
Fisheries (Portland Bay commercial fishery) Notice 2023

Consultation Plan

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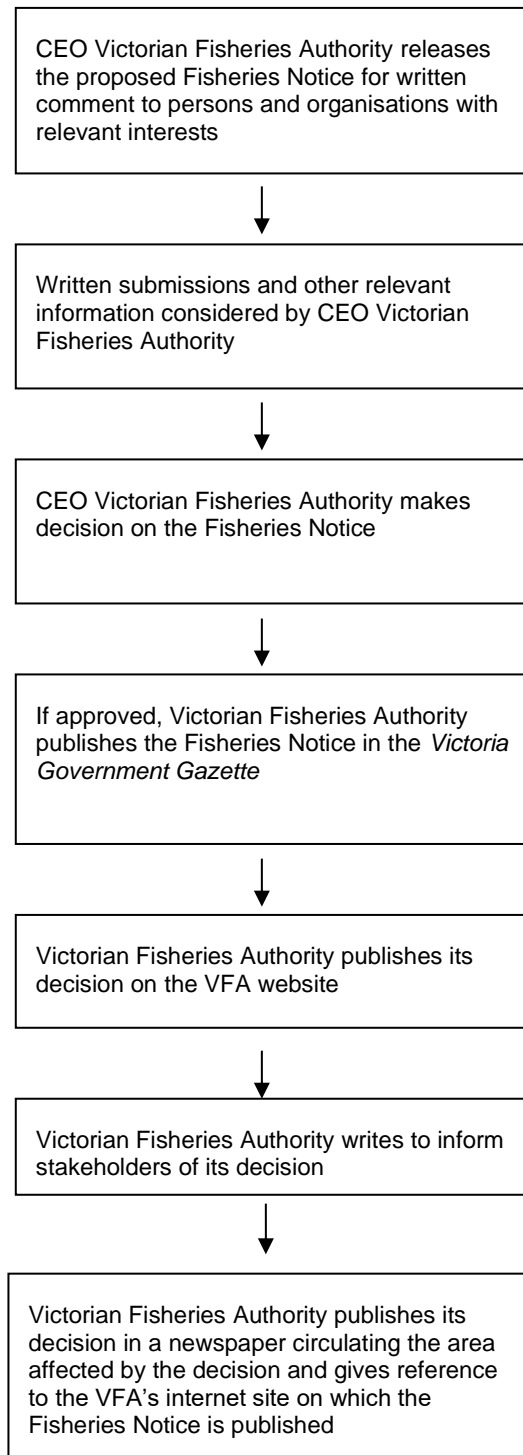
PREAMBLE

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 22/09/2023

FLOW CHART OF CONSULTATION




CONSULTATION PLAN

1	Consultation Title	FISHERIES (PORTLAND BAY COMMERCIAL FISHERY) NOTICE 2023
2	Representative group/s being consulted	<p>✓ Commercial wild-catch: (Seafood Industry Victoria, Ocean Fishery and Victorian Inshore Trawl Fishery Access Licence holders)</p> <p>✓ Recreational fishing: VRFish, No Netting Portland group</p> <p>✓ Aboriginal communities: (Gunditj Mirring Traditional Owners Aboriginal Corporation)</p> <p><input type="checkbox"/> Other group/s (please specify):</p>
3	Managing Officer	Luke O'Sullivan – Director Fisheries Management
4	Target Start Date	11 September 2023
5	Target End Date	25 September 2023
6	Background/History	<p>A draft Fisheries Notice is proposed to minimise conflict between fishing sectors. The Notice proposes to:</p> <ul style="list-style-type: none"> i. prohibit the use of mesh nets, trawl nets, seine nets and long lines, in specified waters of Portland Bay ii. set a catch limit on the take yellowtail kingfish in specified waters of Portland Bay by Ocean Fishery Access Licence and Victorian Inshore Trawl licence holders, to prevent targeting of this species.
7	Relevant Statutory provision	Statutory consultation with stakeholders under Section 3A of the <i>Fisheries Act 1995</i> is required prior to the Minister or delegate making decisions related to Fisheries Notices.
8	Purpose/objectives/scope	To seek comment on the draft Fisheries Notice.
9	Method	Consultation on draft documents is promoted via letters to the persons/groups noted in section 2 of this consultation plan and the Victorian Fisheries Authority website.
10	Communication Plan	<p>Decisions regarding the Fisheries Notices will be communicated through a notice published in the <i>Victoria Government Gazette</i>, a newspaper circulating the area affected by the decision 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	Stakeholders will be provided with a copy of the Fisheries Notice as well as a summary/background document as necessary.
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 VFA website.
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:



Kylie Wohlt

Principal Policy Analyst

Date: 07/09/23



Travis Dowling

Chief Executive Officer, VFA

Date: 07/09/2023

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*.

