



New South Wales

Fisheries Management (General) Amendment (Commercial Fishing NSW Advisory Council) Regulation 2017

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*.

NIALL BLAIR, MLC
Minister for Primary Industries

Explanatory note

The object of this Regulation is to make provision with respect to the establishment, composition and procedure of an advisory council to the Minister for Primary Industries for the commercial sector of the fishing industry. The advisory council is to be known as the Commercial Fishing NSW Advisory Council.

This Regulation is made under the *Fisheries Management Act 1994*, including sections 229, 231 and 289 (the general regulation-making power).

Fisheries Management (General) Amendment (Commercial Fishing NSW Advisory Council) Regulation 2017

under the

Fisheries Management Act 1994

1 Name of Regulation

This Regulation is the *Fisheries Management (General) Amendment (Commercial Fishing NSW Advisory Council) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Fisheries Management (General) Regulation 2010

[1] Clause 286 Establishment of advisory councils

Insert after clause 286 (c):

- (d) a Commercial Fishing NSW Advisory Council.

[2] Clause 290

Insert after clause 289:

290 Commercial Fishing NSW Advisory Council

- (1) The Commercial Fishing NSW Advisory Council is to be composed of the following members:
 - (a) for each restricted fishery, 1 person who:
 - (i) is an employee or office holder of an industry body that represents the fishery, or
 - (ii) is an entitlement holder who, in the opinion of the Minister, has expertise (or has shown leadership) in the fishery or in the commercial sector of the fishing industry generally,
 - (b) for each share management fishery, 1 person who:
 - (i) is an employee or office holder of an industry body that represents the fishery, or
 - (ii) holds shares in the fishery and who, in the opinion of the Minister, has expertise (or has shown leadership) in the fishery or in the commercial sector of the fishing industry generally,
 - (c) the person appointed to the Ministerial Fisheries Advisory Council under clause 287 (1) (a),
 - (d) an Aboriginal person who is a commercial fisher,
 - (e) a nominee of the Secretary.

Note. See Part 9 for the fisheries declared to be restricted fisheries. See Schedule 1 to the Act for the fisheries declared to be share management fisheries.
- (2) The member who is the nominee of the Secretary is not entitled to vote at meetings of the Council.
- (3) The Minister may, by advertisement published in a newspaper circulating throughout the State, call for expressions of interest in membership of the Commercial Fishing NSW Advisory Council.
- (4) In this clause:
entitlement holder, in relation to a fishery, has the same meaning as in the Division of Part 9 that declares the fishery to be a restricted fishery.

[3] Clause 294 Deputies

Omit clause 294 (5). Insert instead:

- (5) This clause does not apply to the following:
 - (a) a member of the Aboriginal Fishing Advisory Council referred to in clause 289 (1) (a) or (b),
 - (b) a member of the Commercial Fishing NSW Advisory Council.

[4] Clause 298 Chairperson and deputy chairperson of advisory council (other than Aboriginal Fishing Advisory Council)

Insert after clause 298 (2) (a) (ii):

- (iii) in relation to the Commercial Fishing NSW Advisory Council:
 - (A) does not represent the Department or any restricted fishery or share management fishery, and
 - (B) has significant expertise and experience in the management of fisheries, and

[5] Clause 300 General procedure for calling and holding meetings of advisory councils

Omit “the Ministerial Fisheries Advisory Council and the Recreational Fishing NSW Advisory Council” from clause 300 (1).

Insert instead “an advisory council (other than the Aboriginal Fishing Advisory Council)”.

[6] Clause 302 Quorum

Omit “the Ministerial Fisheries Advisory Council or the Recreational Fishing NSW Advisory Council” and “the Council” from clause 302 (1).

Insert instead “an advisory council (other than the Aboriginal Fishing Advisory Council)” and “the advisory council”, respectively.