



# Fisheries Management (General) Amendment (Advisory Bodies) Regulation 2004

under the

Fisheries Management Act 1994

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

IAN MICHAEL MACDONALD, M.L.C.,  
Minister for Primary Industries

## Explanatory note

The object of this Regulation is to amend the *Fisheries Management (General) Regulation 2002* to:

- (a) establish a Seafood Industry Advisory Council to replace the Advisory Council on Commercial Fishing and the Advisory Council on Aquaculture, and
- (b) amalgamate the Management Advisory Committees that were established for the ocean fish trawl and ocean prawn trawl restricted fisheries, and
- (c) re-classify aquarium caulerpa as Class 1 noxious marine vegetation.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 209 (1), 231 and section 289 (the general regulation-making power).

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Clause 1 2004

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**Fisheries Management (General) Amendment (Advisory  
Bodies) Regulation 2004**

under the

Fisheries Management Act 1994

**1 Name of Regulation**

This Regulation is the *Fisheries Management (General) Amendment (Advisory Bodies) Regulation 2004*.

**2 Amendment of Fisheries Management (General) Regulation 2002**

The *Fisheries Management (General) Regulation 2002* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 106 Identification of recognised fishing grounds**

Omit “Advisory Council on Commercial Fishing” from clause 106 (4) (a).  
Insert instead “Seafood Industry Advisory Council”.

**[2] Clause 340 Noxious fish and noxious marine vegetation (section 209 of the Act)**

Omit “Class 2” from subclause (2). Insert instead “Class 1”.

**[3] Clause 348 Establishment of advisory councils**

Omit clause 348 (a) and (d). Insert in appropriate order:  
(a) a Seafood Industry Advisory Council,

**[4] Clause 349**

Omit the clause. Insert instead:

**349 Seafood Industry Advisory Council**

- (1) The Seafood Industry Advisory Council is to be composed of the following members:
  - (a) one person appointed on the nomination of each Management Advisory Committee referred to in Division 5, except for the Management Advisory Committee for the inland restricted fishery (that is, one member for each Management Advisory Committee),
  - (b) one person appointed to represent the retail fish industry,
  - (c) one person appointed to represent the wholesale fish industry,
  - (d) one person appointed to represent commercial fishers co-operatives,
  - (e) 2 persons appointed to represent the aquaculture industry, one of whom is nominated by the Peak Oyster Advisory Group established by the Department of Primary Industries,
  - (f) one person appointed on the nomination of the Indigenous Fisheries Strategy Working Group established by the Department of Primary Industries or such other body representing Indigenous persons as the Minister considers appropriate,

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- (g) one person appointed on the nomination of the Nature Conservation Council of New South Wales.
- (2) The Minister may, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Seafood Industry Advisory Council.
- (3) The Seafood Industry Advisory Council is to include the following members, who are not entitled to vote at meetings of the Council:
  - (a) the Director-General or a nominee of the Director-General,
  - (b) the Director-General of the NSW Food Authority or a nominee of the Director-General of the NSW Food Authority,
  - (c) such other persons as the Minister considers appropriate.

**[5] Clause 352 Advisory Council on Aquaculture**

Omit the clause.

**[6] Clause 361 Chairperson and deputy chairperson of advisory council**

Omit subclause (3).

**[7] Clause 369 Composition of MAC**

Insert after clause 369 (2), before the note to the clause:

- (3) A single MAC is to be established for the ocean prawn trawl restricted fishery and the ocean fish trawl restricted fishery. Those restricted fisheries are taken, for the purposes of this Part, to be a single restricted fishery which is referred to in Part B of the Table as the ocean trawl restricted fishery.

**[8] Clause 369, Table**

Omit the matters relating to the ocean prawn trawl restricted fishery and the ocean fish trawl restricted fishery from Columns 1, 2 and 3 of Part B of the Table.

**[9] Clause 369 Table**

Insert in Columns 1, 2 and 3 of Part B of the Table, in appropriate order:

Ocean trawl restricted fishery	6	1 member representing commercial fishers who hold an ocean prawn trawl endorsement in the upper north coast region of the fishery
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1 member representing commercial fishers who hold an ocean prawn trawl endorsement in the Clarence region of the fishery

1 member representing commercial fishers who hold an ocean prawn trawl endorsement in the north coast region of the fishery

1 member representing commercial fishers who hold an ocean prawn trawl endorsement, or an ocean prawn trawl and an ocean fish trawl endorsement, in the central region of the fishery

2 members representing commercial fishers who hold an ocean fish trawl and ocean prawn trawl endorsement in the metropolitan, upper south coast or lower south coast regions of the fishery or any combination of those regions

**[10] Clause 369, Notes to Table**

Omit the matter relating to item 1.

**[11] Clause 369, Notes to Table**

Omit “ocean prawn trawl restricted fishery” from item 3.

Insert instead “ocean trawl restricted fishery”.

**[12] Clauses 424 and 425**

Insert in Part 14 as clauses 424 and 425:

**424 Abolition of Advisory Council on Commercial Fishing and Aquaculture**

(1) The following Advisory Councils are abolished on the commencement of the *Fisheries Management (General) Amendment (Advisory Bodies) Regulation 2004*:

- (a) Advisory Council on Commercial Fishing,
- (b) Advisory Council on Aquaculture.

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- (2) A person who was a member of any such body immediately before its abolition ceases to be a member and is not entitled to any remuneration or compensation for the loss of that membership.

**425 Amalgamation of MACs for ocean fish trawl and ocean prawn trawl restricted fisheries**

- (1) The following Management Advisory Committees are abolished on the commencement of the *Fisheries Management (General) Amendment (Advisory Bodies) Regulation 2004*:
- (a) Management Advisory Committee for the ocean fish trawl restricted fishery,
  - (b) Management Advisory Committee for the ocean prawn trawl restricted fishery.
- (2) A person who was a member of any such body immediately before its abolition ceases to be a member and is not entitled to any remuneration or compensation for the loss of that membership.

BY AUTHORITY

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