



2021/22 Total Allowable Commercial Catch Setting Process for the Rock Lobster Fishery

Statutory Consultation Plan



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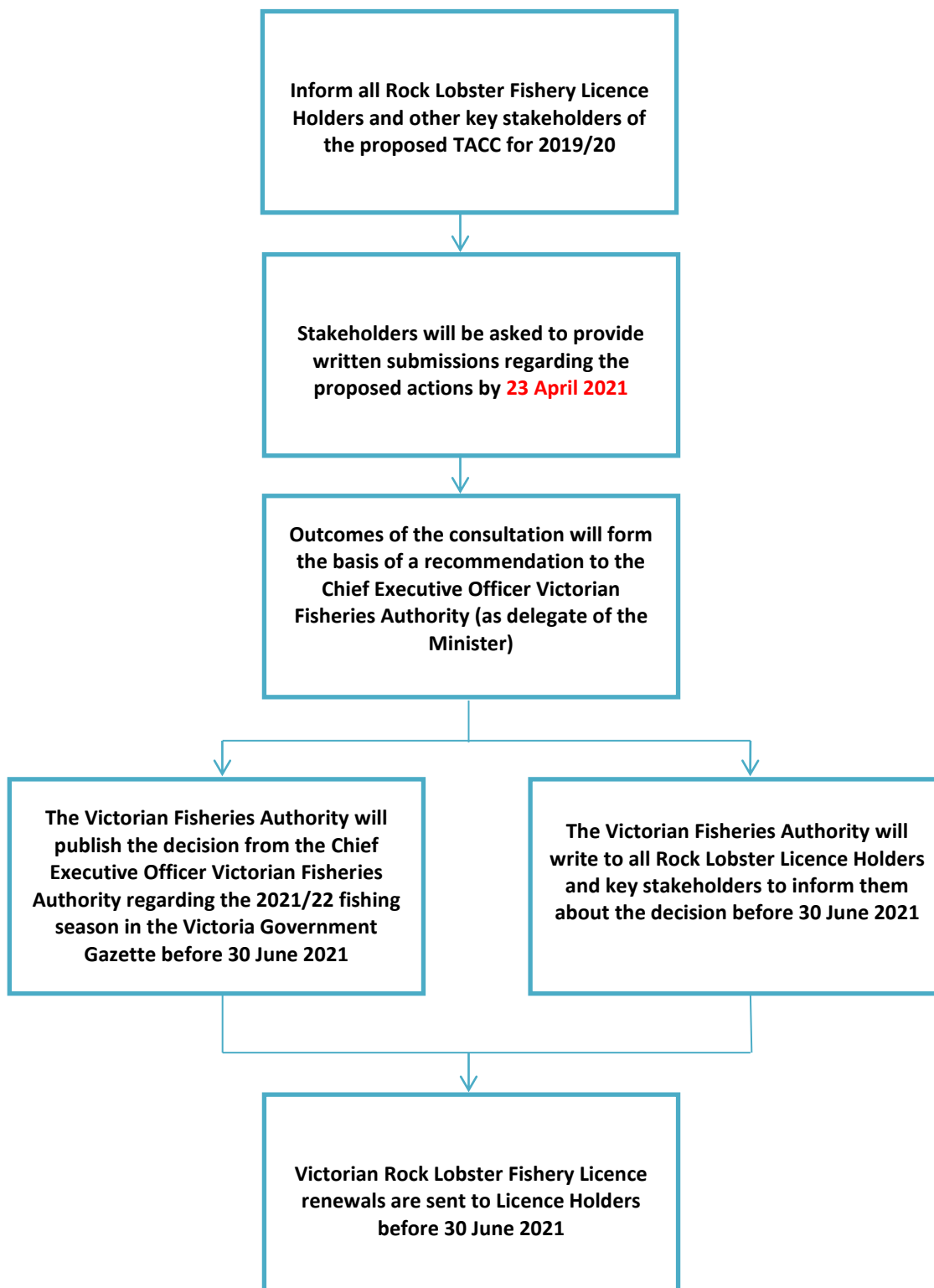
1. PREAMBLE

Any written submissions received in relation to the consultation being conducted by the Victorian Fisheries Authority will be published on the Authority's website. In making a submission, unless the person making the submission indicates to the contrary, they will be consenting to their submission, including their name only, being published on the Authority's website for 90 days from the conclusion of the consultative process.

Closing date for submissions

The closing date for the receipt of submissions for consultation on this matter is **Friday 23 April 2021**.

2. FLOW CHART OF CONSULTATION



3. CONSULTATION PLAN

No	Area	Description
1	Consultation Title	2021/22 Total Allowable Commercial Catch Setting Process for the Rock Lobster Fishery
2	Representative group/s being consulted <i>Note that only relevant groups will be consulted regarding specific Fisheries Notices</i>	<ul style="list-style-type: none"> ✓ Commercial wild-catch (Seafood Industry Victoria, Victorian Rock Lobster Association. Rock Lobster Fishery Access Licence Holders) ✓ Recreational fishing (VRFish) <input type="checkbox"/> Aquaculture <input type="checkbox"/> Aboriginal communities ✓ Conservation interests <input type="checkbox"/> Other group/s (please specify):
3	Managing Officer	Toby Jeavons, Fishery Manager
4	Target Start Date	17 March 2021
5	Target End Date	23 April 2021
6	Background/History	The Rock Lobster Fishery moved to quota management in 2001. The total allowable commercial catch (TACC) for the first quota period for the fishery was set in an Initial Quota Order pursuant to section 64 of the <i>Fisheries Act 1995</i>. TACCs for subsequent quota periods are set by Further Quota Orders pursuant to s.64A.
7	Relevant Statutory provision	Sections 3A (consultation), Section 64A (Further Quota Order) and Section 65 (quota notices) of the Fisheries Act 1995.
8	Purpose/objectives/scope	To seek comment on the proposed TACCs and draft Further Quota Order for the Rock Lobster Fishery.
9	Method	To invite written comment on the draft Further Quota Order.
10	Communication Plan	<p>Decisions regarding the Fisheries Notices will be communicated through notices published in the Victoria Government Gazette and the departmental website.</p> <p>Letters informing stakeholders of decisions will be sent to all persons/groups noted in section 2.</p>
11	Information provision	All licence holders, SIV, and VRLA, VRFish have been sent summaries of updated stock assessment data on the fishery.
12	Resources/advice (inc. purchase of advice)	Internal resources of the Victorian Fisheries Authority.
13	Output (documentation / implementation)	Letters to stakeholders; notices published in the Victoria Government Gazette; the departmental website.
14	Publication of results of consultation	Any submissions received in relation to the consultation being conducted by Fisheries Victoria will be published on the Department's website. In making a submission, unless the person making the submission indicates to the contrary, they will be consenting to their submission, including their name only, being published on the Department's website for 90 days from the conclusion of the consultative process.

Consultation Plan prepared by:



Toby Jeavons

Fishery Manager

Date: 16 / 03 / 2021

Approved



Travis Dowling

CEO, Victorian Fisheries Authority

Date: 16 / 03 / 2021

4. NOTES

4.1 Principles for effective consultation

To the extent that it is practicable (refer Section 3A (1) of the Fisheries Act 1995), the following consultation principles apply to decisions made by the Minister, Secretary (or delegate), which affect the use and conservation of Victoria's fisheries resources:

- a) That the purpose of the consultation and the consultation process are clear, open, timely and transparent;
- b) That the level of consultation reflects the likely impact of decisions on persons and fisheries resources;
- c) That the consultation process is adequately resourced;
- d) That the consultation process flexible and designed to take into account the number and type of persons and/or sector groups to be consulted and their ability to contribute to the process; and
- e) That the consultation process should involve consideration of representative advice which represents the views and values of the persons represented from appropriate sector groups including:
 - Commercial wild-catch fishing
 - Recreational fishing
 - Aquaculture operators
 - Aboriginal fishers/communities
 - Conservation interests (as applicable)

The consultation process should consider expert advice from the most appropriate provider/s (as applicable) and any expert advice obtained during the consultation process should be made available to persons participating in the consultation process.

4.2 Statutory consultation under Section 3A (2) of the Fisheries Act 1995

Matters that have previously required consultation in accordance with the Fisheries Act 1995 (the Act) will continue to require consultation. These matters are now consolidated in the Act under Section 3A (2); these are:

- a) a decision by the Minister to declare or amend a management plan under Part 3;
- b) a decision by the Secretary to vary a class of fishery licence under section 54(1)(c);

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- c) a decision under section 54(1)(d) by the Secretary to vary or revoke a condition imposed by the Secretary, or to impose a new condition, on a class of fishery licence;
 - d) a decision by the Minister to give, revoke or amend a direction on matters relating to the management of fisheries or zones in a fishery under section 61;
 - e) a decision by the Minister to make, revoke or amend a quota order in relation to a fishery under section 64, 64A, 66C or 66D;
 - f) a decision by the Minister to make, revoke or amend an order declaring sub-zones in a quota fishery under section 64AB or 66E;
 - g) a decision by the Minister to appoint a person as a member of the Commercial Fisheries Licensing Panel under section 132(2)(c) or 132(2)(d);
 - h) a decision by the Minister to nominate a person to be appointed as a member of the Licensing Appeals Tribunal under section 135(2);
 - i) decisions relating to the making and content of regulations in respect of royalties and levies imposed in accordance with sections 150 and 151;
 - j) decisions by the Minister relating to priorities for the disbursement of funds that may be paid out of the Recreational Fishing Licence Trust Account under section 151B;
 - k) a decision by the Minister to make a fisheries notice under section 152(1).

4.3 Statutory consultation NOT required

Statutory consultation is not required in relation to the following decisions—

- a) decisions which are specific to an individual licence or permit, the holder of a licence or permit or a person acting on behalf of a holder of a licence or permit; and
- b) reviewable decisions within the meaning of Section 137 of the Fisheries Act 1995.