery committee member that in reality the individual members “have always felt they represent the interests of the stakeholder groups who nominated them for the position and that as individuals they are answerable to their various constituencies for the recommendations of [the Committee].” Another example of this concern is evidenced in a submission received from the Gippsland Lakes Bait Association regarding the membership of the Commercial Bays and Inlets Fishery Committee. This association felt aggrieved in that one of its members did not obtain membership of the Committee, whereas both the president and secretary of another association (the East Gippsland Estuarine Fishermen’s Association) were appointed to the Committee.

7.34 Others considered that the members covering particular sectors of the fishery on a committee should be nominated/appointed by the relevant peak
bodies – with an independent chair. Others supported the chairs of the fishery committees being independent, with an ability to lead government/industry/community programs, and not necessarily with a fisheries background.

7.35 Non-voting memberships, for example, for the fishery manager and scientific and enforcement experts, were also suggested.

7.36 Another variation suggested was for peak-body representatives to be on fishery committees if appointed on the basis of their expertise.

7.37 It was commented that the Fisheries Act “needs amendment to allow the membership of fishery committees to be more flexible and adjusted as necessary to best reflect ongoing operational needs for advice”.

Membership Selection Processes

7.38 Seafood Industry Victoria suggested that selection criteria should be incorporated in either the Fisheries Act, a Schedule to that Act or in Regulations made under the Act. It went on to suggest two alternative processes for the selection of members:

a) constitute a selection panel from representatives of peak bodies/industries; or
b) appoint an independent recruitment specialist.

Finding 7.5

Membership of fishery committees should retain its expertise-based nature – but possibly be supplemented with members nominated by the designated peak bodies representing key stakeholder groups.

It would also be useful to ensure that the membership takes into account the desirability of a spread of regional backgrounds.

Finding 7.6

The role of each member should be clearly established in the legislation and upon appointment – that is, to serve the interests and objectives of the fishery committee over and above the interests of any group that the member may or may not belong to.

Finding 7.7

It is important for the expertise of Fisheries Victoria to be available to the fishery committees. A Fisheries Victoria representative should participate as an advisor to the fishery committees, but not be a voting member.
**Finding 7.8**
It is important that the person selected as chairperson of a fishery committee is, and is seen to be, independent of any particular sector.

**Finding 7.9**
Additional non-voting members could be appointed to fishery committees as necessary.

**RECOMMENDATION 7.5**
That the minister not be required to consult the designated peak body prior to the appointment of a member to the fishery committee.

**RECOMMENDATION 7.6**
That each designated peak body be invited to nominate a member of each fishery committee as follows:
- a) a person with knowledge and expertise in commercial fishing interests - from a panel of names nominated by Seafood Industry Victoria;
- b) a person with knowledge and expertise in recreational fishing interests - from a panel of names nominated by VRFish;
- c) a person with knowledge and expertise in conservation interests - from a panel of names nominated by the Victorian National Parks Association;
- d) a person with knowledge and expertise in traditional fishery interests - from a panel of names nominated by the designated peak body representing traditional fishery interests;

And, as relevant:
- e) a person with knowledge and expertise in fishing charter/guide interests - from a panel of names nominated by the designated peak body representing tourist operator interests; and/or
- f) a person with knowledge and expertise in aquaculture interests - from a panel of names nominated by the Victorian Aquaculture Council.

**RECOMMENDATION 7.7**
That provision be made for the fishing committee and/or the minister to co-opt additional voting members (up to a maximum of nine) or additional non-voting members to a fishery committee.
RELATIONSHIP WITH THE FISHERIES CO-MANAGEMENT COUNCIL

Processes

7.39 Advice from the fishery committees appears to be filtered by the Fisheries Co-Management Council before being passed on to the minister – for example, advice on the restructure of the rock lobster fishery was apparently changed from that provided by the relevant committee.

7.40 There appears to be a lack of two-way communication, as evidenced by the experience of the Commercial Abalone Fishery Committee. A member of this committee provided advice on some proposed ministerial guidelines, yet the final guidelines were different – the member would have appreciated at least a reason for the advice being rejected. And on another occasion a fishery committee member asked for a copy of the council’s recommendations regarding the work of its Enforcement Working Group – but these have not been supplied. He concluded that without the opportunity to support the committee’s advice directly with the council it is hard to maintain enthusiasm.

7.41 Under the provisions of the Fisheries Act 1995, a fishery committee reports to both the Fisheries Co-Management Council and the minister. That is, a fishery committee appears to have two masters. The Committee notes, however, that when reporting to the minister, a copy of any ministerial request for advice and a copy of that advice must be provided to the Fisheries Co-Management Council. This appears to set up the fishery committees as coming directly under the umbrella of the Fisheries Co-Management Council.

7.42 This apparent subordinate relationship is reinforced by the operational arrangement of the fishery committees. Their budget forms part of the Fisheries Co-Management Council’s budget, with the committees’ annual work plans endorsed by the Fisheries Co-Management Council. The only staff resource available to a fishery committee is the Fisheries Co-Management Council’s executive officer, who is required to service the council as well as the fishery committees.

7.43 The Committee sought comment, through its Inquiry Discussion Paper, on the relationship of the fishery committees and the Fisheries Co-Management Council.

7.44 Most of the views presented to the Committee supported a view that the fishery committees should have a life and work program independent of the Fisheries Co-Management Council. The reasons for this view varied:
   a) “the process to go through to the F.C.C. [Fisheries Co-Management Council] then on to the Minister is too slow”;
   b) “a fishery committee is in the best position to provide advice regarding its fishery”;
c) the funding and resources for the Committee to carry out its appointed tasks have never been forthcoming;  

7.45 Indeed it was suggested that the relationship should be reversed: It should be made quite clear that the Fishery Committees are not subservient to the Council … Fishery Committees should be involved in preparation of the Council business plans.  

7.46 Another view presented to the Committee was that the fishery committees should “directly [liaise] with the CEO of the Fisheries Service. VRFish considers it appropriate for the fishery committees to have their work plans endorsed by the State-wide co-management body and that this body should also provide any necessary resources to the fishery committee.  

7.47 Another view was that the fishery committees should work more closely with the Fisheries Co-Management Council, with the fishery committees providing sectoral representation and fisheries expertise, with the Council complementing these areas of expertise with people with science, strategic planning, marketing and infrastructure expertise. It was noted that the fishery committees currently have the ability to set their own work programs (albeit that these have to be sanctioned by the Fisheries Co-Management Council) and that “in many cases these work programs include issues referred to Committees by the Fisheries Co-Management Council”.  

7.48 The Committee sensed that the relationship between the Fisheries Co-Management Council and at least some of the fishery committees was not harmonious. For example, a member of the Commercial Abalone Fishery Committee wrote of his amazement that this committee was not approached to have its views recorded in the Fisheries Co-Management Council’s submission to the Inquiry: “I submit this as yet another example of the Council acting without transparency and without due regard to its Committees”. The breaking down of the process between the recommendations of the fishery committees and the Fisheries Co-Management Council was also raised by Seafood Industry Victoria.  

7.49 The Fisheries Act, by implication, indicates that fishery committees are to be expert based and not represent particular sectoral interests. Some have a contrary view, for example, some grass-roots rock lobster fishers indicated they thought the role of the rock lobster fishery committee should be as an advocate for their views and that the committee had failed in this role. The Victorian Abalone Divers Association contended that committees should contain a mix of expertise and representation.  

7.50 A number of submissions suggested that having the chairpersons of each fishery committee on the Fisheries Co-Management Council would provide a direct linkage between these two arms of the co-management process.
Roles and Responsibilities

7.51 It was noted that there was some duplication and role ambiguity between the Fisheries Co-Management Council and the fishery committees. Indeed the council suggested that greater separation and clarification of the roles and responsibilities would help. Notably, both the Fisheries Co-Management Council and the fishery committees have roles in the preparation of management plans and the providing of advice on priorities for fisheries management and research - albeit one from a State-wide perspective, the other from a single fishery perspective.

7.52 The Fisheries Co-Management Council concluded that, in summary:

a) Fishery committees should be the peak technical expertise and representational body for the identification and management of the resource by the key stakeholders;

b) Each committee should be guided by “the overall Victorian Fisheries Strategic Plan” and each fishery is to produce a management plan in the context of the overall strategic plan;

c) fishery committees should contribute towards the effective operation of the fishery;

d) They should have a membership with an appropriate blend of skills - determined by the State-wide board - covering recreational fishing, commercial fishing, ecology/conservation/biodiversity and commerce/economics/finance; and

e) They should report to the board, or when advice is required of the committees by the minister, “that advice be passed directly to the Minister along with the Board’s advice which may be drawn from a wider stakeholder perspective”.

7.53 The Department of Natural Resources and Environment considered it “sensible for the [Fisheries Co-Management] Council to be clearly linked with Fishery Committees”. It suggested that these relationships should be laid out in the business plans that both bodies are required to prepare under the Fisheries Act and that “the Minister should, where necessary, provide guidelines ... for the preparation of [such] business plans.”

Processes, Powers and Operations

Consultative Processes

7.54 The Eastern Zone Rock Lobster Association provided the Committee with an example of how a fishery committee, in this instance the Commercial Rock Lobster Fishery Committee, had taken on the proposed restructuring of the commercial rock lobster sector. The association considers that the fishery consultation process undertaken did not constitute “full consultation”. A summary of the fishery committee’s consultation is provided in Table 7.2.
### Table 7.2: Consultative Process Used by the Commercial Rock Lobster Fishery Committee

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1997</td>
<td>Department called for submissions on a discussion paper on the future management of the fishery and stated that the fishery committee would consider these.</td>
</tr>
<tr>
<td>July 1997</td>
<td>Commercial Rock Lobster Fishery Committee established.</td>
</tr>
<tr>
<td>October 1997</td>
<td>Informal meeting between representatives of the association and the fishery committee.</td>
</tr>
<tr>
<td>November 1997</td>
<td>Meeting between representatives of the association and the fishery committee.</td>
</tr>
<tr>
<td>December 1997</td>
<td>Mail-out to eastern zone rock lobster fishers, seeking comment on fishery committee recommendations for restructure.</td>
</tr>
<tr>
<td>December 1997</td>
<td>Meeting with eastern zone rock lobster fishers and fishery committee representatives (fishers were required to travel to Melbourne the week before Christmas). Undertaking given that there would be further consultation.</td>
</tr>
<tr>
<td>Circa February 1998</td>
<td>Phone call to the association stating that there would be no further consultation.</td>
</tr>
<tr>
<td>Circa March 1998</td>
<td>The fishery committee provided its advice on restructure to the Fisheries Co-Management Council.</td>
</tr>
</tbody>
</table>

Source: Eastern Zone Rock Lobster Association (2001), Written Submissions, F/050.

7.55 The Committee considers that the overall consultation process is not unreasonable (although expecting fishers to travel to Melbourne, especially in the week before Christmas, is far from satisfactory). However, it seems to the Committee that the association’s substantive concern is that the fishery committee did not, in the end, adopt the association’s view that the industry should not move to quota. The issue of the introduction of quota into the commercial rock lobster sector will be discussed in detail in the Committee’s Second Report of the Inquiry.

7.56 The commercial rock lobster fishers in the western zone were likewise critical of the consultation processes of the rock lobster fishery committee. One fisher told the Committee of a meeting between the rock lobster fishery committee and local commercial fishers to discuss the fishery committee’s proposals for quota and quota allocation:

At the 15 December 1997 meeting in Warrnambool called by the rock lobster committee the fishermen, appalled at the committee’s proposal, voted 45 to 50 against both quota and allocation. The rock lobster committee - and this shows how representative its members are - tried to
prevent the motion in opposition from the floor, but the vote went ahead anyway. The committee members were not influenced by – and made it clear they were not in any way bound to represent – the stakeholders. We had no say. Somewhere along the way in this process we had become totally irrelevant.60

7.57 The Committee also received evidence that the members of some fishery committees dealing with their particular industry were inaccessible. For example, one Victorian licensed commercial fisher based in Port MacDonnell in South Australia commented on the three rock lobster fishers on the rock lobster fishery committee that he had “never met them or even spoken to one of them, yet they represent me even though I do not have a clue how to access them”.61

7.58 Seafood Industry Victoria suggested that there should be mandatory requirements for fishery committees (and the State-wide co-management body) to consult with peak industry bodies. It gave examples of those instances when consultation should be undertaken:

a) any issue concerning the peak industry body directly or indirectly;
b) prior to giving advice to the minister;
c) after giving advice to the minister; and
d) after receiving directions or requests from the minister.62

Secrecy

7.59 As well as receiving much evidence about the secrecy of the Fisheries Co-Management Council, the Committee also received evidence about concerns relating to the secrecy provisions placed on the operations of the fishery committees.

7.60 A member of the Commercial Abalone Fishery Committee stated that the degree of secrecy in which co-management is conducted has been a matter of concern to this committee since its establishment – and noted that the committee refused to conduct its proceedings in private.63 This position was taken as it believed that stakeholders “need to be confident that decisions affecting their fishery are as a result of transparent processes and members of the Committee are accountable for those decisions”.64 The importance of the fishery committees operating at all times in a transparent manner, as well as within co-management and Ecologically Sustainable Development principles, was raised by others.65

7.61 Other sectors expressed their concern about the secrecy of the fishery committees. A rock lobster fisherman expressed concern about the “rock lobster advisory panel [being] sworn to secrecy” 66

Conflict of Interest

7.62 Conflict-of-interest issues were raised with the Committee. One witness considered that while the business in which she is a partner was greatly disadvantaged by the decision to go to quota, the rock lobster fishers on their fishery committee did “just fine”.67
7.63 The Gippsland Lakes Bait Association Inc. informed the Committee that it has been at loggerheads with the Gippsland Lakes estuarine fishers for many years over the ability of the fishers to take bait in addition to the full-time bait fishers. The bait fishery believes that one of the Gippsland Lakes estuarine fishers “used his position on the Fisheries Management Committee to influence and connive with Fisheries Management in order to get an outcome that would place greater pressure on members of the Gippsland Lakes Bait Fishery to earn a living”. These concerns related to the Fisheries Management Committee creating two licences in a fishery that had been closed to new entrants for some six years on the grounds of “unsustainability”. “After the two new permit holders were given bait licences the Fishery was again closed”.

7.64 While the Committee notes that the issue raised by Gippsland Lakes bait fishers related to a precursor fishery body of the current fishery committees, the basic issue of potential for conflicts of interest to arise where individuals are making decisions related to individual licence holders remains a possibility under current procedures.

Funding

7.65 According to a member of one fishery committee, “a major weakness of the current process is that the Committee has not been given the resources to adequately carry out its tasks”. The “excellent administrative secretarial service” provided to the committee by the Fisheries Co-Management Council was acknowledged, but the view was held that assistance required for research and submission preparation was not provided.

7.66 The Committee received some comments on the level of the sitting fees being paid to members of the fishery committees. While it was considered that appointment to such committees has an aspect of community service, the current level of remuneration was felt by some - given the level of required expertise and potential loss of income while undertaking committee activities - to be totally inadequate.

7.67 The Committee received written evidence that the Commercial Abalone Fishery Committee was told in 1999 “that due to budget constraints, it could no longer be paid sitting fees or [be] reimbursed travelling/ accommodation costs - yet was still required to proffer advice to Council on relevant matters”.

Authority

7.68 While some fishers felt that the fishery committees had too much influence, an interesting comment was made by a commercial rock lobster fisher from San Remo: I telephoned the management of the crayfish division or section in the department at the start of this month and asked who was making the decisions as the crayfish subcommittee was not even meeting. I wrote
down his reply. He said, “we don’t take notice of the crayfish committee, they have no credibility.”

Finding 7.10
Where a fishery committee is providing advice on a particular matter outside the context of a management plan, it needs to identify all of the likely affected stakeholders - so that they can be informed of the opportunities for involvement and so that their views can be taken into account.

Most of the fishery committee’s advice should be in the form of a management plan, which will have defined statutory consultation processes.

Finding 7.11
There is no reason why decisions of a fishery committee should be secret - unless it deals with a commercially confidential issue. Meetings of a fishery committee could be open, other than where issues of possible commercial confidentiality are being discussed. Discussions relating to particular licence holders or businesses should not normally be on a fishery committee’s meeting agenda.

RESEARCH COMMITTEE

7.69 The predecessor to the Research Committee, the Victorian Fisheries Research Advisory Committee (VFRAC) was set up to advise the National Fisheries Research and Development Corporation (FRDC) on Victoria's fisheries research needs and priorities. In 1996, in its draft research strategy, the Victorian Fisheries Research Advisory Committee noted that its own role would broaden to include the provision of advice to the newly appointed Fisheries Co-Management Council, while retaining its relationship with the Fisheries Research and Development Corporation. It indicated that, as a fishery Committee, it would occupy an advisory position off line between the fishery committees and the Fisheries Co-Management Council itself. This reflected its role in seeking the fishery committees’ endorsement of research plans and priorities before they were submitted to the council.

7.70 The Committee noted that, by 2001, the Research Committee was regularly being described as “the Fisheries Co-Management Council’s Research Committee”. This committee’s role in advising the Fisheries Research and Development Corporation on research proposals continued, but was now undertaken on behalf of the Fisheries Co-Management Council:

The Research Committee was responsible, on behalf of the Fisheries Co-Management Council, for the evaluation of all research proposals submitted to the Fisheries Research and Development Corporation (FRDC) by Victorian research providers.
7.71 The Fishery Research Committee’s submission outlined its current functions:

a) formulation of the Victorian fisheries research strategy and monitoring its implementation;

b) provision of advice on the funding of Victorian and National fisheries research by the FRDC [Fisheries Research and Development Corporation]; and

c) providing advice to the FCC [Fisheries Co-Management Council] on all matters associated with research and development in fisheries and aquatic habitats.\(^7\)

7.72 There was a feeling by some that the current Research Committee had been too much under the influence of the Department, and it was suggested that this committee “should take advice from the relevant fishery committee before making recommendations on research into that fishery or the relevant species of fish”.\(^7\) However, the Research Committee itself considered that it had good consultation with the peak bodies “through frequent referrals of material to those bodies for comment and on a personal level”.\(^8\)

### Finding 7.12

The Research Committee may function more appropriately as a sub-committee of the Fisheries Co-Management Council than as a stand-alone fishery committee.

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Coffey, R. (2001), *Written Submissions*, F/045。


*Fisheries Act 1995*, s. 93.


Seafood Industry Victoria (2001), *Written Submissions*, F/070, p. 34.

For example, Eastern Zone Rock Lobster Association (2001), *Written Submissions*, F/050.

Seafood Industry Victoria (2001), *Written Submissions*, F/070, p. 34.


*Fisheries Act 1995*, s. 94.

*Fisheries Act 1975*, s. 94 (3).


*Written Submissions*, F/051.


Department of Natural Resources and Environment (2001), *Written Submissions*, F/079, p. 37.


An exception being where an individual fisher’s business details were under discussion, for example, when considering a fisheries adjustment; Coffey, R. (2001), *Written Submissions*, F/045.


For example, Eastern Zone Rock Lobster Association (2001), *Written Submissions*, F/050.


CHAPTER 8
RECOGNISED PEAK BODIES

• Roles and Functions
• Public Funding Support
• Operation of Currently Recognised Peak Bodies
• Sectors Without a Recognised Peak Body

8.1 Four peak bodies are recognised in the 1995 as the bodies which the minister considers represent the interests of commercial fishers, recreational fishers, aquaculturalists and conservationists. These bodies are currently:
   a) Seafood Industries Victoria (SIV);
   b) the Victorian Recreational Fishing Peak Body (VRFish);
   c) the Victorian Aquaculture Council (VAC); and
   d) the Victorian National Parks Association (VNPA).

8.2 All but the Victorian National Parks Association are umbrella groups for a range of more specific associations or interest groups.

8.3 The minister may amend or revoke the designation of a particular body as being a ‘recognised peak body’, but legislative amendment is required for other fishery interests to be encompassed by an additional peak body.

ROLE AND FUNCTIONS

Statutory Role

8.4 The designation of peak bodies in essence provides a formal mechanism for consultation between the Department and/or the minister and the four main sectors with an interest in fisheries management.

8.5 The Fisheries Act 1995 specifies actions, in the form of consultation with 'recognised peak bodies', to be undertaken by the minister or the Secretary of the Department of Natural Resources and Environment before proceeding with actions of the following type:
   a) varying of a class of fishery licence or the conditions attached to a class of licence – in which case the relevant recognised peak body must be given prior written notice;¹
   b) making, amending or revoking a quota order after consulting with “the commercial peak body”;²
   c) recommending an appointment to the Fisheries Co-Management Council or a fishery committee after consulting with a peak body relevant to the area of expertise of the proposed appointee;³
   d) recommending an appointment to the Commercial Fisheries Licensing Panel after consultation with the commercial fishing peak body;⁴
e) recommending an appointment to the Licensing Appeals Tribunal after consultation with the commercial fishing peak body;\(^5\)
f) granting a licence (other than a Recreational Fishing Licence), the granting of which may adversely affect the interests of one or more third parties, after considering the need for the applicant to first consult any relevant peak body;\(^6\) and

g) appointing two of the members of the Recreational Fishing Licence Fisheries Revenue Allocation Committee, who are to be nominated by the peak body recognised for recreational fishing.\(^7\)

8.6 In addition, the Act requires that the Fisheries Co-Management Council “publicise and distribute such codes of practice [that provide guidance to the holders of fishery licences or permits under this Act on best practice concerning any matter relevant to the holders of fishery licences or permits] that have been prepared by a recognised peak body or fishery committee”.\(^8\) The Act further allows the making of regulations that may “confer powers or impose duties in connection with the regulations on any ... recognised peak body”.\(^9\)

8.7 The Department of Natural Resources and Environment’s submission stated that there are some obligations in the Act for it to consult with both the Fisheries Co-Management Council and peak bodies, but commented that “in practice, the Department has always endeavoured to consult all parties which may have a direct interest in a management plan, fisheries notice or any other fisheries management matter”.\(^10\)

8.8 Other than a requirement to be consulted (but not necessarily offer comment), there is no formally defined role for the recognised peak bodies. It was suggested that the role of peak bodies should be defined in legislation.\(^11\)

**Additional Roles**

8.9 The peak bodies have a key contribution to make over and above the fairly narrow consultative roles conferred by the Fisheries Act – as outlined above.

8.10 In the view of one of the major commercial fishery industry associations, “the peak bodies have an essential role in putting representational and organisational views to the government.”\(^12\) The Committee understands, however, that this same association also puts its own views directly to the Government.

8.11 Rather than provide an alternative source of advice, some suggested a more specialised role for the recognised peak bodies: to focus on education, safety, occupational health and safety issues, vocational and other training, while also working with the Fisheries Co-Management Council on strategic planning and policy issues.\(^13\)

8.12 All of the recognised peak bodies have their own membership base and thus their organisational objectives and functions respond to the needs of those members. This raised an issue of whether the recognised peak bodies’ role in co-
management is restricted to representing their membership or the interests of their sector more generally.

8.13 Some of the larger advocacy groups thought that the peak bodies were operating well, but there was also some disillusionment. Smaller fishery sectors and individual fishers felt that they were poorly represented by the peak bodies; for instance, some individual commercial fishers felt that Seafood Industry Victoria is not giving them full representation.

8.14 The Committee obtained a sense that some fishers considered that the current peak body arrangements created a monopoly, providing little incentive for peak bodies to become more responsive to the concerns of smaller groups.

8.15 The Committee also noted that established and successful businesses (such as the trout farmers and abalone fishers) often prefer to bypass peak bodies and deal direct with Fisheries Victoria or the minister. Splinter groups also felt it more effective to deal direct with Fisheries Victoria or the minister rather than operate through the peak bodies.

**Relationship with the Fisheries Co-Management Council and Fishery Committees**

8.16 There was support for stronger consultation between the recognised peak bodies and the Fisheries Co-Management Council. Seafood Industries Victoria argued that there should be a mandatory requirement placed on the Fisheries Co-Management Council and the fishery committees when they deal with an issue that may affect the peak body. Some felt that peak body representatives should be on the co-management bodies.

8.17 It was also noted that the recognised peak bodies are in a sense “an alternative to the FCMC [Fisheries Co-Management Council] as a source of advice ... the roles of Peak Bodies and the role of the FCMC, might be more clearly defined to minimise duplication and clarify the Government’s position.”

8.18 Another issue raised was not so much the relationship of the peak bodies with the Fisheries Co-Management Council, but that the recognised peak bodies are being bypassed by “non-peak but influential associations”, thus weakening the collective process.

8.19 The Committee also received a submission suggesting a mechanism to strengthen co-management between Fisheries Victoria and the peak bodies. In essence, the suggestion is for wherever a peak body has a proposal for a change to a fishery arrangement, it would notify Fisheries Victoria, negotiate a process involving, if necessary, other peak bodies and seek the view of the State-wide co-management body, and then make a recommendation to the minister.
8.20 One submission made an interesting observation:

We believe that the development of co-management in Victoria has been
hindered by the lack of support by one of the major stakeholders –
VRFish … the FCC [Fisheries Co-Management Council] has made
attempts to strengthen consultative mechanisms with the peak bodies, but
if the peak body employs staff who fail to be co-operative, then the
mechanisms fail.20

Representation

8.21 Some sectors are actually represented by more than one peak body – for
example, the Committee learnt that the Victorian Trout Association had been a
member of both Seafood Industries Victoria and the Victorian Aquaculture
Council.21

Responsibilities

8.22 While the recognised peak bodies have a special role to play in co-
management, what sort of responsibilities do they have to the wider community?

8.23 According to one industry sector association, “peak bodies may organise
their internal affairs as they see fit, and should be free to represent their various
constituencies with no direct involvement in management processes”.22

8.24 As noted above, the Fisheries Act 1995 does not specify the roles and/or
functions of the recognised peak bodies – their designation in the Act merely places
referral and consultation obligations on the minister.

PUBLIC FUNDING SUPPORT

8.25 While there is no statutory basis for government involvement in any the
operations of any of the recognised peak bodies, nor required public accountability
for any advice provided where statutory consultation is prescribed, the
Government has chosen to selectively support some of the recognised peak bodies.

Establishment Assistance

8.26 Some of the recognised peak bodies received substantial assistance over a
number of years to assist in their establishment.

8.27 In 1989, the then government assisted and co-funded the establishment of
the Victorian Fishing Industry Federation (forerunner of Seafood Industry
Victoria), which subsequently relied on non-government funding.

8.28 In 1995, the then government established a wholly government-funded
VRFish. It is understood that this initial funding was provided on the basis that it
would not be ongoing and that the government funding may possibly be replaced
by payment from the then envisaged all-waters Recreational Fishing Licence (as
occurred from 1999).
8.29 In 1996, the then government assisted the formation of the Victorian Aquaculture Council, with a commitment to provide funding assistance for four years.\textsuperscript{23}

8.30 The Victorian National Parks Association, the recognised peak body representing conservation interests, received no establishment funding. The Committee notes, however, that it was a pre-existing organisation.

**Ongoing Support**

8.31 The Fisheries Act 1995 provides for the charging of levies on each class of fishery licence or permit and for the use of the levy for:
   a) fisheries promotion and marketing;
   b) compliance;
   c) management;
   d) administration;
   e) funding peak bodies (relevant to the class of the licence);
   f) research;
   g) monitoring; and
   h) any other prescribed purpose.\textsuperscript{24}

8.32 An annual levy is placed on commercial access licences and is paid to Seafood Industry Victoria. This levy is collected by Fisheries Victoria at no cost to Seafood Industry Victoria (administration costs are deducted from the levy) and is obligatory for all commercial-access licence holders.

8.33 While there is not a levy as such on recreational fishing licences, part of the funds raised by the licence fee is distributed to VRFish. The funds raised by the licence fee (and any levies applied) are placed in the Recreational Fishing Licence Trust Account and allocated by the minister on the advice of the Fisheries Revenue Allocation Committee.\textsuperscript{25} The membership of the Allocation Committee consists of two members of the Fisheries Co-Management Council or a fishery committee with knowledge of experience in recreational fishing, two persons nominated by the Secretary of the Department of Natural Resources and Environment, and two people nominated by the recognised peak body for recreational fishing. The costs of the administration, including the collection of fees, are retrieved from the trust account.

8.34 A levy is also made against aquaculture licences, and is used to support the Victorian Aquaculture Council. This levy is collected at no cost to the Victorian Aquaculture Council and is obligatory for all aquaculture licence holders.

8.35 The Committee is not aware of any direct annual public government funding or in-kind support for the recognised peak body for conservation interest, the Victorian National Parks Association (although they may be the recipient of one-off special purpose grants). The Committee also notes that those with conservation interests in fisheries are not required to be licensed and consequently
funding by way of an allocation of part of a licence fee or a levy on the licence is not possible.

8.36 Table 8.1 summarises payments made through the Department of Natural Resources and Environment to Seafood Industry Victoria, the Victorian Aquaculture Council and VRFish, for the period 1997-98 to 2000-01, indicating the funding component derived from levies on commercial licences and from recreational fishing licence revenue.

8.37 Inequities between the levels of government support provided to the recognised peak bodies were raised during the Inquiry.

8.38 As noted above, some of the peak bodies receive government funding (the Victorian Aquaculture Council and until recently VRFish) and others don’t. For example, one commercial fisher noted that the recreational and aquaculture peak bodies were given substantial funds to enable them to get established, whereas the pre-established Seafood Industry Victoria was not.26 The Committee notes that Seafood Industry Victoria’s predecessor body, the Victorian Fishing Industry Federation, was given direct government assistance during its formation in 1989.

8.39 The Committee also notes that Seafood Industry Victoria and the Victorian Aquaculture Council get assistance through the collection of fees by government (and at no cost to the organisations) by way of a compulsory levy on all commercial licence holders.

8.40 The recognised peak body for representing conservation interests, the VNPA, receives no assistance to undertake its obligations as a peak body under the
Fisheries Act 1995. Indeed, it seems that those peak bodies for which there is an obvious source of revenue - linked to clearly identifiable constituents - are being assisted, whereas those without such a constituency are not assisted.

8.41 Comment was made that the recreational fishery, as a result of the recreational licence fees, "has the luxury of being able to determine its own disbursements, but the commercial fishery does not ... [an] inequity that has to be dealt with". 27

8.42 There was a feeling that some peak bodies had effectively become mail-out centres for the Department - and were being snowed under with having to make comments on so many things. 28 Seafood Industry Victoria and others have argued that financial support should be provided to peak bodies to enable them to meet the increasing requirement to respond effectively to government requests for information or services. 29

OPERATION OF CURRENTLY RECOGNISED PEAK BODIES

Seafood Industry Victoria

8.43 The Victorian fishing industry, assisted by the Government, created the Victorian Fishing Industry Federation in 1989. The name of the body was changed to Seafood Industry Victoria in 1996. It is a non-profit organisation comprising members from the catching, processing, wholesale, retail and export sectors of the commercial fishing industry.

Organisational Objectives

8.44 Seafood Industry Victoria's organisational goals are to:

a) achieve security and certainty of industry;
b) provide effective leadership in a politicised environment;
c) encourage commitment to seafood excellence;
d) undertake proactive policy development;
e) promote industry career development;
f) encourage resource and habitat restoration; and
g) conduct public relations internally and externally. 30

8.45 Seafood Industry Victoria represents the interests of the commercial fishing sector by liaising with government, media, recreational fishing bodies, conservation groups and others with interests that impinge on those of its members. Its major functions are communication between industry, government and interested groups, and representation, including making submissions and participating in meetings and management bodies.

8.46 A comprehensive set of policy statements indicate Seafood Industry Victoria's position in relation to a wide variety of matters, including fisheries management, management plans, resource allocation, property rights, sustainability and co-management.
8.47 Seafood Industry Victoria also supports three subsidiary bodies that provide information, training and advice to industry members:
   a) Sea Net – a service provided by the Fisheries Extension Network Australia, funded by the Natural Heritage Fund;
   b) Seafood Training Victoria – promoting competency-based training and advice to industry, schools and government; and
   c) Seafood Services Victoria – a service to anyone in the seafood business, offering advice on food safety, quality management and value adding.

Membership
8.48 The industry associations that are currently members of Seafood Industry Victoria, (as at November 2001) are:
   a) AbPro (abalone processors);
   b) Abalone Fishermen’s Cooperative;
   c) Apollo Bay Fishermen’s Cooperative;
   d) Australian Trout and Salmon Farmers Association;
   e) East Gippsland Estuarine Fishermen’s Association;
   f) Gippsland Lakes Bait Association;
   g) Lakes Entrance Fishermen’s Cooperative;
   h) Port Campbell Professional Fishermen’s Association;
   i) Port Franklin Fishermen’s Association;
   j) Portland Professional Fishermen’s Association;
   k) Port Phillip and Westernport Bay Professional Fishermen’s Association;
   l) Port Welshpool Professional Fishermen’s Association;
   m) Southern Shark and Gillnet Fishermen’s Association;
   n) San Remo Fishermen’s Cooperative;
   o) Victorian Abalone Processors Association;
   p) Victorian Eel Fishermen’s Association;
   q) Victorian Fish and Food Marketing Association;
   r) Warrnambool Professional Fishermen’s Association;
   s) Western Zone Abalone Divers Association; and
   t) Western Zone Wrasse Fishermen’s Association.

8.49 All holders of commercial fisheries access licences become non-voting members on payment of the annual levy as part of the commercial fisheries licensing renewal system. Individual licence holders may also choose to belong to their particular sectoral association.

Accountability and Decision-making Processes
8.50 Directors are elected to Seafood Industry Victoria’s Board and are chosen to represent either a fishery or a region. Board members are elected at annual general meetings by representatives of each member association.

8.51 Several committees, each led by a director, work on issues relating to particular fisheries. Included among the services provided to members are communication (including the newsletter, SIV News), meeting facilities, administrative support to industry associations, reference material and information
and advice on matters such as training, seafood quality, occupational health and safety, insurance, legal services and weather.

8.52 Members of the board and its committees are drawn from nominations of the member organisations.

8.53 Individual commercial licence holders, as non-voting members, have no direct representation on the decision making bodies of this recognised peak body, unless they are also members of a member association and gain representation through that association.

**Effectiveness**

8.54 Seafood Industries Victoria appeared to have the support of most of the commercial fishers that made contact with the Committee. One concern expressed was that “they are not getting through to the department.” Seafood Industry Victoria also acknowledged this problem and put it down to a communication issue.

8.55 Members also acknowledged that it is sometimes difficult to get consensus, as the organisation covers both small and large operators - it is hard being a representative.

8.56 The Committee noticed that the Victorian Abalone Divers Association has recently terminated its association with Seafood Industry Victoria and thus understands that at least one affiliated member has concerns about its representation by Seafood Industry Victoria.

**Victorian Recreational Fishing Peak Body**

8.57 In 1994, after years of unsuccessful attempts by the recreational fishing community to set up a peak body, the then minister established a committee to advise on the structure, functions and operations of a peak body. This body was to be established as a representational and lobby group to represent the interests of all Victorians who engage in the various forms of recreational fishing. As a result, in 1995 the Victorian Recreational Fishing Peak Body was established as a Victorian company, limited by guarantee and not having a share capital.

**Organisational Objectives**

8.58 Operating under the name VRFish, this body is recognised by the Government (under the Fisheries Act 1995) as representing the interests of the recreational fishing community in Victoria. As such, VRFish aims “to provide that single voice and forum for recreational fishers, whether or not they belong to a recreational fishing club.”

8.59 It has published several policy and vision statements relating to trout fishery management, native fish management, inland fish stocking, environmental flows, bay and inlet fisheries and artificial reefs.
Membership
8.60 VRFish’s council comprises two members each from the major State-wide and regional recreational fishing bodies in Victoria, plus persons who represent unaffiliated recreational fishers from the Port Phillip, North West, North East, Gippsland and South West regions of the State. Each year the council members elect the board of nine directors, including the chairman. The articles of association allow for the appointment of associate members.

Accountability and Decision-making Processes
8.61 VRFish has one committee that deals with policy/finance/administration matters and five committees that deal with matters relating to fishing in each of five regions of the State.

8.62 The Council’s board is elected annually by representatives of the member sector associations.

8.63 Where individual commercial licence holders are members of a member association they are represented through that organisation. Otherwise the individual commercial licence holders have no direct representation on this recognised peak body.

Effectiveness
8.64 It seems to the Committee that many recreational fishers are not fully happy with VRFish – for a variety of reasons.

8.65 For some there is a feeling that VRFish is controlled by government, having been established by government, sponsored by government and headed up by a former ministerial staffer.35

8.66 Others are not happy with its views on particular issues, such as marine parks. VRFish is not considered to be representative of all anglers’ concerns.36 Indeed the Australian Recreational Fishing Alliance, in their submission to the Inquiry, stated that they considered that VRFish:

VRFish is not recognised nor accepted by the recreational angler as their representative body ... the recreational fisher has no input into [their] decision making processes ... its members are not elected ... [and it] is a Government appointed body doing the Government bidding.37

8.67 For others, VRFish is seen to be constantly attacking the commercial fishing sector, and thus not assisting co-management processes.38

8.68 The management structures of VRFish have been likened to a company structure rather than a recreational peak body, with the board of management running it with little input from the grass root anglers – and it needs to be more accountable.39 There was a feeling that the chairman and executive officer wielded too much power.40 A suggestion was made that if VRFish was part of a composite body extending throughout the State it would be stronger.41
8.69 Both charter-boat operators and fly fishers have indicated they consider that they are inadequately represented by VRFish.

8.70 But for some – VRFish is a “great idea”.

**Victorian Aquaculture Council**

8.71 The Victorian Aquaculture Council was formed in 1996.

**Organisational Objectives**

8.72 The Victorian Aquaculture Council “seeks to unite all sectors of aquaculture and develops, advocates and negotiates agreed positions on issues that affect aquaculture for the common benefit of the industry”.

**Membership**

8.73 The council membership consists of member associations. In 2001 the member associations were:

- a) Victorian Abalone Growers Association;
- b) Mussel Producers Association of Victoria;
- c) Victorian Trout Association;
- d) The Australian Freshwater Crayfish Growers Association of Victoria;
- e) Victorian Eel Fishermen’s Association;
- f) Victorian Warmwater Aquaculture Association;
- g) Victorian Atlantic Salmon Growers; and
- h) Victorian Ornamental Growers (ornamental fish).

**Accountability and Decision-making Processes**

8.74 The council’s board is elected annually by representatives of the member sector associations.

8.75 Where individual commercial licence holders are members of a member association they are represented through that organisation. Otherwise the individual commercial licence holders have no direct representation on this recognised peak body. The Committee notes that the Victorian Aquaculture Advisory Council has advised that it acts on behalf of all aquaculture licence holders whether or not they are a member of one of its member associations.

**Effectiveness**

8.76 It seems that the varying interests in aquaculture have made it difficult to establish and maintain a cohesive peak body for aquaculture, with several groups having left the Victorian Aquaculture Council in the three years since its inception, for instance, the trout farmers and the Gippsland aquaculture group.

8.77 The Executive Officer of the Victorian Aquaculture Council told the Committee that the “aquaculture industry does not necessarily feel very comfortable within the arena of fisheries ... [referring to themselves] as farmers, rather than hunters and gatherers as ... [are] fishermen.” Nonetheless, they found it useful to be part of the co-management process, with a number of their
councillors serving on the Fisheries Co-Management Council and the various fishery committees.

**Victorian National Parks Association**

8.78 The Victorian National Parks Association (VNPA) was established in 1952 and has been a strong advocate for the creation and good management of a system of parks and conservation reserves in Victoria.

**Organisational Objectives**

8.79 The Victorian National Parks Association is an independent, non-government, non-profit organisation that promotes interest in and care of the State’s natural areas.  

8.80 The association offers its members what it describes as “the largest activities program in Victoria” (bushwalking, canoeing and so forth), excursions to parks, opportunities to be involved in conservation programs (including ‘Friends Groups’), and conferences and monthly meetings with speakers. It also runs campaigns on a variety of conservation issues. Current campaigns include those on marine national parks and sustainable fisheries.

**Membership**

8.81 The association has two main membership categories – individual members and corporate members. Corporate members include a variety of conservation-orientated clubs and societies.

**Accountability and Decision-making Processes**

8.82 Members elect a council and executive of the association at an annual general meeting.

8.83 The association has 17 committees “established in order to offer support and guidance to staff and Council or to provide specific services to our members and the wider public”. The committees may develop policies and support campaigns. Policies are adopted by the council.

**Effectiveness**

8.84 The level of fisheries expertise of the Victorian National Parks Association was questioned, which together with a perception of it constantly attacking the recreational and commercial fishery sectors, led some to question its status as a recognised peak body under the Fisheries Act.

**SECTORS WITHOUT A RECOGNISED PEAK BODY**

8.85 Some major sectors identified in the objectives of the Fisheries Act do not fit comfortably with the ‘interests’ of the four recognised peak bodies – for example, traditional fisheries and commercial sectors not directly involved in wild harvest or processing – and have sought peak-body standing.
8.86 The Framlingham Aboriginal Trust asked that the Committee recognise the “Aboriginal people as a major stakeholder in the Victorian fishery” and recommends that “Section 3(d) of the Fisheries Act 1995 is implemented to facilitate access to fisheries resources for traditional use”. They sought recognition that “Aboriginal people need to be included as partners in the management of aquatic resources and in the economic benefits gained from the exploitation of aquatic resources [and] establishing a protocol with coastal Aboriginal people [to achieve this]”.

8.87 A representative of the Gournditch-mara native title holders and Mirimbiak Aboriginal Nations (the representative body for native title holders in Victoria) was more specific: “We want a statewide indigenous fishing committee to be established to look after our interests”. “We need the tools – a committee – and the power to enable us to speak directly to the minister, not through the FCC [Fisheries Co-Management Council]”. The representative also said:

I am also here to tell you that we want to participate in the management of all fisheries, not as a community group or an interested party but as custodians of country.

8.88 Mr Steve Johnston, representing the Victorian Fishing Charter Association, told the Committee that the 130 fishing-charter operators were a significant user of the fishing resource but had not been given the same status as other major user sectors. He stated that his organisation should:

Be recognised by the government as a major player in the recreational fishing industry by way of being included as a peak body to be consulted on all matters relevant to our industry.

8.89 The association’s submission noted that the industry catered for approximately 150 000 recreational anglers, with the potential to take large numbers of fish. The association currently represents 65 members. The association recommends that charter-boat operators be licensed under the Fisheries Act and that “if licensing were introduced a Charter fishing management advisory committee would be established to provide formal and recognised input by charter boat operators to the management process and the development of agreed management plans”.

8.90 The fishing charter industry and the related fishing guide sector “significantly increase the catch of recreational anglers by hiring out their knowledge, vessel as the means of transport and equipment” and would like to “see the Victorian government recognise the fishing charter sector industry that is both a recreational and commercial industry, as a legitimate sector of the fishing industry, ensuring its proper representation in the management process and assisting it to have its fair share of fish stocks”.

8.91 The Committee is still to report on its separate inquiry into the management of the fishing charter industry.
The Committee also heard evidence about the size and nature of the aquarium industry in Victoria.\textsuperscript{59} It has an annual turnover of the Victorian retail industry in excess of $100 million per annum, a client base exceeding 150,000 people and is an industry directly affected by many government policies and processes (for example, the declaration of noxious fish). The aquarium sector encompasses aquarium societies, retail traders and unaffiliated hobby breeders. The Committee notes that ornamental fish interests are currently represented on the aquaculture fishery committee. The Committee also notes that the issues facing aquarium societies, the ornamental fish retail trade and hobby breeders have affinities with the various pet traders and pet and companion-animal breeders and societies, although these mostly deal with licensing issues arising from the Wildlife Act 1975.\textsuperscript{60}

**Finding 8.1**

The recognised peak bodies provide desirable benefits for a sector – presenting a strong and uniform voice to government and to others. Such benefits are not dependent on the peak bodies being specifically recognised in the Fisheries Act.

**Finding 8.2**

Recognised peak bodies should be nominated as obligatory referral bodies for consultation on fishery management plans and the Victorian Fisheries Strategy.

**Finding 8.3**

Where any compulsory fees or levies collected from licence holders are used to directly fund recognised peak bodies, such fees and levies should be clearly identified and tied to licence holders being given the opportunity to become voting members of the peak body.

**Finding 8.4**

Where a recognised peak body is supported by way of a compulsory fee or levy placed on a licence holder, the peak body should be required to act on behalf of all such licence holders, whether members or not.

**Finding 8.5**

Some major sectors identified in the objectives of the Fisheries Act 1995, such as traditional fisheries and commercial sectors not directly involved in wild harvest or processing, which have sought ‘peak body’ standing, should be recognised as potentially worthy of such a designation.
RECOMMENDATION 8.1
That the Governor-in-Council be given authority to designate additional peak bodies.

RECOMMENDATION 8.2
That the Governor-in-Council give consideration to initially designating two additional peak bodies, being:

a) an organisation which the minister considers represents indigenous fishing interests; and

b) an organisation which the minister considers represents fishing charter/guide interests.

1 Fisheries Act 1995, s. 54 (3A) (b).
2 Fisheries Act 1995, s. 64B (1).
3 Fisheries Act 1995, s. 90 (3) (d) and s. 93 (3) (d).
4 Fisheries Act 1995, s. 132 (2) (c).
5 Fisheries Act 1995, s. 135 (2) (c).
6 Fisheries Act 1995, s. 148 (4) (a).
7 Fisheries Act 1995, s. 151C (3) (c).
8 Fisheries Act 1995, s. 91 (fb).
9 Fisheries Act 1995, s. 153 (4) (e).
10 Department of Natural Resources and Environment (2001), Written Submissions, F/079, p. 37.
11 Seafood Industry Victoria (2001), Written Submissions, F/070, p. 35.
13 Victorian Abalone Divers Association Inc (2001), Written Submissions, F/066, p. 28.
14 Far West Anglers Association (2001), Written Submissions, F/062, p. 11.
16 As did, for example, an inland fishery committee member; Batstra, J. (2001), commercial fisher, Written Submissions, F/010.
17 Victorian Abalone Divers Association Inc. (2001), Written Submissions, F/066, p. 28.
18 SCUBA Divers Federation of Victoria, Written Submissions, F/064, p. 12.
20 Native Fish Australia (Vic.) Inc. (2001), Written Submissions, F/058. The specific example provided to the Committee was the rejection by the VRFish chairman and executive officer of an invitation from the Fisheries Co-Management Council to meet with other peak bodies and the then new minister.
24 Fisheries Act 1995, s. 151
25 The trust fund is established under s. 151B of the Fisheries Act 1995. The Fisheries Revenue Allocation Committee is established under s. 151C of the Fisheries Act 1995.
28 For example, McDonald, R. (2001), Minutes of Evidence, 18 April 2001, p. 120.
33 McDonald, R. (2001), Minutes of Evidence, 18 April 2001, p. 120.
36 For example, Douglass, S. (2001), Written Submissions, F/038.
37 Australian Recreational Fishing Alliance (2001), Written Submissions, F/060.
40 For example, Edwards, M. (2001), Goulburn Valley Association of Angling Clubs, Minutes of Evidence, 27 March 2001, p. 33; McDonald, R. (2001), Minutes of Evidence, 18 April 2001, p. 120.
50 Framlingham Aboriginal Trust (2001), Written Submissions, F/017.
58 Referred to the Committee by the Governor-in-Council under the Parliamentary Committees Act 1968; Victorian Government Gazette, 7 June 2001, p. 1259.
60 Some of the issues facing the aquarium sector were considered by the Committee as part of its Inquiry into the Utilisation of Victorian Native Flora and Fauna – see Environment and Natural Resources Committee (2000), Utilisation of Victorian Native Flora and Fauna – Inquiry Report, ENRC, Parliament of Victoria.
CHAPTER 9
OTHER BODIES INVOLVED IN FISHERIES MANAGEMENT

• Fishcare Volunteer Program
• Rex Hunt Futurefish Foundation
• Melbourne Wholesale Fish Market
• Licence Holders and Sector Associations

FISHCARE VOLUNTEER PROGRAM

9.1 Fishcare is a program serviced by Fisheries Victoria that involves volunteers in providing information, educational material and assistance to recreational fishers in Victoria. The aim of the program is:

To foster a concept of stewardship and personal responsibility by Victoria’s recreational fishers and the broader community to fish resources and the aquatic environment.¹

9.2 The volunteers involved in the program are interviewed to assess their suitability for the role and trained in the structures and operational aspects of fisheries management, fish biology, fisheries regulations, communication skills and their rights and responsibilities. The training program covers two full days and a half-day field session. Following three months probation, a mutual agreement is signed covering a 12-month period.² The volunteers work within their local areas in co-operation with a volunteer District Co-ordinator.

9.3 The volunteers’ role primarily involves talking to people actually engaged in fishing – on piers, river banks and at boat ramps – as well as attending fishing competitions and shows. They also conduct fishing clinics for juniors. They do not have an enforcement role. The Fishcare volunteers are required to undertake Fishcare activities at least one day per month. A uniform is provided and is worn when undertaking Fishcare activities.

9.4 While not involved in operational aspects of fisheries management, the Fishcare Volunteer Program offers an important educational program that complements the work undertaken by Fisheries Officers.

REX HUNT FUTUREFISH FOUNDATION

9.5 Formed in 1999, the Rex Hunt Futurefish Foundation is an independent, non-profit charitable foundation set up to promote the benefits of recreational fishing in Australia. “The foundation ... aims to replenish fish stocks, repair damaged environments and help those less fortunate to be part of the greatest sport of all – FISHING!”³ As well as having a board comprising members with business and recreational fishing experience, in Victoria the foundation is supported by a regional network of representatives from fishing and other
specialised backgrounds who assist in the development and delivery of projects. The foundation’s goals are:

- To identify and undertake specific environmental projects to enhance recreational fisheries.
- To create an acceptable restocking enhancement program for waterways throughout Australia.
- To actively support disadvantaged people to experience the joy of fishing.
- To introduce and actively educate children in the sport of fishing.
- To be a national independent voice for fisheries throughout Australia, providing common goals.\(^4\)

9.6 The foundation’s primary sources of funding are the corporate sector and major fund-raising events, plus an undertaking by the Victorian Government in 1999 to provide matching funds, on a dollar-for-dollar basis, to a maximum of $250,000 annually for five years.

**MELBOURNE WHOLESALE FISH MARKET**

9.7 The Melbourne Wholesale Fish Market is an integral part of the fishing industry in Victoria, being the main supply centre of fresh fish for businesses in Melbourne and country Victoria, as well as serving businesses in New South Wales, Tasmania and South Australia.

9.8 A separate fish market was first established in 1869. The current facility was opened in 1959. The market comprises two sections, the main part consisting of four commissioned agents who sell fresh fish on behalf of commercial fishers. The other section, the provedores, specialise in imported fish, crustaceans, molluscs and processed fish. Currently the market provides for four commissioned agents and thirteen provedores.\(^5\) It is open to any person, but in practice it is fish retailers and buyers for the restaurant trade who make most use of the market.

9.9 The Committee inspected the market floor at the Melbourne Fish Market and spoke to the managing director of the market as well as to one of the agents who operate from the market.

9.10 The Committee learnt that the market is owned by a company that is wholly owned by the City of Melbourne. The company is the landlord and has little involvement in the day-to-day sales of fish, although it employs food safety officers. (This is different from the Sydney Fish Market, where the market controls the buying and selling of fish, through an auction system.) Members of the fishing industry have no control over the running of the Melbourne market, but use it as a convenient distribution point. Tenants are able to install their own infrastructure and are responsible for their own operations and selling procedures.

9.11 The Committee was told that most of the trade at the Melbourne Fish Market involves finfish caught in or near Victorian waters – mainly landed in Portland and Lakes Entrance – but mostly under Commonwealth, Tasmanian or New South Wales managed fisheries. Other fish and shellfish and some
aquaculture produce are also sold through the market and are sourced from all over
Australia. Most of Victoria’s abalone and rock lobster catch is not sold through the
market, but is directly exported. The Committee noticed that the quality of fish for
sale varied markedly. Boxes of fish are sold with marked prices, although some
higher-value fish may be auctioned. A significant proportion of the fish passing
through the market is pre-sold.

9.12 From the agent’s perspective, a central market makes fish buying and selling
more convenient. The market not only services Victorian sellers and buyers; fish
marketed is also derived from, and sold to, Tasmania. Most fish sold, however, is
consumed in Victoria. The Committee was also told that around 25 to 30 per cent
is on-sold at the Victorian and other Melbourne markets. When the doors are
opened at 4.30 am there is a rush of buyers – it seems that there is a gap between
demand and the supply of wild caught fish.

9.13 The Committee also learnt of suggestions for a new fish market. A
waterside location has been proposed – such as the Docklands – possibly with
boat-unloading facilities, retail outlets and restaurants, as well as market facilities.
While the Committee noted that there appeared to be support for such a concept
from a number of industry people the Committee met during its inspection
program, to date there is no obvious group to further develop the concept.

**Finding 9.1**

Community-based volunteer groups, private foundations and the corporate sector
can and do make a valuable contribution to the development of Victoria’s
fisheries. Their participation and collaboration with government in these
endeavours is in keeping with the goals of co-management.

**Finding 9.2**

Proposals to develop a new riverside Melbourne Fish Market facility have merit
and it would be useful if government facilitated the bringing together of
interested parties to further develop the concept.

**LICENCE HOLDERS AND SECTOR ASSOCIATIONS**

9.14 Licence holders and sector associations comprising and representing licence
holders have an intimate day-to-day involvement in fisheries and may undertake de
facto management roles in creating and working to informal codes of practice and
other agreed working agreements, as well as undertaking informal compliance
monitoring and enforcement activity.

9.15 Stakeholder groups have noted, however, that the present co-management
arrangements under the “provides no opportunity whatsoever for
stakeholders to take real and formal responsibility for any aspect of fisheries management”.6

9.16 Seafood Industry Victoria has advocated the giving of more responsibilities to stakeholders, “to encourage innovation and accountability and form partnerships with government for co-operative decision making”.7

9.17 The Committee notes that there were in fact provisions in the original Fisheries Act 1995 (section 96) for the recognition of ‘bodies corporate’ composed of holders of access licences, which enabled some direct involvement in management arrangements. These provisions were removed in a 1997 amendment to the Act, thus removing “the only mechanism available to commercial stakeholders for taking charge of their own affairs under specified conditions”.8

9.18 According to correspondence from the then Acting Director of Fisheries provided to the Committee, the Department considered it “inappropriate that the Minister should be required by statute to facilitate the formation of a body corporate, approve its memorandum and articles of association and so on”. And went on to say:

We are aware that this provision was modelled on fisheries in other jurisdictions where significant management responsibilities for a fishery have been devolved to a body corporate. Should there be a desire to manage a fishery in this way, there is sufficient scope to do so within the regulatory powers contained in this Act and the powers of the Secretary under other Acts. Any interested group is able to form a body corporate under Victorian legislation.9

9.19 While the Committee is ‘in principle’ supportive of decision making being delegated, it notes the concern of others about one of the roles of a commercial fishery committee in setting the annual Total Allowable Catch (TAC) for the fishery – the task is to avoid having the “fox in charge of the hen-house”, especially if there is a lack of a formal process.10

9.20 The Committee learnt during its inspections of Corner Inlet and Lake Tyers of codes of practice that had been prepared by commercial fishing groups. The Committee understands that these have been generally well received, not only by those involved in the directly relevant sectors, but by other users of the fishery resources of these areas.

9.21 The Department of Natural Resources and Environment submission drew the Committee’s attention to the Spencer Gulf Prawn Fishery co-management model, where “there has been considerable delegation of management control to the commercial sector, which is responsible for decisions related to monitoring of stocks and opening/ closing the commercial fishing season”.11

9.22 Moreover, the Department of Natural Resources and Environment appeared comfortable in delegating increased management decision-making powers to particular fisheries and in its submission to the Inquiry commented that:
In order to formalise delegation of powers from the Minister and the Secretary to co-management bodies, it would probably be best if a process and head of power for doing so were included by amendment to the Fisheries Act 1995.\textsuperscript{12}

**Finding 9.3**

It is desirable that fishery sectors be given the opportunity for self-management through the creation of instruments such as codes of practice.

**RECOMMENDATION 9.1**

That a head of power be established under the Fisheries Act 1995 for the minister to delegate the development and approval of codes of practice affecting an individual fishery sector to that fishery sector.

That the delegation of authority to develop and approve codes of practice be subject to:

a) the delegation being to a body corporate whose shareholders consist of the majority of the holders of access licences in the relevant fishery, or whose objectives are to represent all access holders in the relevant fishery;

b) the codes of practice being consistent with any approved management plan or other statutory instrument that may be in place;

c) all access holders in the relevant sector (whether a member of the body corporate or not) be given the opportunity to comment on proposed codes of practice prior to their approval; and

d) that codes of practice be provided to the Fisheries Co-Management Council and Department of Natural Resources and Environment within seven days of approval and made generally available to others on request.

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\textsuperscript{1} Department of Natural Resources and Environment (n.d.), *Fishcare Volunteer*, brochure.
\textsuperscript{6} Victorian Abalone Divers Association (2001), *Written Submissions*, F/066, pp. 18-19.
\textsuperscript{7} Seafood Industry Victoria (2001), *Written Submissions*, F/070, p. 25.
\textsuperscript{8} Victorian Abalone Divers Association (2001), *Written Submissions*, F/066, p. 18.
\textsuperscript{9} Victorian Abalone Divers Association (2001), *Written Submissions*, F/066, p. 18.
\textsuperscript{10} SCUBA Divers Federation of Victoria (2001), *Written Submissions*, F/064, p. 7, referring to the role the Commercial Abalone Fishery Committee plays in setting the annual Total Allowable Catch (TAC) for the fishery.
\textsuperscript{11} Department of Natural Resources and Environment (2001), *Written Submissions*, F/079, p. 38.
12 Department of Natural Resources and Environment (2001), *Written Submissions*, F/079, p. 38.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Licence</td>
<td>A licence issued under s. 38 of the <em>Fisheries Act 1995</em>. Permits the holder to undertake commercial fishing activities.</td>
</tr>
<tr>
<td>Acclimatisation Societies</td>
<td>Organisations that promote the introduction of exotic species into new habitats.</td>
</tr>
<tr>
<td>AFMA</td>
<td>Australian Fisheries Management Authority</td>
</tr>
<tr>
<td>Angle</td>
<td>Using a line, with or without a rod, for the purpose of taking fish.</td>
</tr>
<tr>
<td>Angler</td>
<td>A person who angles.</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>The cultivation or farming of marine and freshwater species in tanks or ponds or some other form of artificial habitat (the cultivation of marine species is sometimes referred to as mariculture).</td>
</tr>
<tr>
<td>Aquaculture licence</td>
<td>A licence issued under s. 43 of the <em>Fisheries Act 1995</em>. Permits the holder to undertake aquaculture activities.</td>
</tr>
<tr>
<td>Aquarium</td>
<td>A facility for the holding of aquatic organisms.</td>
</tr>
<tr>
<td>Aquatic</td>
<td>Pertaining to water or living or growing in water. Includes marine and freshwater.</td>
</tr>
<tr>
<td>Biodiversity</td>
<td>The natural diversity of all life, the sum of all our native species of flora and fauna, the genetic variation within them, their habitats, and the ecosystems of which they are an integral part.</td>
</tr>
<tr>
<td>Biota</td>
<td>The total animal and plant life, including micro-organisms, in a region or location at a particular time.</td>
</tr>
<tr>
<td>Catch (verb)</td>
<td>Take possession of fish with the intention of either retaining them for personal or commercial benefit or releasing them unharmed.</td>
</tr>
<tr>
<td>Catchment</td>
<td>The total land area from which water is derived for a waterway or water body.</td>
</tr>
<tr>
<td>Catchment Management Authority</td>
<td>Statutory body formed under the <em>Catchment and Land Protection Act 1994</em>, with responsibility to advise the Government on land and water resource management, to oversee the preparation and implementation of regional catchment management strategies and to promote sustainable management.</td>
</tr>
<tr>
<td>Compliance</td>
<td>Ensuring that laws are being met.</td>
</tr>
<tr>
<td>Conservation</td>
<td>The planned management and use of (natural) resources to provide present benefit without compromising future benefits.</td>
</tr>
<tr>
<td>DNRE</td>
<td>Department of Natural Resources and Environment.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>--------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
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<tr>
<td>Ecologically Sustainable Development (ESD)</td>
<td>Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.</td>
</tr>
<tr>
<td>Ecosystem</td>
<td>A community of organisms interacting with one another, plus the environment in which they live and with which they also interact.</td>
</tr>
<tr>
<td>ENRC</td>
<td>Environment and Natural Resources Committee of the Parliament of Victoria.</td>
</tr>
<tr>
<td>Environment</td>
<td>The combined biological conditions and physical surroundings and influences in which an organism lives. It is also often used as a synonym for natural ecosystems or landscapes.</td>
</tr>
<tr>
<td>FCC</td>
<td>Fisheries Co-Management Council.</td>
</tr>
<tr>
<td>Finfish</td>
<td>Fish with fins, generally taken to be the bony fish (of the class Osteichthyes) and cartilaginous fish (class Chondrichthyes), and excluding molluscs, crustaceans, etc.</td>
</tr>
<tr>
<td>‘Fish’</td>
<td>As defined in the <em>Fisheries Act 1995</em>, that is:</td>
</tr>
<tr>
<td></td>
<td>a) all species of vertebrate aquatic fauna other than mammals, reptiles, birds and amphibians (that is bony fish and cartilaginous fish);</td>
</tr>
<tr>
<td></td>
<td>b) sharks, rays, lampreys and other cartilaginous fish (which are, in fact, vertebrates);</td>
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<tr>
<td></td>
<td>c) oysters and other aquatic molluscs (including cephalopods such as cuttlefish);</td>
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<td></td>
<td>d) crustaceans (for example, crabs and barnacles);</td>
</tr>
<tr>
<td></td>
<td>e) echinoderms (such as star fishes and sea urchins); and</td>
</tr>
<tr>
<td></td>
<td>f) any other species of aquatic invertebrates declared to be fish (to date, marine polychaete worms and jellyfish).</td>
</tr>
<tr>
<td>Fisher</td>
<td>A person who takes fish.</td>
</tr>
<tr>
<td>Fishery committee</td>
<td>A fishery committee established under s. 93 of the <em>Fisheries Act 1995</em>.</td>
</tr>
<tr>
<td>FRDC</td>
<td>Fisheries Research and Development Corporation (Commonwealth)</td>
</tr>
<tr>
<td>Habitat</td>
<td>The environment in which a community or species of plants or animals lives, grows and reproduces, including the physical and biological components of the location.</td>
</tr>
<tr>
<td>MAC</td>
<td>Management Advisory Committee. A precursor of the fishery committees established to address and advise on matters relating to particular fisheries.</td>
</tr>
<tr>
<td>MAFRI</td>
<td>Marine and Freshwater Research Institute</td>
</tr>
<tr>
<td>Peak Body</td>
<td>In the context of the <em>Fisheries Act 1995</em>, a ‘recognised peak body’.</td>
</tr>
<tr>
<td>QFMA</td>
<td>Queensland Fisheries Management Authority</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>Recognised peak body</td>
<td>An organisation declared to be a recognised peak body under s. 95 of the <em>Fisheries Act 1995</em>.</td>
</tr>
<tr>
<td>Recreational fishery licence (RFL)</td>
<td>A licence issued under s. 45 of the <em>Fisheries Act 1995</em>. Permits the holder to undertake recreational fishing activities.</td>
</tr>
<tr>
<td>Salmonid</td>
<td>A fish belonging to the family Salmonidae. Examples are rainbow and brown trout.</td>
</tr>
<tr>
<td>SIV</td>
<td>Seafood Industry Victoria.</td>
</tr>
<tr>
<td>Stakeholder</td>
<td>A person or body with a direct interest in the issue at hand.</td>
</tr>
<tr>
<td>Sustainability (ecological)</td>
<td>Concerned with the ongoing protection of biological diversity and maintenance of the ecological processes on which life depends.</td>
</tr>
<tr>
<td>TAC</td>
<td>‘Total Allowable Catch’.</td>
</tr>
<tr>
<td>Take</td>
<td>As defined in the <em>Fisheries Act 1995</em>, means gain possession or control by any means.</td>
</tr>
<tr>
<td>VAC</td>
<td>Victorian Aquaculture Council.</td>
</tr>
<tr>
<td>Victorian Coastal Council</td>
<td>A statutory body established under the <em>Coastal Management Act 1995</em> to undertake State-wide strategic coastal planning.</td>
</tr>
<tr>
<td>Victorian Waters</td>
<td>Waters within the limits of the State of Victoria and the coastal water of Victoria to the 3 nautical mile limit.</td>
</tr>
<tr>
<td>VNPA</td>
<td>Victorian National Parks Association.</td>
</tr>
<tr>
<td>VRFish</td>
<td>Trading name of the Victorian Recreational Fishing Peak Body.</td>
</tr>
<tr>
<td>Wild harvest</td>
<td>The taking of plants and animals directly from the wild.</td>
</tr>
</tbody>
</table>
APPENDIX II  LIST OF WRITTEN SUBMISSIONS

The list includes all written submissions received by the Committee, including those tabled at Public Hearings. A number of individuals and organisations provided addenda to their submissions; these are marked by asterisk. Copies of submissions, other than confidential submissions, are available, on request, from the Committee.

Three listings are provided – the first in numerical order, the second and third are in alphabetical order, respectively by name and organisation.

LIST A – NUMERICAL ORDER

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<th>Submission No.</th>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
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<tr>
<td>F/001</td>
<td>Kaz Bartaska</td>
<td>Fisheries Co-Management Council</td>
</tr>
<tr>
<td>F/002</td>
<td>John Barker</td>
<td></td>
</tr>
<tr>
<td>F/003</td>
<td>Peter Hall</td>
<td></td>
</tr>
<tr>
<td>F/004</td>
<td>Rodney Stapleton</td>
<td></td>
</tr>
<tr>
<td>F/005</td>
<td>Scott Horton</td>
<td></td>
</tr>
<tr>
<td>F/006</td>
<td>John G Pincombe</td>
<td></td>
</tr>
<tr>
<td>F/007</td>
<td>Tony Lotton</td>
<td>Lake Tyers Aboriginal Trust</td>
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<tr>
<td>F/008</td>
<td>Lynton Barr</td>
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<td>F/009</td>
<td>Cyril Mitchell</td>
<td></td>
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<tr>
<td>F/010</td>
<td>Jakob Batstra</td>
<td>Jakob &amp; Valerie Batstra Commercial Fishermen</td>
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<tr>
<td>F/011</td>
<td>Stephen Mueller</td>
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<tr>
<td>F/012</td>
<td>Arthur Allen</td>
<td>East Gippsland Fishermans Association Inc.</td>
</tr>
<tr>
<td>F/013</td>
<td>Ian Burnet</td>
<td>ID &amp; GA Burnet</td>
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<td>F/014</td>
<td>Confidential</td>
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<tr>
<td>F/015</td>
<td>Robert Coffey</td>
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<tr>
<td>F/016</td>
<td>Kath Earnshaw</td>
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<td>F/017</td>
<td>Neil Martin</td>
<td>Framlingham Aboriginal Trust</td>
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<tr>
<td>F/018</td>
<td>Don Dickie</td>
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</tr>
<tr>
<td>F/019</td>
<td>D G Henderson</td>
<td></td>
</tr>
<tr>
<td>F/020</td>
<td>Ian Whan</td>
<td>Goulburn Valley Association of Angling Clubs</td>
</tr>
<tr>
<td>F/021</td>
<td>Karen Batt / Roger Boness</td>
<td>Community and Public Sector Union</td>
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<tr>
<td>F/022</td>
<td>Dr C Murray MacDonald</td>
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<tr>
<td>F/023</td>
<td>Margaret O’Borne</td>
<td>Colac Angling Club</td>
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<tr>
<td>F/024</td>
<td>Darren Heil</td>
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<tr>
<td>Submission No.</td>
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<tr>
<td>F/025</td>
<td>P P Rogers</td>
<td>Fisheries Western Australia</td>
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<tr>
<td>F/026</td>
<td>Peter J Kidd</td>
<td>Capella Developments Pty Ltd</td>
</tr>
<tr>
<td>F/027</td>
<td>Hugh Meggitt</td>
<td>Goulburn River Trout Pty Ltd</td>
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<tr>
<td>F/028</td>
<td>C Bustard</td>
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<td>F/029</td>
<td>Kirain Dalton</td>
<td>Port Fairy Angling Club</td>
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<tr>
<td>F/030</td>
<td>Ray Page</td>
<td>VRFish</td>
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<tr>
<td>F/031</td>
<td>Kevin Jacka</td>
<td></td>
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<tr>
<td>F/032</td>
<td>Charles &amp; Leah Bakes, Sam Griffiths</td>
<td>Mallacoota Hire Boats, Bucklands Jetty Hire Boats</td>
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<tr>
<td>F/033</td>
<td>Peter Kurz</td>
<td>Mallacoota Ratepayers Group</td>
</tr>
<tr>
<td>F/034</td>
<td>B D Nation</td>
<td>Mallacotta &amp; District Angling Club</td>
</tr>
<tr>
<td>F/035</td>
<td>Paul Macdonell</td>
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<tr>
<td>F/036</td>
<td>John Hotchin</td>
<td>Geelong &amp; District Angling Clubs Association</td>
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<td>F/037</td>
<td>John Ginivan</td>
<td>Victorian Coastal Council</td>
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<tr>
<td>F/038</td>
<td>Stephen Douglass</td>
<td>Western Province Environment Users Association</td>
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<tr>
<td>F/039</td>
<td>Peter Ronald</td>
<td>Western Abalone Divers Association</td>
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<td>F/040</td>
<td>Rodger Smith</td>
<td>Gippsland Lakes Bait Fishery Association Inc</td>
</tr>
<tr>
<td>F/041</td>
<td>Prof Nick Marsh</td>
<td>Australian Foresight Institute – Swinburne University of Technology</td>
</tr>
<tr>
<td>F/042</td>
<td>Mark Flanigan</td>
<td>Environment Australia</td>
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<tr>
<td>F/043</td>
<td>Peter Kurz</td>
<td>Adobe (Mudbrick) Flats</td>
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<tr>
<td>F/044</td>
<td>Ashley Faulkner</td>
<td></td>
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<tr>
<td>F/045</td>
<td>Robert Coffey</td>
<td>(Commercial Abalone Fishery Committee)</td>
</tr>
<tr>
<td>F/046</td>
<td>James Ensor</td>
<td>Victorian National Parks Association Inc</td>
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<td>F/047</td>
<td>Syd McConachy</td>
<td>The Victorian Aquaculture Council Inc</td>
</tr>
<tr>
<td>F/048</td>
<td>Duncan Malcolm</td>
<td>Gippsland Coastal Board</td>
</tr>
<tr>
<td>F/049</td>
<td>Barry Dance</td>
<td>Southern Aquaculture Corporation Pty Ltd</td>
</tr>
<tr>
<td>F/050</td>
<td>Glenn Pettigrove</td>
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<td>Research Committee, Fisheries Co-Management Council</td>
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<td>SCUBA Divers Federation of Victoria Inc</td>
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### APPENDIX III
**LIST OF INSPECTIONS AND INFORMAL BRIEFINGS**

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<td>Northern Territory Seafood Council</td>
<td>Nigel Scullion, Iain Smith</td>
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<td>Winnellie</td>
<td>Marine &amp; Fisheries Enforcement Unit, Northern Territory Police</td>
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<td>Berrimah</td>
<td>Northern Territory Department of Primary Industry and Fisheries</td>
<td>Chris Calogeras, Ray Clarke, Rex Pyne, Richard Sellars</td>
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<td>5</td>
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<td>Channel Island, Darwin Harbour</td>
<td>Darwin Aquaculture Centre</td>
<td>Ric Fallu</td>
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<td>20/07/00</td>
<td>Darwin</td>
<td>Indo Pacific Marine (tourism issues)</td>
<td>Manager</td>
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<td></td>
<td><strong>BELLARINE</strong></td>
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<td>7</td>
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<td>Portarlington Mussel Aquaculture Farm (Sea Bounty Pty Ltd)</td>
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<td>Marine and Freshwater Resources Institute (MAFRI)</td>
<td>Dave Hobday, Harry Gorfine, Ian Knuckey, Sandy Morrison</td>
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<td>Queenscliff</td>
<td><em>Kariba</em> (fishing charter industry issues)</td>
<td>Andrew Horne</td>
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<td>Queenscliff</td>
<td>Ocean Wetsuits (dive industry issues)</td>
<td>Martin Owen</td>
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<tr>
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<td>Queenscliff</td>
<td>Borough of Queenscliffe</td>
<td>John Bugg, Gary Price</td>
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</table>
## NEW ZEALAND

<table>
<thead>
<tr>
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<tr>
<td>12</td>
<td>18/01/01</td>
<td>Auckland</td>
<td>NZ Recreational Fishing Council and NZ Marine Transport Association (fishing and cruise charter boat issues)</td>
<td>Paul Barnes, Bob Burstan, Alan Haddock, Keith Ingram, Dave Moran, Gordon O'Malley, Richard Perkins</td>
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<tr>
<td>13</td>
<td>18/01/01</td>
<td>Auckland</td>
<td>Ministry of Fisheries (customary fishing rights)</td>
<td>Bob Drey, Douglas Macredie, Stacey Whitiora</td>
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<tr>
<td>14</td>
<td>19/01/01</td>
<td>Leigh</td>
<td>Kaumatua and Kaitiaki Tribal Maori Elders</td>
<td>Maori Elders and other customary fishers.</td>
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<tr>
<td>15</td>
<td>19/01/01</td>
<td>Leigh</td>
<td>Department of Conservation</td>
<td>Kathy Walls</td>
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<tr>
<td>16</td>
<td>19/01/01</td>
<td>Leigh</td>
<td>University of Auckland Leigh Marine Laboratory</td>
<td>Trevor Willis, Bill Ballantie</td>
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<td>17</td>
<td>22/01/01</td>
<td>Nelson</td>
<td>Fish &amp; Game NZ – Nelson/Malborough Region</td>
<td>Neil Deans</td>
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<td>18</td>
<td>22/01/01</td>
<td>Nelson</td>
<td>Sealord Group Ltd (fish processing and quota issues)</td>
<td>Phil Lough</td>
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<td>19</td>
<td>22/01/01</td>
<td>Nelson</td>
<td>Challenger Scallop Enhancement Company (industry self-management issues)</td>
<td>Mike Arbuckle, Buzz Falconer</td>
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<td>Nelson</td>
<td>Port Nelson Ltd (port infrastructure issues)</td>
<td>Stuart Hughes, John Westbrook, Jim Williamson, Shelley Tawhai</td>
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<td>21</td>
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<td>Wellington</td>
<td>Ministry of Fisheries</td>
<td>John Annala, Mark Edwards, Tom Chatterton, Kim Drummond, Terrie Lynch, Jennie McMurrann, Chris O'Brien, Lee Robinson, Steve Stewart</td>
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## APPENDIX III
### LIST OF INSPECTIONS AND INFORMAL BRIEFINGS

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<td>Treaty of Waitangi Fisheries Commission</td>
<td>Kevin Sullivan, Nick Wyatt</td>
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<td>Glenn Inwood, Craig Lawson,</td>
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<td>Alan Rwarka</td>
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<td>23</td>
<td>24/01/01</td>
<td>Wellington</td>
<td>National Institute of Water &amp; Atmospheric Research (fisheries research, stock</td>
<td>Neil Andrew, Alison MacDairmid,</td>
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<td></td>
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<td>assessment issues)</td>
<td>John McKoy</td>
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<td>NZ Rock Lobster Industry Council Ltd</td>
<td>Daryl Sykes</td>
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<td>NZ Paua Association (abalone issues)</td>
<td>Richard Cade</td>
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<td>Ronda Cooper, Rochelle Selby-Neal, Morgan Williams</td>
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<td>Foster</td>
<td>Shire of South Gippsland</td>
<td>Michael Wridgway, Jeanette Harding</td>
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<td>Welshpool</td>
<td>Southern Shark &amp; Gill Net Fishermen’s Assoc and Corner Inlet Fishermans Habitat</td>
<td>Brian Daff, Jenny Farrar, Andrew Higgin, Peter Higgin, Michael Hobson, Tony Le Blande, Tania King, Bob McDonald, Joe Pinzone</td>
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<td>Franklin</td>
<td>Corner Inlet commercial fishermen</td>
<td>Alan Cripps, Gary Cripps,</td>
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<td>Linda Cribbs, Wendy Cribbs, Wayne Cripps, Dorothy Donaldson, Russell Peterson</td>
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<td>Lang Lang</td>
<td>Lang Lang Coast Action Group (Western Port habitat issues)</td>
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**SOUTH GIPPSLAND**
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<td>Kaz Bartaska</td>
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<td>Murrundindi Shire</td>
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<td>Stratford</td>
<td>East Coast Eels</td>
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<td>Boolarra</td>
<td>Boolarra Fish Farms Pty Ltd (aquarium trade hatchery)</td>
<td>Franz Wucherpfennig, Russell Wucherpfennig</td>
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**WESTERN VICTORIA**

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<td>Wrasse fishery issues</td>
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<td>Portland</td>
<td>Rock Lobster fishery issues</td>
<td>Rod McDonald</td>
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<td>Port Fairy</td>
<td>South West Seafoods (abalone fishery issues)</td>
<td>Robert Coffey, Len McCall, Peter Ronald</td>
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<td>Sue McInnes</td>
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<td>Horsham</td>
<td>Wimmera Anglers Association</td>
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<td>Organization</td>
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<td>Department of Agriculture, Fisheries &amp; Forestry</td>
<td>Glenn Hurry, Brian Johnston</td>
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<td>Bureau of Rural Sciences</td>
<td>Jean Chesson, Derek Staples</td>
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<td>Australian Fisheries Management Authority</td>
<td>Phil Marshall, Geoff Rohan</td>
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<td>Environment Australia</td>
<td>Conall O'Donnell, Mark Flannagan</td>
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<td>Melbourne</td>
<td>CSIRO (Carp control research issues)</td>
<td>John Thresher</td>
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APPENDIX IV
LIST OF WITNESSES

The list includes all witnesses that gave evidence at a Public Hearing. It excludes witnesses who gave evidence ‘in camera’. The Committee was also briefed by the Minister for Energy and Resources, The Hon Candy Broad, MP (on 26 June 2000) and the Shadow Minister for Natural Resources and Energy, The Hon Philip Davis, MLC (on 13 November 2000).

Three listings are provided – the first in numerical order, the second and third are in alphabetical order, respectively by name and organisation.

LIST A – CHRONOLOGICAL ORDER

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<thead>
<tr>
<th>No.</th>
<th>Organisation</th>
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<td>ALEXANDRA – 27 MARCH 2001</td>
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<td>1</td>
<td>Nagambie Angling Club</td>
<td>Mr F Bloetz</td>
<td>President</td>
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<td>2</td>
<td>Nagambie Angling Club</td>
<td>Mr W V Cubbin</td>
<td>Secretary</td>
</tr>
<tr>
<td>3</td>
<td>Goulburn Valley Fly Fishing Centre</td>
<td>Mr G Hall</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Goulburn Valley Fly Fishing Centre</td>
<td>Mr D Pickering</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Victorian Trout Association</td>
<td>Mr E Meggitt</td>
<td>President</td>
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<tr>
<td>6</td>
<td>Goulburn River Trout Pty Ltd</td>
<td>Mr H Meggitt</td>
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<td>7</td>
<td>Eildon Bait &amp; Tackle; Eildon Lake Charters</td>
<td>Mr I Bumbers</td>
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<td>8</td>
<td>Goulburn Valley Association of Angling Clubs</td>
<td>Mr M Edwards</td>
<td>President</td>
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<td>9</td>
<td>Fisheries Co-Management Council</td>
<td>Mr D Mowbray</td>
<td>Executive Officer</td>
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<td>10</td>
<td>Fisheries Co-Management Council</td>
<td>Mr P Rankin</td>
<td>Member</td>
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LAKES ENTRANCE – 9 APRIL 2001

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<td>Lakes Entrance Fishermen’s Cooperative; Fisheries Co-Management Council</td>
<td>Mr T Davies</td>
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<td>Gippsland Lakes Bait Association Inc</td>
<td>Mr K Barling</td>
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<td>Mr R Smith</td>
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<td>Mr S Horton</td>
<td>Commercial Fisher</td>
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**MELBOURNE 30 APRIL 2001**

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**MELBOURNE - 29 JUNE 2001**

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**LIST B – ALPHABETICAL ORDER BY NAME**

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## List of Witnesses

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### APPENDIX IV

**LIST OF WITNESSES**

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<td>Winstanley, Mr R</td>
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**LIST C – ALPHABETICAL ORDER BY ORGANISATION**

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