



New South Wales

Fisheries Management (General) Amendment (Fisheries Resource Conservation and Assessment Council) Regulation 2000

under the

Fisheries Management Act 1994

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fisheries Management Act 1994*.

The Hon EDWARD OBEID, M.L.C.,
Minister for Fisheries

Explanatory note

The object of this Regulation is to make provision for the appointment of members of, and the procedure of, the Fisheries Resource Conservation and Assessment Council.

The Fisheries Resource Conservation and Assessment Council has the function of advising on the preparation and revision of fishery management strategies under Part 1A of the *Fisheries Management Act 1994*. The Act requires that the Council be made up of representatives of commercial fishers and recreational fishers, aquaculture industry representatives, conservation and environmental representatives, indigenous representatives and government representatives.

This Regulation sets out a procedure for the nomination of persons for appointment as members of the Council.

The Regulation also makes further provision for the members of the Council (for example, by providing for vacancies in office) and the procedure of the Council.

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Fisheries Management (General) Amendment (Fisheries Resource Conservation and Assessment Council) Regulation 2000

Explanatory note

This Regulation is made under the *Fisheries Management Act 1994*, including sections 228A (9) and (10), 228C and 289 (the general regulation-making power).

Fisheries Management (General) Amendment (Fisheries Resource Conservation and Assessment Council) Regulation 2000

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Fisheries Resource Conservation and Assessment Council) Regulation 2000*.

2 Commencement

This Regulation commences on 22 December 2000.

3 Amendment of Fisheries Management (General) Regulation 1995

The *Fisheries Management (General) Regulation 1995* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

2000 No 757

Fisheries Management (General) Amendment (Fisheries Resource Conservation and Assessment Council) Regulation 2000

Schedule 1 Amendment

Schedule 1 Amendment

(Clause 3)

Part 11, Division 1AA

Insert after Division 1 of Part 11:

Division 1AA Fisheries Resource Conservation and Assessment Council

229AA Definitions

In this Division:

Council means the Fisheries Resource Conservation and Assessment Council established by the Act.

member means a member of the Council.

229AB Government representatives

- (1) The government representatives on the Council are to be officers or employees of the government agencies referred to in the first column of the table at the end of this clause, appointed by the Minister for Fisheries on the nomination of the Minister referred to in the second column of the table, next to the agency concerned.
- (2) If a Minister referred to in the table declines or fails to nominate a person for appointment to the Council, the Minister for Fisheries is not required to appoint an officer or employee of the agency concerned as a member of the Council.

Government representatives

National Parks and Wildlife Service	Minister for the Environment
Department of Urban Affairs and Planning	Minister for Urban Affairs and Planning
Department of Land and Water Conservation	Minister for Land and Water Conservation

Environment Protection Authority	Minister for the Environment
NSW Fisheries	Minister for Fisheries

229AC Other representatives

- (1) The Minister may request nominations for appointment of members of the Council from any organisation, group or body that the Minister considers to have a sufficient interest in the area that the member concerned is required to represent.
- (2) The Minister must request the organisations, groups or bodies referred to in the first column of the following table to nominate one or more persons for appointment as representatives of a kind referred to in the second column, next to the organisation or body concerned.

Nomination of representatives

Advisory Council on Recreational Fishing	Recreational fishing representatives
Advisory Council on Commercial Fishing	Commercial fishing representatives
Nature Conservation Council Advisory Council on Fisheries Conservation	Conservation and environmental representatives
Advisory Council on Aquaculture	Aquaculture industry representatives
New South Wales Aboriginal Land Council	Indigenous representatives

- (3) The Minister is to request nominations for appointment by notice in writing given to the organisation, group or body being requested to make the nomination.
- (4) The Minister may also request nominations for appointment by causing a notice, inviting nominations for appointment, to be published in a newspaper.
- (5) After requesting nominations, the Minister is to allow at least 30 days for receipt of those nominations, before appointing a person to fill the position concerned.

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Schedule 1 Amendment

- (6) Except as required by section 228A (7) (a) and (b) of the Act, the Minister is not required to appoint a person who is nominated for appointment as a member of the Council.
- (7) This clause applies in respect of all members of the Council, other than the chairperson of the Council and the government representatives.

229AD Members and procedure of Council

- (1) Schedule 2 to the Act (clause 9 excepted) applies to the Council and to the members of the Council in the same way as it applies to the Total Allowable Catch Setting and Review Committee and the members of that Committee, subject to this clause.
- (2) If the office of a member becomes vacant, the Minister is not required to appoint a person to fill the vacancy, except as required by section 228A of the Act.
- (3) The Minister may, if the Minister considers it appropriate, appoint a person to fill such a vacancy on an interim basis, during the period required to request, receive and consider nominations for appointment to the position.
- (4) A person appointed on an interim basis may be, but is not required to be, a person previously nominated for appointment to the position.
- (5) If the vacancy is in the position referred to in section 228A (7) (a) and (b) of the Act, the position must be filled by a person nominated, or previously nominated, by a group or body referred to in those provisions.
- (6) A quorum for a meeting of the Council is not affected by the requirements of section 228A (11) and (12) of the Act.

BY AUTHORITY