

Act No. 177 of 1989

**FISHERIES AND OYSTER FARMS (ADVISORY
COUNCIL) AMENDMENT BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Fisheries and Oyster Farms Act 1935:

- (a) to constitute an advisory body to be known as the New South Wales Commercial Fishing Advisory Council which will have the objects of acting as a liaison body between the Minister and commercial fishermen and advising the Minister on matters relating to commercial fishing; and
- (b) to establish Regional Advisory Committees to liaise with the Council on regional fisheries issues.

The Bill also makes a minor consequential amendment to the Public Finance and Audit Act 1983.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

Clause 4 amends the Public Finance and Audit Act 1983 to apply the auditing provisions of that Act to the New South Wales Commercial Fishing Advisory Council.

SCHEDULE 1 - AMENDMENTS

Schedule 1 (1) inserts proposed Part 2B (New South Wales Commercial Fishing Advisory Council and Regional Advisory Committees) into the Principal Act. The Part consists of the following new provisions:

Fisheries and Oyster Farms (Advisory Council) Amendment 1989

Division 1 - Preliminary

Section 17F defines "Council", "interim Council" and "Regional Advisory Committee" for the purposes of the proposed Part.

**Division 2 - New South Wales Commercial Fishing
Advisory Council**

Section 17G constitutes the New South Wales Commercial Fishing Advisory Council as a corporation and dissolves the interim Council established by the Minister (if that interim Council has not already been dissolved).

Section 17H provides for the Council to consist of 21 members being a Chairperson (appointed by the Minister) and the Director of Fisheries, neither of whom has voting rights, and 19 persons elected by commercial fishermen.

Section 17I specifies the objects of the Council. The main objects are to act as a liaison body between the Minister and commercial fishermen and to advise the Minister on commercial fishing matters.

Section 17J enables the Council to appoint staff and to pay its expenses, the expenses of the interim Council and the expenses of Regional Advisory Committees.

Section 17K requires the Council to furnish minutes, reports and statements of account to the Minister.

Division 3 - Regional Advisory Committees

Section 17L constitutes a Regional Advisory Committee for each of 7 regions whose boundaries are to be settled by the regulations. Each committee is to consist of members elected by commercial fishermen.

Section 17M specifies the functions of the Regional Advisory Committees. The main functions of the Committees are to provide a forum for discussions of regional fisheries issues and to advise the Council on such issues.

Division 4 - Finance

Section 17N requires the Council to establish an account. All funds of the Council are to be paid into the account and are to be paid out to discharge the expenses of the Council, the interim Council and Regional Advisory Committees.

Section 17O specifies the manner in which funds may be invested by the Council.

Section 17P requires a person holding a commercial fishing licence to pay an annual contribution prescribed by the regulations towards the funds of the Council.

Fisheries and Oyster Farms (Advisory Council) Amendment 1989

Schedule 1 (2) amends section 120 (Regulations) to enable regulations to be made with respect to the election of members to the Council and Regional Advisory Committees, the procedure to be followed by those bodies and the application of the funds of the Council.

Schedule 1 (3) amends Schedule C (Savings, transitional and other provisions) to enable:

- (a) appointments and elections of members for the Council and Regional Advisory Committees to be made or held before the constitution of those bodies; and
- (b) contributions under proposed section 17P to be levied before the constitution of the Council.

Schedule 1 (4) inserts proposed Schedules D and E into the Principal Act.

Schedule D contains provisions relating to the members and procedure of the Council.

Schedule E contains provisions relating to the members and procedure of Regional Advisory Committees.
