



2022/23 Western Port/Port Phillip Bay Fishery Total Allowable Commercial Catch for snapper

Statutory Consultation Plan



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PREAMBLE

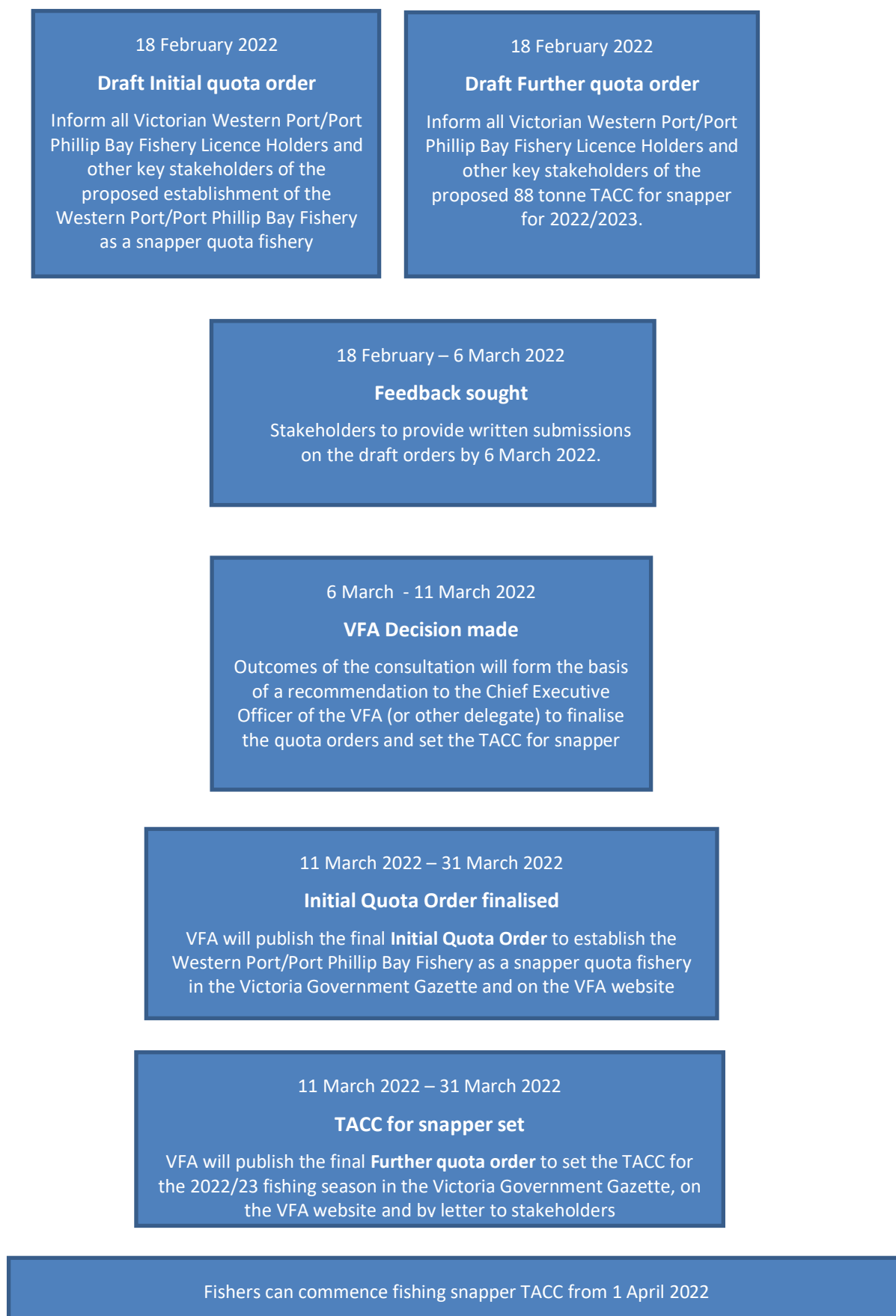
Any submissions received in relation to the consultation being conducted by the Victorian Fisheries Authority will be published on the Victorian Fisheries Authority website. In making a submission, unless the person making the submission indicates to the contrary, they will be consenting to their submission, including their name only, being published on the Victorian Fisheries Authority 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 **Sunday 6th March 2022**

FLOW CHART OF CONSULTATION TACC SNAPPER *

***note-** other management arrangements such as any species catch limits will be consulted on separately, and established using a Fisheries Notice before 1 April 2022.



CONSULTATION PLAN

1	Consultation Title	2022/23 Western Port/Port Phillip Bay Fishery – Initial quota order and Total Allowable Commercial Catch for snapper
2	Representative group/s being consulted	<input checked="" type="checkbox"/> Commercial wild-catch: (Seafood Industry Victoria, Western Port/Port Phillip Bay Licence Holders), <input type="checkbox"/> Recreational fishing <input type="checkbox"/> Aquaculture <input type="checkbox"/> Aboriginal communities: <input type="checkbox"/> Conservation interests: (Environment Victoria) <input type="checkbox"/> Other group/s (please specify):
3	Managing Officer	Kylie Wohlt, Principal Policy Analyst, VFA,
4	Target Start Date	18 February 2021
5	Target End Date	6 March 2022
6	Background/History	<p>The Initial Quota order is proposed to come into effect on 11 March 2022, establishing the fishery as a quota managed fishery.</p> <p>The draft Further Quota order proposes a quota period for the Western Port/Port Phillip Bay Fishery commences on 1 April 2022 and extends to 31 March 2023.</p> <p>A Total Allowable Commercial Catch (TACC) will be set at 88 tonnes as prescribed by Section 153E(2) of the Fisheries Act and is distributed evenly amongst the 8 licence holders.</p> <p>Consistent with the legislation, the further quota order will be in place for an initial 12 month period.</p>
7	Relevant Statutory provision	<p>Fisheries Act 1995</p> <ul style="list-style-type: none"> – Section 3A (consultation) – Section 64 (Initial quota order) – Section 64A (Further quota order of the Fisheries Act 1995) – Section 153E(2) – prescribes requirements for setting an 88 tonne fishery and allocating 11 tonnes of snapper per licence..
8	Purpose/objectives/scope	To inform stakeholders of the VFA's proposal to implement an 88 tonne TACC for the 2022/23 season.
9	Method	Consultation with key stakeholders via written communication.
10	Communication Plan	Victorian Fisheries Authority will communicate the results of the consultation via publication in the Victoria Government Gazette and through written communication to licence holders and key stakeholders.
11	Information provision	A letter including the draft Initial and Further quota Orders will be distributed to all identified stakeholders.
12	Resources/advice (inc. purchase of advice)	Internal resources of the Victorian Fisheries Authority.
13	Output (documentation / implementation)	A recommendation will be made to the A/Director Fisheries Management, Policy, Science and Licencing of the Victorian Fisheries Authority (as delegate) regarding the arrangements for the 2022/23 fishing season and the resulting decision will be published in the Victoria Government Gazette.
14	Publication of results of consultation	Submissions received in relation to the consultation being conducted by the Victorian Fisheries Authority will be published on the Victorian Fisheries Authority 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 Victorian Fisheries Authority website for 90 days from the conclusion of the consultative process.

Consultation Plan prepared by:

Approved/not approved



Kylie Wohlt

Principal Policy Analyst, VFA

Date: 15/02/22



Chris Padovani

A/Director Fisheries Management and Science, Policy and Licencing

Date: 21/02/2022

NOTES

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.

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);
- (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).

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*.