

Consolidated Fisheries Notice Process 2019

**Consultation Plan**



Contents

Preamble 3

Closing date for submissions 3

Flow chart of consultation 4

Consultation Plan 5

Notes 7



# 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 Friday 13 September 2019.

# 

# Flow chart of consultation



# FLOW CHART OF CONSULTATION

Written submissions and other relevant information considered by CEO Victorian Fisheries Authority

CEO Victorian Fisheries Authority makes decision on the Fisheries Notices

If approved, Victorian Fisheries Authority publishes the Fisheries Notices in the *Victoria Government Gazette*

Victorian Fisheries Authority writes to inform stakeholders of its decision

CEO Victorian Fisheries Authority releases the proposed Fisheries Notices for written comment to persons and organisations with relevant interests

Victorian Fisheries Authority publishes its decision on department website

Victorian Fisheries Authority publishes its decision in a newspaper circulating the area affected by the decision and gives reference to the VFA’s internet site on which the Fisheries Notice is published

# 

|  |  |  |
| --- | --- | --- |
| 1. **1** | 1. Consultation Title | Consolidated Fisheries Notice Process |
| 1. **2** | 1. Representative group/s being consulted | 1. ✓ Commercial wild-catch: (Seafood Industry Victoria, Abalone Victoria (Central Zone), South-East Trawl Fishing Association, Lakes Entrance Fishermen’s Cooperative Society Limited, Victorian Inshore Trawl Fishery Access Licence holders, specified Ocean Fishery Access Licence Holders, specified Bait Fishery Access Licence holders) 2. ✓ Recreational fishing: (VRFish, Future Fish Foundation, Southern Freedivers Association, Geelong Freedivers Inc., Recreational Fishing Statewide Roundtable, Boating Industry Association of Victoria), 3. 🞏 Aquaculture   ✓Aboriginal communities: (Eastern Maar Aboriginal Corporation, Bunurong Land Council Aboriginal Corporation, Gunaikurnai Land and Waters Aboriginal Corporation, Wathaurung Aboriginal Corporation, Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. Federation of Victorian Traditional Owners Corporations, Gunditj Mirring Traditional Owners Corporation)   1. ✓Conservation interests: (Environment Victoria, Project Banjo Action Group, Victorian National Parks Association) 2. 🞏 Other group/s (please specify): |
| 1. **3** | 1. Managing Officer | 1. Amelia Grant, Marine and Estuarine Fisheries Manager |
| 1. **4** | 1. Target Start Date | 16 August 2019 |
| 1. **5** | 1. Target End Date | 1. 13 September 2019 |
| 1. **6** | 1. Background/History | The following draft Fisheries Notices are being proposed:   * Fisheries (Recreational Abalone Open Days) Notice 2019 * Fisheries (Commercial Snapper Catch Limit) Notice 2019 * Fisheries (Victorian Pipi) Notice 2019 * Fisheries (Ray Protection) Notice 2019   Information and background on each Fisheries Notice will be provided to relevant stakeholders. |
| 1. **7** | 1. Relevant Statutory provision | 1. Statutory consultation with stakeholders under Section 3A of the *Fisheries Act 1995* is required prior to the Minister or delegate making decisions related to Fisheries Notices. |
| 1. **8** | 1. Purpose/objectives/scope | 1. To seek comment on the draft Fisheries Notices. |
| 1. **9** | 1. Method | 1. 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. |
| 1. **10** | 1. Communication Plan | 1. Decisions regarding the Fisheries Notices will be communicated through notices published in the *Victoria Government Gazette, a* newspaper circulating the area affected by the decision and the departmental website. 2. Letters informing stakeholders of decisions will be sent to all persons/groups noted in section 2. 3. Any changes to recreational fishing regulations will be included in the Victorian Recreational Fishing Guide and Rec Fishing App. |

# CONSULTATION PLAN

|  |  |  |  |
| --- | --- | --- | --- |
| 1. **11** | 1. Information provision | 1. Stakeholders will be provided with a copy of all relevant Fisheries Notices as well as a summary/background document as necessary. | |
| 1. **12** | 1. Resources/advice (inc. purchase of advice) | 1. Internal resources of the Victorian Fisheries Authority. | |
| 1. **13** | 1. Output (documentation / implementation) | 1. Letters to stakeholders; notices published in the Victoria Government Gazette; the departmental 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**  Amelia Grant  Fishery Manager  Date: 07/07/2019 | | | **Approved/not approved**  Travis Dowling  Chief Executive Officer, VFA  Date: |

|  |  |
| --- | --- |
| 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*. |