

Fisheries Co-Management Council & Fishery Committees



Operational Guidelines

2006/08

Updated May 2006

FCC's Vision:

*Working for the sustainable use of aquatic biological resources,
managed in partnership for the benefit of the community.*



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Foreword

On behalf the Fisheries Co-management Council (FCC), I would like to welcome you as a new member of FCC Fisheries Committees.

The expertise that you and the other members bring to these committees from your Council can provide the highest quality advice to the Government on the management of Victoria's fisheries.

These Operational Guidelines have been provided as a guide to help you get the most out of your committee membership. These guidelines are dynamic and have been created to assist Council, Committee members and staff to understand the roles, processes and policies of the Fisheries Co-Management Council (FCC).

The guidelines are intended to help you get to know how the FCC and its committees function and allow you to maximise the effect of your involvement with the FCC.

There are some rules and practices you need to be aware of and, most importantly, our role in giving independent expertise based advice to Government. I must emphasis that we give advice to Government and it is Government's role to decide whether to accept that advice in full or part, or not at all.

You need to be constantly aware of the confidentiality of our proceedings and the requirement to look holistically and impartially at an issue.

I would like to conclude by thanking you for nominating for the committees and being prepared to sacrifice your valuable time to contribute to the co-management function in the development of Victoria's fishing industry. I am sure that you will find your participation challenging, educational and rewarding.

David Smith

Chair

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1. Introduction

These Operational Guidelines are dynamic and have been created to assist Council, Committee members and staff to understand the role, processes and policies of the Fisheries Co-Management Council (FCC).

In developing the Guidelines, the historical records of the FCC were reviewed and all relevant information and policies included. Operational guidelines of similar bodies have also been taken into consideration.

All members of Council and Committees are required to sign a declaration confirming they have read, understood and will adhere to the Operational Guidelines and the Code of Conduct.

Other important documents, with which Council and Committee members should be conversant, include the Fisheries Act 1995 and regulations, the FCC Business Plan, Governance Guidelines: For DPI Portfolio Statutory Authority Board Members, relevant Committee Work Plans, the FCC Annual Report and the FCC website.

These Operational Guidelines were approved and adopted by Council at meeting number 99 on the 23rd of May, 2006.

2. Who we are and what is our role

The FCC is an independent advisory body to the Minister for Agriculture and has a role promoting the co-management of Victorian fisheries. The FCC was established pursuant to the **Fisheries Act 1995 (the Act), the establishment and function of the FCC and its Committees are prescribed under sections 90, 91, 93 & 94 of the Act.** The FCC and its Committees have the responsibility to advise the Minister on the effective management and administration of Victorian Fisheries so as to enable the Minister to achieve the objectives of the Act.

The future of the fishing industry is dependant on the participation of all stakeholders in its ecologically sustainable development ('Industry' is defined as the whole of chain – from catching to retail and includes government, recreational and community interest groups. See the list of stakeholders in the section on *Interaction with Stakeholders*). At the first meeting of the FCC in September 1996, the Minister for Agriculture noted that the challenge for the FCC was to bring all the players together and provide a more holistic view in giving advice. Council has defined co-management as '*cooperatively managed aquatic biological resources, by government and user groups*'.

The FCC is an advisory body consisting of members selected for their expertise and tasked to provide Government with an independent expertise based perspective.

Fishery Committees provide expert technical advice to Council and also, when requested, to the Minister. Advice to the Minister is to be initially forwarded to Council which will then forward that advice to the Minister. The establishment and functions of Council are described in Sections 90 and 91 of the Act (Appendix 1). Membership and Procedures for Fishery Committees and Council are described in Schedule 1 of the Act (Appendix 3).

In the past there has been a misconception from some stakeholders that the role of the FCC is one of management – it is not. The FCC's function is of an independent policy advisory body to Government. However, it must be clearly understood that the FCC is not the only source of advice and that advice put forward by the FCC may not necessarily be accepted.

The role of Council and Committees is to be independent experts.

They are not political lobby groups.

While Council and Committees can provide independent advice, they maintain a good working relationship with Fisheries Victoria (FV) and are reliant on their FV members to provide expert advice relevant to fisheries management and Government policy.

The FCC also undertakes the role of Victorian Fisheries Research Advisory Body (FRAB) on behalf of the Fisheries Research and Development Corporation (FRDC). (See section on Fisheries Research Advisory Body).

2.1 Organisational Goals

The Fisheries Co-Management Council, Fishery Committees and staff are working for the sustainable use of aquatic biological resources, managed in partnership for the benefit of the community.

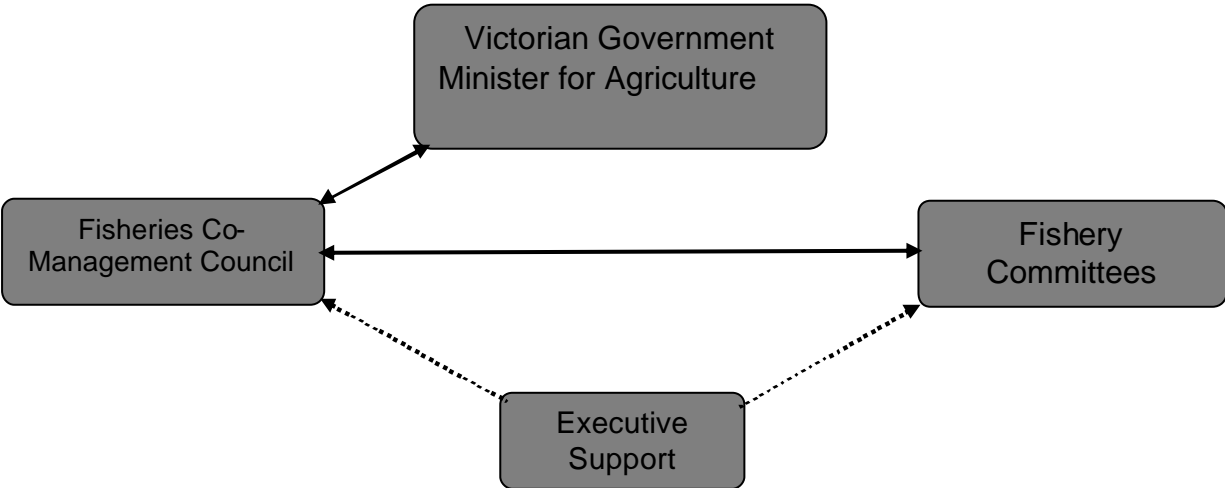
In working toward this we will develop partnerships with stakeholder groups (see list under section on 'Interaction with Stakeholders'). FCC will provide objective, broadly based advice, promoting the ecologically sustainable development of aquatic biological resources.

Council's objectives are to:

- Promote the management of Victorian fisheries in accordance with the principles of Ecologically Sustainable Development (ESD).
- Be recognised as a key advisory body for aquatic issues.
- Develop effective working relationships with all stakeholders.

Actions defined in the Key Result Areas of the FCC Business Plan 2005/06 are aimed at achieving these objectives. The Business Plan can be downloaded from the FCC website: www.fcc.vic.gov.au or alternatively by requesting a copy from the FCC office.

2.2 Structure



3.

3. Promoting Co-management of Fisheries

The Fisheries Co-Management Council, Fishery Committees and staff work for the sustainable use of aquatic biological resources, managed in partnership for the benefit of the community. In achieving this goal, the Council's objectives are to:

- Promote the management of Victorian fisheries in accordance with the principles of Ecologically Sustainable Development (ESD). This means that FCC advice must reflect a broader ecosystem approach and must ensure that social issues and economic development do not compromise the short or long term sustainability of the environment.
- Be recognised as a key advisory body for aquatic issues. The FCC must continue to provide independent, timely and valuable advice to Government. The FCC needs to respond quickly and thoroughly to request for advice, developing advice to provide solutions to those problems to government.
- Develop effective working relationships with all stakeholders. The philosophy of co-management is to involve all interested parties and provide them the opportunity to be heard and have their views considered in the decision making process. An integral part of this process is for all parties to respect and understand, but not necessarily agree with, other parties' views. The FCC will develop partnerships with stakeholder groups (see list under section on 'Interaction with Stakeholders') and give them the opportunity to be heard in the advisory process. At the conclusion of the consideration process, the FCC will provide objective, broadly based advice, promoting the ecologically sustainable development of aquatic biological resources.

4. The Role of Council

Council members are chosen for their expertise and between them they have high level skills and experience in recreational fishing, aquaculture, commercial fishing, fish processing, fish marketing, consumer issues, conservation, environmental science, indigenous culture and fisheries science and management.

One member of Council is appointed as the nominee of the Secretary of the Department of Primary Industries (DPI). Generally this member will be the Executive Director of FV. The Secretary's nominee is required to provide advice to the Council on a range of recommendations and management considerations.

Council members are appointed by the Governor in Council on the recommendation of the Minister of Agriculture.

While Council relies on expert advice obtained from Fishery Committees in formulating many of its recommendations to the Minister, Council may address some policy matters requiring consideration of cross-sectorial issues without necessarily seeking advice from one or more Fishery Committees.

Council may form sub-committees to consider issues which require a significant amount of research or background work. Such sub-committees would bring forward a recommendation for decision to Council.

Council seeks to reach consensus agreement on all decisions and voting is considered a 'last option'.

5. The Role of Committees

Fishery Committees are established by the Minister, on the advice of the Council. Fishery Committees may consist of up to nine members, including the Chair and a nominee of the Secretary of DPI, who in most cases will be a Fisheries Victoria (FV) employee.

Members are appointed by the Minister on the recommendation of Council, (see also Section 93 of the Act - Appendix 1). Fishery Committee members are appointed for their expertise and provide independent advice on issues relevant to their fishery. Council will seek to appoint one member with environmental conservation expertise to each Committee.

No matter how and why a person is appointed, that person is not the representative of the sectorial interest from which he or she came and the person's duty is to provide sound advice as an expert in their particular discipline. Appointees' duties are to the Fishery Committee(s) and to the Council as a whole.

The key role of Committees is the provision of specialist advice. In most cases advice is provided to Council and through Council to Government. If Council and Committee advice should differ, Council will endeavour (where time allows) to discuss the issue with the Committee and seek consensus; however, Council is responsible for the final advice to government.

Each Committee will be guided in its operations by an annual work plan approved by Council. The work plan will be in accord with the FCC Business Plan and will include any responsibilities the Committee has under a Fishery Management Plan.

Committees should seek to reach consensus in their debates at all times. Voting on issues should be considered a 'last option'.

Committees are allocated 3-4 meetings per year and these are scheduled at the commencement of each financial year. Meetings are generally day-long. Additional meeting allocation is determined according to the tasks/issues to be addressed and is dependant on budget allocation. Additional Committee meetings or activities not included in the work plan will require approval from the Chair of Council. All meetings are to be agenda driven and have formal papers to support agenda items. Committees are not required to meet in the absence of an appropriate agenda.

The functions of a Fishery Committee are described in Section 94 of the Act (Appendix 2). Membership and Procedures for Fishery Committees and Council are described in Schedule 1 of the Act (Appendix 3).

6. The Role of the Staff

There are three staff based in the FCC office:

- Executive Officer – Robert Krix
- Senior Projects Officer – Jarrod Gooden
- Administration Officer – TBA

Council and/or staff members undertake staff selection, with assistance from DPI Cabinet & Portfolio Services. Staff are employed by DPI in accordance with Government policies and regulations. While, technically, FCC is a DPI office, it recognises the need to respect the confidentiality of discussions and the need for Council and Committees to provide independent advice. Day to day responsibility for the work plans of staff rests with the Chair of Council.

Staff provide support for all of the Committees and Council. In consultation with Chairs, staff are generally responsible for:

- Managing office operations including the budget, purchase of equipment, the website and production of other communication and information material.
- Circulation of correspondence and other information including preparing and circulating the meeting agenda and background papers.

- Managing Council and Committee projects and actions and following up on advice or queries raised by Council or Committees.
- Arranging meetings (dates, venues, catering etc).
- Assisting the Chair in preparing minutes, correspondence, reports and other documents of relevance to Committee or Council business.
- Maintaining files and historical records.
- All paperwork relevant to enable payment of sitting fees and travel claims.
- Staff may also undertake research on issues within Victorian fisheries and/or the views of industry members and groups, so that Council and Committees have a better understanding of industry attitudes and concerns.

7. Your Responsibility as a Member

Council and Committee members are appointed for their expertise. Members are not representative of any sector or group. The key role of all members is the provision of specialist advice. The role of an advisory body of this type, while funded by Government, should have substantial membership from outside the public sector in order to provide an independent expertise based perspective on the matters to which it is referred.

All members of Council and Committees are required to sign a declaration confirming they have read, understood and will adhere to the Operational Guidelines and the Code of Conduct. Members will also be required to sign a conflict of interest form.

7.1 Code of Conduct

In taking on their roles, all members of Council and Fishery Committees agree that:

- 1) They will put their views clearly and concisely and will respect and acknowledge opposing views with the objective of finding points of agreement and consensus;
- 2) They will act in the best interests of Victoria's Fisheries as a whole rather than as an advocate for any particular organisation or interest group;
- 3) They will observe confidentiality and exercise tact and discretion at all times;
- 4) They will not pursue personal agendas or self interest, but participate in discussion in an objective and impartial manner, bringing their experience and expertise to bear on all problem solving and base decisions and advice on a consideration of all relevant facts;
- 5) They will make the necessary personal commitment of time to ensure they are fully prepared and conversant with matters being considered by the Council or Committee;
- 6) They will declare any matters of conflict of interest in issues coming before the Council or Committee; and
- 7) They will treat each other, staff and stakeholders with honesty, dignity, fairness and respect.

7.2 Secrecy provisions of the Fisheries Act 1995

Section 146 (1) of the Act states that members of the Fisheries Co-Management Council or a Fishery Committee "must not, except to the extent necessary to perform official duties, or to perform or exercise such a function or power, either directly or indirectly, make a record of, or divulge or communicate to any person, any information obtained in confidence or relating to the personal affairs of another person that was acquired by the person by reason of being or having been so appointed, engaged or authorised, or make use of any such information, for any other purposes other than the performance of official duties or the performance or exercise of that function or power."

- A penalty of 10 penalty units is associated with this section of the Act.
- Breaches of this provision threaten the success of the co-management process.
- Documents labelled as CONFIDENTIAL or COMMERCIAL IN CONFIDENCE must remain confidential.

- Provided that there is no conflict with Section 146 (1) referred to above, information can be shared by Council and Fishery Committees.

7.3 Council and Committee Members

The role of Council and Committee members is to:

- Contribute to debate of policy issues with consideration given to cross sectorial issues;
- Contribute fisheries knowledge and expertise to achieving sustainable management of Victorian fisheries;
- Openly contribute to debate without focusing on circumstances of individuals; this includes avoiding pursuing personal agendas or self interest by participating in a fair, objective and impartial manner; and
- Make the time commitment necessary to keep abreast of issues facing Victorian fisheries, read necessary meeting papers and undertake a role in Council projects where necessary. (Members will occasionally be required to comment on issues out-of-session.)

Fishery Committee/Council members who are absent from three meetings in a row during their term of appointment, will need to justify their ongoing membership to the Chair of Council. The Chair may request the resignation of members who do not justify their ongoing membership.

7.4 Council Liaison

To assist with maintaining good communications and an effective working relationship, a Council member will attend each Fishery Committee Meeting. If a Council member is unable to attend a Committee Meeting, the Executive Officer or Senior Projects Officer will attend. This attendee will ensure that Council issues are understood and taken up at Committee level. For more information on the role and responsibility of the Council liaison member, see the section on *'Interaction between Council & Committees'*.

7.5 Conflict of Interest

A member of the FCC and/or Committee, who has a direct or indirect pecuniary interest in a matter decided or under consideration by the FCC or Committee, must disclose the nature of the interest to the Council or Committee. Any such disclosure made must be recorded in the Minutes of the meeting. As a matter of formality, the chairperson should ask the member to declare any conflict of interest at the start of each meeting, and for responses to be recorded into the Minutes.

7.6 Fisheries Victoria (FV) Members

The FV member participates in Council and Committee discussion on a corporate basis, providing fisheries management expertise and advice on relevant Government policies and requirements for relevant policy development and change. It is the role of the FV member to ensure that the Council and Committee is aware of, and fully understands, Government policy and fishery management obligations under the governing legislation, as well as keeping the Committee informed of management considerations including those arising from Committee processes.

In regard to the operations of Council and Committees generally, the Council is very conscious of the role and the responsibility of the FV member. For example, there may be occasions where the FV member is unable to support Council or Committee recommendations or positions on a particular issue. In such cases, the Council expects the Chair to ensure that, prior to a recommendation coming forward to the Council, the Council and Committee is made aware of the nature of the FV member's concerns and that these have been fully considered in Council and Committee deliberations and recorded in the Minutes and any advice forwarded. In certain circumstances, the FV member may need to provide additional information and/or an alternative recommendation to the Council in support of his/her concerns.

Ultimately, the Committees are required to deliver on a fisheries co-management outcome by being an integral part of the development of fisheries policy and management actions.

The Fisheries Victoria member is not to be a spokesperson for the Council or Committee unless otherwise appointed.

7.7 Alternate/Interim Members

It should be noted that Council does not support alternate or deputy members and no provision for such a concept is made in the legislation. In exceptional circumstances (i.e. sudden illness, unforeseen work or personal circumstances) the appointment of an interim member (or Chair) may be sought by Council through the Minister's office.

7.8 Committee Chairs

Council seeks to appoint independent Chairs wherever possible.

The Committee Chair plays a key role in ensuring effective and thorough discussion of issues raised at meetings and must exercise impartiality, firmness, tact and common sense. At all times, the Chair should seek to build consensus and avoid deciding issues with a vote.

The Chair is a key communication link between the Committee and the Council.

Accordingly, a Committee Chair needs to have the following attributes:

- 1) An ability to independently Chair Committee meetings in accordance with accepted meeting procedures;
- 2) A sound understanding of meeting procedures and practice (including the rules of debate);
- 3) An ability to identify strategic goals and objectives and facilitate their achievement through the Committee process;
- 4) Demonstrated communication ability, particularly with respect to acting as the Committee spokesperson and representing Committee views to the Council in a calm, balanced and rational manner;
- 5) An understanding of industry and public policy; and
- 6) Preferably, some knowledge of the fishing industry and/or fisheries management.

Once a Committee meeting is completed, it is the responsibility of the Committee Chair (assisted by the Administration Officer or Secretary), to formally communicate the meeting outcomes, including recommendations and matters of information, to the Council for consideration.

The only member who may publicly comment on FCC business is the Chair and only after consulting the Minister.

7.9 Resources for Members

Staff are available to provide assistance to Council and Committee members wherever possible. All members are welcome to use the office library and working space can be made available if required.

Secure areas of the FCC website are maintained for Council and Committees as a tool for members to access information regarding meetings and other issues.

Staff can also arrange for an email address to be set up should this be required by a member.

8. Interaction between Council & Committees

While advice from Committees is most commonly forwarded to Council in writing, it is recognised that in some instances it is beneficial to have the Committee Chair (or nominated member) attend Council meetings in order to present and discuss the advice with Council. Should a Committee Chair, or nominee, wish to attend a Council meeting, approval must first be sought from the Council Chair, through the Executive Officer.

In their advice to Council, Committees are required to **list the options that were considered, the preferred option and the reason that the preferred option was chosen.**

This information is to be captured in the proforma document (see Appendix 18.6).

Chair's summaries are provided to each Committee, as well as to Peak Bodies, for the purpose of maintaining transparency regarding matters being addressed by, and the actions of, Council.

Council also encourages Fishery Committees to communicate with each other (particularly the Chairs) to consider common issues.

A meeting of all Council and Committee members will be held once a year to provide an opportunity for all members to network and discuss any issues relevant to co-management and the operations of FCC. Council will endeavour to hold one meeting mid-year to which the Chairs of all Fishery Committees will be invited to discuss work plans and any other issues.

8.1 Council Liaison

In order to assist in maintaining effective communications between Council and Committees, Council members will be encouraged to attend Committee Meetings, thus ensuring Committee issues are understood by Council and vice versa.

In the absence of any Council members at a Committee meeting, the Executive Officer or Senior Projects Officer will act in this role.

Should the Council liaison member have any vested interest in any issue being discussed by the Committee, they will declare their interest – as applies to all members.

The liaison member and/or staff will provide feedback to the Committee on actions and progress of a Committee's advice to Council (and vice versa), and common issues being discussed by other Fishery Committees.

9. Interaction with Government

It is important to note that Council and Committees provide independent advice to the Government and that the Minister's office and DPI, including FV, are all key stakeholders. Effective relationships must be maintained with these Government bodies.

FCC staff members keep in regular contact with Ministerial advisors regarding advice from FCC or issues under consideration by the Minister. The Minister's advisor has a standing invitation to Council meetings and the Chair of Council endeavours to meet with the Minister on a quarterly basis.

Any enquiries from Members of Parliament must be referred to the Minister for Agriculture's office.

The Executive Officer meets regularly with the Executive Director of Fisheries Victoria to discuss current and upcoming issues. The Executive Director of Fisheries Victoria also provides monthly reports to each Council meeting.

9.1 Provision of Advice

The function of the FCC is to cooperate with stakeholders in the best interests of co-management and to provide the Minister with the best possible advice on all matters relating to the ecologically sustainable development of Victorian fisheries. The Minister is under no obligation to act on FCC advice and may accept the advice in full or part, or not at all. **Having provided its advice FCC's function is completed.**

In many cases, Council relies on expert advice obtained from Fishery Committees in formulating its recommendations to the Minister.

Advice from Fishery Committees is provided to stakeholders through the Council. All advice from Fishery Committees must be forwarded onto the Council in a written letter with an accompanying proforma (see Appendix 18.6) which clearly lists the options that were considered, the preferred option and the reasons behind the advice. The provision of all advice must be qualified.

It should also be noted that there are instances where the Government may choose not to consult with Council or Committees.

Note that advice from Committees to the Minister and/or Council is confidential and is not to be forwarded on to other organisations.

Issues pertinent to stakeholder interests may be discussed with stakeholders but care must be taken to ensure that the discussion does not include options, evaluations or recommendations that may prejudice the decision-making process of the Minister. (See section on the Freedom of Information Act 1982).

10. Interaction with Stakeholders

Transparent, open and consultative processes are the key to effective co-management. All stakeholders must address these issues to enable the co-management process to develop its full potential.

The role of the FCC is to advise the Minister and the committees and council to do this. The advice is in relation to the Fisheries Act 1995, so any stakeholder should not extend beyond co-management entities. There are three of these: Government, primarily the Minister and the Department of primary Industries, peak bodies and the FCC. The following list should be aligned along these lines.

The following have been identified as key stakeholders of Council and Committees:

- Minister for Agriculture
- VRFish
- Seafood Industry Victoria
- Aquaculture Advisory Group
- Victorian National Parks Association
- Department of Primary Industries
- Fisheries Research & Development Corporation
- Department of Sustainability and Environment
- Indigenous Communities

A summary of minutes of Fishery Committee meetings may be provided to a Peak Body. Care must be taken to ensure that the summary does not contain options, evaluations or recommendations that may prejudice the decision-making process of the Minister. (See section on the Freedom of Information Act 1982).

A representative(s) of stakeholder groups can be invited to attend a Council or Committee meeting, to present information on, or discuss a specific subject. Such representatives would be subject to rules governing observers (*see section on Policies*).

10.1 Confidentiality

Whilst it is important to maintain open and transparent processes it is necessary to observe confidentiality, particularly when dealing with politically sensitive issues. This is often an area of concern for members, as many feel a responsibility to their fellow industry members. However, you are appointed as a member of either Council or a Committee based on your expertise and are not in any way a representative. In order to maintain effective co-management it is critical that members observe this requirement.

A single spokesperson will be appointed from each Committee, their roles are to clearly communicate in a formal manner the position of each Committee. The individual views expressed by members should not be reported outside committee meetings; however, the consensus advice of the Committees may be informally conveyed to stakeholders. Whilst transparency is encouraged in the Co-management process, personal privacy considerations of individual members must also be respected.

11. Fisheries Research Advisory Body (FRAB)

The Council undertakes the role of the Victorian Fisheries Research Advisory Body (VicFRAB) for the Fisheries Research & Development Corporation (FRDC). *(For further information about the FRDC, please see their website: www.frdc.com.au)*

The VicFRAB's role is to:

- Develop and maintain strategic directions for R&D that take into account other strategic plans and are responsive to changing circumstances;
- Set R&D priorities to maximise investment, avoid duplication and achieve the greatest potential return for Victoria;
- Invite R&D applications to address those priorities;
- Encourage collaboration between researchers themselves as well as between researchers, fishing industry interests and fisheries managers;
- Encourage research in response to stakeholder needs;
- Identify appropriate funding sources (including FRDC);
- Advise the FRDC on the priority and appropriateness of applications attributing a flow of benefit to their related fisheries or industry sectors; and
- Assist the FRDC with communication and extension of R&D results.

In exercising its role, the VicFRAB adopts a 3stage process to commission and evaluate research proposals and applications on an annual basis. VicFRAB then submits recommendations to FRDC and other relevant agencies for consideration of funding under five key areas of research and development:

- 1) Natural Resources Sustainability
- 2) Resource Access and Resource Allocation
- 3) People Development
- 4) Response to Demand: Profitability
- 5) Community and Consumer Support

12. Operations

While staff manage FCC operations, the active participation of Council and Committee members is the foundation of our organisation and without it the FCC would not function. Staff rely on the input of members in order to progress actions and projects.

12.1 Meeting Procedures

See also Schedule 1 of the Act (Appendix 3).

12.2 Council Meetings

Council meetings will occur regularly, see the FCC website for posted dates. Council agendas will be drafted by staff and mailed to members one week prior to each meeting. Any available meeting papers will also be mailed with the agenda. Council members wishing to add discussion items to the agenda should contact the office staff one week prior to the Council meeting. Any agenda items received after this time will be tabled on the day of the meeting as 'additional items' subject to approval of the Chair. The final agenda and any additional papers will be provided at the meeting.

The Executive Director of Fisheries Victoria will provide a monthly report to each Council meeting.

At least half the total number of members of Council must be present at a meeting in order to achieve a quorum and before any business can be conducted. Council seeks at all times to reach consensus agreement on issues and voting is avoided wherever possible.

Draft Council minutes will be circulated via email to Council members within one week of the meeting. Any amendments should be reported to the Senior Projects Officer. Council minutes will be confirmed at the next meeting. Once confirmed, a Chair's Summary will be distributed to Fishery Committees, the Minister's office, Peak Bodies and a Chair's summary posted on the FCC web site. An example of a Chair's summary is at Appendix 5.

12.3 Fishery Committee Meetings

Fishery Committees should hold three to four meetings per annum, scheduled at appropriate times to be determined by the Committees; these dates are to be included in Committee Work plans. Provisions for additional meetings may be approved via consultation with the Executive Officer. One planning meeting per year is to be held prior to the commencement of the financial year to determine the Work Plan; upon completion the plan will be reviewed and approved by Council.

The Administration Officer will contact the Committee Chair to finalise a meeting at least 3 weeks in advance of the meeting date. The Administration Officer will confirm the meeting date with members and Council liaison. Staff will manage all meeting arrangements – such as circulation of papers, venue and catering.

Committee meeting agendas will be drafted by the Administration Officer and then emailed to Committee members (by fax or post for those without email) no later than 2 weeks prior to the meeting date. Committee members should respond to the Administration Officer with any additional agenda items for discussion - no later than 5 working days prior to the meeting date. The final agenda and background papers will be mailed to members.

Note: *Members requesting the inclusion of an agenda item should be prepared to lead the discussion on that item. A brief background paper on the discussion item is required to be provided to the Administration Officer no later than 5 working days prior to the meeting date. A proforma has been developed for the submission of background papers and for Committee advice, it can be found in appendix 18.6. All submission must be in this prescribed format.*

Part of the duties of staff members and the Council members who may attend Committee meetings, is to brief the Committee Chair, provide feed back to the Committees on actions and progress of a Committee's advice to Council, and any common issues being discussed by other Fishery Committees. Council encourages Fishery Committees to communicate with each other to consider common subjects.

At least half the total number of members of a Committee must be present at a meeting in order to achieve a quorum and before any business can be conducted. Committees should seek at all times to reach consensus agreement on issues and voting should be avoided wherever possible.

The Administration Officer will draft Committee meeting minutes and forward to the Chair within 2 weeks of the meeting. On receiving the Chair's approval, the Minutes will then be circulated to the Committee for their approval or amendment. This should occur within 3 weeks of the meeting. The draft minutes are to be treated as a confidential working document until confirmed

at the following Committee meeting or by circulation prior to the meeting. Once confirmed, a Chair's summary of the Minutes may be distributed to Council and to Peak Bodies, on the agreement of the Council.

Where appropriate, a Chair's summary of issues discussed at the meeting will be prepared by the Chair with the assistance of the Administration Officer. This will be forwarded to Council within 2 weeks of the Committee meeting being held.

A Chair's summary of the meeting will be prepared and posted on the FCC web site within a week of the minutes being confirmed by the Committee. An example of a Chair's summary is provided in Appendix 5.

Any **observers** wishing to attend a meeting, or members wishing to invite an observer should seek permission of the Committee Chair, through FCC staff. See the '*Policies*' section for the rules regarding the attendance at meetings by observers.

Observers must agree to comply with Council confidentiality procedures prior to attending the Committee meeting.

12.4 Sub-committees

Council or Committees may form sub-committees to consider issues which require a significant amount of research or background work. Such sub-committees would make a recommendation for decision to their Committee or Council. *See also clause 8 of Schedule 1 of the Act – Appendix 3.*

12.5 Correspondence

See also the section on Policies – Information circulation.

The preferred method of circulating information is via email. For members without email access, alternative methods will be sought.

Where possible issues raised in correspondence will be tabled for discussion at the next relevant Committee or Council meeting. It is recognised that in situations requiring urgent attention some issues may need to be addressed out-of-session.

FV will be advised of all scheduled meeting dates at the beginning of the financial year. This will allow an opportunity for FV to program items for Committees to address.

All correspondence from Committees will be forwarded to Council in the first instance, except where it is requested directly by the Minister under Section 94, sub-section (1)(c) of the Fisheries Act 1995. All advice provided in this instance should be copied to Council.

12.6 Work Plans

Each Fishery Committee has a yearly work plan, which will include obligations under and be consistent with the FCC Business Plan, the Act and any relevant Management Plans. All work plans are submitted to Council for approval, prior to commencement of each financial year.

Activities that are not included in an approved work plan are only to be undertaken on the direction or approval of Council, with costs of any additional activities to be specifically approved by the Council Chair as part of the project brief.

The first action item of a Committee's meeting agenda is to review and progress the Committee's Work Plan.

Each Fishery Committee must submit to Council a half-yearly progress report against their Work Plan.

12.7 Business Plan

See Schedule 1 (9) of the Act (Appendix 3).

The current FCC Business Plan expires at the end of June 2006.

Each Committee must consider Key Activities identified in the Business Plan when preparing their annual work plan.

Half yearly progress reports against the Business Plan are prepared by staff.

12.8 Annual Report

A submission from each Fishery Committee will be sought by a given deadline, for inclusion in the FCC Annual Report. The Annual Report is prepared in accordance with Sections 92 (1) and (2) of the Act. Section 92(2) states that the Report must include:

- 1) a statement on progress in achieving the objectives of this Act;
- 2) an assessment of the condition and management of Victorian fisheries; and
- 3) a statement on revenues raised under this Act and expenditure on activities authorised under this Act.

An analysis of the achievement of the objectives of the Act, will be sought from Fishery Committees. Committees will be provided with a guide for producing their submission.

12.9 Website

The FCC website is used to communicate with stakeholders. Each Fishery Committee and Council will be expected to liaise with the Senior Projects Officer to ensure that the website is kept up to date with relevant information.

Committees and Council are given a username and password to access a secure area where members will find information on any upcoming meetings. All members should check this site regularly in order to be aware of all issues. If there are any major changes to the site, members will be advised by FCC staff.

12.10 Library

FCC staff maintain a library of various reports and publications, including the *Fisheries Act 1995* and *Fisheries Regulations 1998*. Items are available for all Council and Committee members to borrow for a limited time.

12.11 Research & Development

See also the section on Fisheries Research Advisory Body.

Fishery Committees should be aware of "Victorian Fisheries and Aquaculture Research and Development Strategy 2005 - 2010", a document prepared by the Council. This document will be reviewed by the Council, with input from stakeholders. The revised document will be available early each year.

Council encourages Committees to consider research and development priorities for their fishery and communicate these to the Council for consideration in reviewing project proposals. It is suggested that 'Research & Development priorities' be an agenda item at each meeting to ensure there is current identification of any key research/development areas. Council, with the assistance of FRDC, will endeavour to hold a research and development workshop each year, which industry stakeholders will be invited to attend and consider priorities.

12.12 Management Plans

Council has an obligation under Section 91(b) of the Act (Appendix 1) to oversee the preparation of management plans that are prepared under Section 28 of the Act. Council must also advise the Minister in respect of proposed management plans.

Fishery Committees also have an obligation under Section 94(b) of the Act (Appendix 2), to advise the Council in respect of the preparation of a management plan for their respective fishery.

12.13 Ministerial Directions, Quota Notices, Fisheries Notices

Council and Fishery Committees will, from time to time, be required to respond to Ministerial directions, quota notices and fisheries notices. Members should refer to Sections 62, 64 and 152 of the Act for further details.

12.14 Annual Meetings

A meeting of all Council and Committee members will be held once a year - subject to budget allowance. This will provide a valuable opportunity for Council and Fishery Committee members to meet and discuss any issues.

Council will endeavour to hold one meeting per year to which Fishery Committee Chairs will be invited to attend. This will be primarily to discuss Committee Work Plans and any other issues arising.

12.15 Remuneration

Members of Council, Committees, Subcommittees and Working Groups (except those considered to be Government employees) receive a sitting fee and travel allowance. These are determined in accordance with DPI's guidelines for remuneration for 'part-time non-Executive Directors of State Government Boards and Members of Statutory Bodies and Advisory Committees'. For further information on this document please contact the FCC office.

Sitting fees and travel allowances are paid to members for attendance at any formal meeting or official activities of their Committee (or Council) as required under work plans, Management Plans, FCC's Business Plan, as approved by the Chair of Council. All members should note that sitting fees include provision for out-of-session work associated with the general business of the Council or Committee.

For invitations to events such as openings, presentations, launches, etc, attendance will be at member's own cost, unless specifically identified by Council as a formal Council/Committee duty.

Members will be required to fill out a claim form before sitting fees or travel expenses can be paid. All claims must be submitted as soon as possible and within 4 weeks of the member incurring the expense. Receipts must be provided for all personal expense claims. Any extraordinary travel and accommodation claims must be approved by Council prior to departure.

Claims for personal expenses will only be paid where costs incurred are considered reasonable within the operations of the Committee.

When making travel arrangements, consideration must be given to cost, accessibility, travel time, administrative effort and resources required. Travel will be by the most direct mode, route and schedule. All travel must be consistent with the DPI OH&S travel policy. For further information, contact FCC staff.

12.16 Committee & Council Vacancies

All vacancies are advertised in accordance with the DPI guidelines for advertising and appointment. All Council and Committee members and Peak Bodies will be advised of the commencement of any advertising and appointment process.

A sub-committee of Council undertakes the selection process for appointment of Committee members. The Chair of Council with nominees appointed by Government and supported by DPI, undertake the selection process for Council members. The Minister appoints the Council Chair.

12.17 Grievances

Any grievances should be discussed with the Executive Officer. Should the resolution be unsatisfactory, the grievance should be placed in writing to the Chair of Council.

Disclosures of improper conduct by Council, Committees or staff can be made to the DPI Protected Disclosure Coordinator – see '*Protected disclosure of wrongdoings*' below.

12.18 Financial Management

FCC's financial operations are managed in accordance with DPI guidelines for expenditure and purchasing.

The Executive Officer and the Senior Projects Officer approve all claim forms and purchases.

Monthly budget statements are received and reviewed by Council at each meeting.

Random audits of FCC purchasing and expenditure are conducted internally by DPI staff and also by external auditors contracted by DPI.

13. Policies

13.1 Independent Chairs

The FCC seeks to appoint independent Chairs to Fishery Committees. This is consistent with recommendations made by the Environment and Natural Resources Committee (ENRC) during their 2001/2002 Inquiry into fisheries management.

13.2 Interstate Members

The FCC seeks to appoint members who reside within the State of Victoria or who might otherwise have significant interest in the State of Victoria. However, applicants from interstate may be considered. The interstate relocation of a Committee Member (including the Chair) will involve a reconsideration of that appointment, but does not prevent the person remaining a Council or committee member. The continued appointment of the member shall be considered under the circumstances prevailing at that time (Council meeting 67, 9th April 2003).

13.3 Observers

Observers wishing to attend Council or Committee meetings must seek the approval of the Council or Committee Chair through the FCC office staff.

Chairs may seek to invite an observer for the provision of additional advice or expertise, or to provide information on a particular agenda item or items. An observer may otherwise seek to view the operations of the Council or Committee. The regular attendance of a particular observer should be avoided.

Observers must formally request attendance, specifying the reason for attendance and the agenda item(s) of interest. Permission to attend will be for specific items.

The opportunity for an observer to debate is by invitation from the Chair only. There are no voting rights for observers.

It is intended that this facility only be used to the extent that it does not inhibit Council or Committee members from freely contributing to discussion. Observers may be requested to leave the meeting to allow open discussions.

13.4 Confidentiality

Observers attending a Council or Committee meeting must maintain confidentiality and discretion. Observers must not either directly or indirectly, make a record of, or divulge or communicate to any person, any information obtained in confidence or relating to the personal affairs of another person.

Observers should also note their requirements under the Freedom of Information Act 1982 – see the section below on Freedom of Information Act 1982.

A declaration stating the above requirements will be given to any observers for their signature, prior to the commencement of the meeting.

13.5 Information Circulation

This policy was formally adopted by Council at meeting number 75, February 2004 and applies to correspondence or information of any nature directed from the public, stakeholders, Government departments, Council or Committee members, or the Ministers office, which is received in the FCC office.

- Correspondence items are received and logged on to the Correspondence Schedule then circulated by the Executive Officer and Senior Projects Officer to the Chair for decision on action.
- FCC staff, at the request of the Chair, will forward the correspondence with a note on any action required (eg. for response, for consideration, for review) or highlighting that it is for information only.
- In circulating correspondence staff must be clear about its origin – that is, who raised the issue and where/who it has come from.
- Circulation of correspondence/information to Council and Committees is considered an in-house process and all members and staff must exercise discretion and confidentiality at all times.

Information will be circulated to members by email in most cases, alternatively fax or post. Where possible the subject line of the email will describe the action required.

When emailing information to Council members, only emails that are 'for action/response' or 'for review' are to be sent to Council members. Emails that are '*for information only*' are not to be sent to Council. The FCC correspondence schedule will be sent via email on a weekly basis and Council members can request copies of any information listed. When replying to emails, do not respond to all recipients. Staff will coordinate comments and distribute them accordingly.

13.6 Council & Committee Spokesperson

It is required as part of the Work Plan that a nominee be appointed from each of the Committees to fulfil the role of spokesperson. The role of spokesperson will usually be filled by the Chair; however, if this is not practicable, then the Committee may choose another member to fulfil the responsibility. The role of the Spokesperson is to be the sole conduit for official clarification of all Committee advice. This single line of communication is to ensure greater consistency and clarity of communications from Fishery Committees. The policy and process also applies to the Council for the selection of a Spokesperson.

Note: Active communications and interactions with stakeholder groups is to be encouraged and is in line with Co-management principles. The appointment of a Spokesperson should in no way stifle such activities and relates only to the process for the official verbal communication of Fishery Committee advice.

14. Protected Disclosure of Wrongdoings

The Whistleblowers Protection Act 2001 is designed to protect people who disclose information about serious wrongdoings within the Victorian Public Sector and to provide a framework for the investigation for these matters.

The Protected Disclosure Coordinator for DPI acts as an agent for FCC, to receive disclosures under the Whistleblowers Protection Act 2001. DPI procedures are applied in managing disclosures.

Disclosures of improper conduct by Council, Committees or staff can be made to:

Stuart Atkins, Protected Disclosure Coordinator
DPI, PO Box 500
East Melbourne VIC 3002

15. Freedom of Information Act 1982

All members and staff must adhere to the following requirements of the Freedom of Information Act 1982:

- Notwithstanding any previous action or perceived precedent, Council and Committees are bound by the FOI guidelines regarding the release of documents during the deliberative process of the Minister.
- The public release of written advice provided to Council by Committees and the release of Council's advice before the Minister makes a decision on a matter, could place the Minister in a compromising position.
- Council and Committee members and any observers are to observe confidentiality and exercise tact and discretion at all times.
- Any applications for the release of documents under the Freedom of Information Act must be referred to the Executive Officer, Fisheries Co-Management Council.

Council and Committee members are not to comment in the public arena of behalf of Council. Only the Chair may comment publicly on Council deliberations and only after consulting the Minister.

General Guidelines for documents exempt from FOI requirements:

This provision encompasses matter in the nature of, or relating to, opinion prepared, obtained or recorded, or consultation or deliberation that has taken place, in the course of, or for the purpose of, the deliberative processes of an agency or a Minister.

Purely factual material (i.e. material which contains only facts as opposed to opinions, evaluations or recommendations and which is not inextricably intertwined with policy making processes) is specifically excluded from the operation of the deliberative processes exemption.

Section 30 of the Freedom of Information Act potentially encompasses most of the documents produced by an agency or Minister in the course of decision-making or policy formulation, but does not extend to information obtained from outside an agency or to mere accounts of existing facts "or past events". It is not sufficient merely that the document contains matter in the nature of advice. It must also be demonstrated that the advice was obtained, prepared or recorded in the course of, or for the purposes of, the agency's deliberative processes (i.e. its thinking processes) that include, but are not confined to, matters of general policy.

A common starting point in identifying exempt documents, is the list of five factors identified by the federal AAT in *Re Howard and the Treasurer (1985)* 3 AAR 169; 7 ALD 645. These are as follows:

- 1) The higher the office of the persons between whom communications pass and the more sensitive the issues involved in the communications, the more likely it will be that the communications should not be disclosed.
- 2) Disclosure of communications made in the course of the development and consequent promulgation of policy tends not to be in the public interest.
- 3) Disclosure, which will inhibit frankness and candour in future pre-decisional communications, is likely to be contrary to the public interest.
- 4) Disclosure, which will lead to confusion and unnecessary debate resulting from disclosure of possibilities considered, tends not to be in the public interest.
- 5) Disclosure of documents, which do not fairly disclose the reasons for a decision subsequently taken, may be unfair to decision-maker and may prejudice the integrity of the decision-making process.

More information on the Freedom of Information Act 1982 is available from:

<http://www.dms.dpc.vic.gov.au>

16. Privacy

The FCC applies the DPI Privacy Policy in the management of personal information. A copy of the Privacy Policy is available from the FCC office. The council is bound by the Fisheries Act 1995 and the Information privacy Act 2000.

FCC collects only personal information that is necessary for its functions or services, this includes the information needed to manage or administer those functions or services. Individuals are able to gain access to their own personal information by contacting office staff.

Generally, FCC uses information only for the purpose for which it was collected or a related purpose which would be reasonably expected, unless the individual has consented for another specific use. In some circumstances FCC is required or authorised by law to release information to other government agencies, law enforcement bodies or to prevent serious and imminent threat to an individual's life, health, safety and welfare.

FCC staff will endeavour to ensure personal information is accurate and kept up-to-date and will take all reasonable steps to protect personal information from misuse, loss, unauthorised access, modification or disclosure. All personal information is securely destroyed when it is no longer required for any purpose.

Members should advise FCC staff of any changes to their personal details.

17. OH&S

FCC endeavours to provide a safe and healthy work place for all members, staff and visitors. The FCC office is managed in accordance with DPI OH&S policies and guidelines.

Members, staff and visitors have a responsibility to undertake their activities in a safe manner without putting themselves or anyone else at risk and following instructions provided for safety. Any injury, illness or 'near miss' should be reported to the Senior Projects Officer or any other available staff member.

18. Appendices

18.1 Appendix 1) The Fisheries Act 1995 - Sections 90 and 91

FISHERIES ACT 1995

Section 90. *Establishment of Fisheries Co-Management Council*

- (1) There is to be established by this Act a Council to be called the Fisheries Co-Management Council.
- (2) The Fisheries Co-Management Council consists of not more than 11 members who are to be appointed by the Governor in Council on the recommendation of the Minister.
- (3) The following provisions apply in respect of the membership of the Fisheries Co-Management Council—
 - a) 1 member is to be appointed on the nomination of the Minister, having regard to the necessary skills and experience required, to be the chairperson of the Council;
 - b) Up to 2 members are to be appointed on the nomination of the Secretary;
 - c) In recommending other persons for appointment as members the Minister must have regard to the need for the members of the Fisheries Co-Management Council to have between them the experience and knowledge in commercial fishing, fish processing, fish marketing, recreational fishing, traditional fishing uses, aquaculture, conservation and fisheries science;
 - d) If a recognised peak body exists, the Minister must consult the recognised peak body before making a recommendation for an appointment to the Fisheries Co-Management Council having regard to the expertise of the recognised peak body.
- (4) Schedule 1 applies to the membership and procedure of the Fisheries Co-Management Council.

Section 91. *Functions of the Fisheries Co-Management Council*

The functions of the Fisheries Co-Management Council are—

- a) to promote co-management of fisheries;
- b) to oversee the preparation of management plans under section 28 and to advise the Minister in respect of proposed management plans;
- c) to advise the Minister on state-wide priorities for fisheries management and fisheries research, and on matters relating to intergovernmental agreements and arrangements;
- d) to advise the Minister generally on the operation, resourcing and administration of the Act and on any matter relating to the achievement of the objectives of the Act or which is referred to the Fisheries Co-Management Council by the Minister;
- e) to promote investigation into and research, education and training on any matter relating to fisheries,
- f) to advise the Minister on the introduction into and issue of recreational fishery licences in marine waters and on the priorities for disbursement of funds obtained from such licences;
- g) to prepare, publicise and distribute codes of practice that provide guidance to the holders of fishery licences or permits under this Act on best practice concerning any matter relevant to the holders of fishery licences or permits;
- h) to publicise and distribute such codes of practice that have been prepared by a recognised peak body or a fishery committee;
- i) to carry out any other function conferred on the Fisheries Co-Management Council by or under this Act or any other Act.

18.2 Appendix 2) The Fisheries Act 1995 - Sections 93 and 94

FISHERIES ACT 1995

Section 93. Fishery committees

- (1) The Minister may, on the recommendation of the Fisheries Co-Management Council, establish fishery committees.
- (2) A fishery committee is to consist of not more than 9 members appointed by the Minister.
- (3) The following provisions apply in respect of the membership of a fishery committee—
 - a) 1 member is to be appointed on the nomination of the Minister, having regard to the necessary skills and experience required to be the chairperson of the fishery committee;
 - b) 1 member is to be appointed on the nomination of the Secretary;
 - c) In appointing the other members, the Minister must be satisfied that the members have between them experience and knowledge of matters relevant to the fishery;
 - d) If a recognised peak body exists, the Minister must consult the recognised peak body before appointing members of the fishery committee having regard to the expertise of the recognised peak body.
- (4) Schedule 1 applies to the membership and procedure of a fishery committee.

Section 94. Functions of fishery committees

- (1) The functions of a fishery committee are—
 - a) to advise the Fisheries Co-Management Council on the management of the fishery in respect of which it is appointed;
 - b) to advise the Fisheries Co-Management Council in respect of the preparation of the management plan for the fishery;
 - c) to advise the Minister upon the request of the Minister in relation to any matter relevant to the fishery that relates to a proposed fisheries notice;
 - d) to carry out any other function conferred on the fishery committee by or under this Act or any other Act.
- (2) A fishery committee may request the assistance of the Fisheries Co-Management Council in respect of any matter relevant to the fishery or relating to another fishery.
- (3) If a fishery committee provides any advice to the Minister under sub-section (1) (c), the fishery committee must at the same time give a copy of the request and the advice to the Fisheries Co-Management Council.

18.3 Appendix 3) Schedule 1 of the Fisheries Act 1995

FISHERIES ACT 1995

Schedule 1

Membership and Procedure of Bodies

1. Definition

In this Schedule—

“**body**” means—

- (a) the Fisheries Co-Management Council; or
- (b) a fishery committee; or
- (c) the Fisheries Revenue Allocation Committee.

2. Terms of appointment

- (1) A member of a body holds office for a term, not exceeding 3 years, specified in the instrument of his or her appointment.
- (2) A member of a body is eligible for re-appointment.
- (3) The instrument of appointment of a member of a body may specify terms and conditions of appointment.

3. Remuneration

- (1) A member of a body appointed by the Governor in Council who is not a full-time officer or employee of the public service is entitled to receive the fees and travelling and other allowances from time to time fixed by the Governor in Council.
- (2) A member of a body appointed by the Minister who is not a full-time officer or employee of the public service is entitled to receive the fees and travelling and other allowances from time to time fixed by the Minister.

4. Vacancies, resignation and removal

- (1) A person ceases to be a member of a body—
 - (a) At the expiry of his or her term of appointment (unless that term is renewed in accordance with this Act); or
 - (b) If he or she resigns by writing delivered to the Minister; or
 - (c) If he or she is removed from office under sub-clause (3) or (4); or
 - (d) If he or she becomes bankrupt; or
 - (e) If he or she is convicted of an indictable offence or of an offence which if committed in Victoria would be an indictable offence; or
 - (f) If he or she fails to attend 3 consecutive meetings of the body without the approval of the chairperson of the body, or in the case of a chairperson, without the approval of the body.
- (2) If the office of a member becomes vacant during the member's term of office, the Governor in Council (in the case of the Council) or the Minister (in the case of any other body) may appoint a member to the vacant office.
- (3) The Governor in Council may remove from office any member of the Fisheries Co-Management Council.
- (4) The Minister may remove from office any member of any other body.

5. Application of the Public Sector Management and Employment Act 1998

The **Public Sector Management and Employment Act 1998** (except in accordance with part 7 of that Act) does not apply to a member of a body in respect of the office of member.

6. Meeting Procedure

- (1) The chairperson of a body is to preside at all meetings of the body at which the chairperson is present.
- (2) If the chairperson is absent from a meeting of a body the members present at the meeting must elect one of their members to preside at the meeting.
- (3) At a meeting of a body a question must not be decided unless there are present at least half the total number of persons who are for the time being members of the body.
- (4) The Minister may by notice in the Government Gazette issue guidelines on the operation of a body, including meeting and voting procedures.
- (5) Subject to this clause, the regulations and any guidelines, a body's procedure is in its discretion.

7. Decisions

An Act or decision of a body is not invalid only because—

- a. of a defect or irregularity in the appointment of a member: or
- b. of a vacancy in its membership.

8. Sub-committees

- (1) A body may form or dissolve sub-committees and define their functions and membership.
- (2) The membership of a sub-committee is not restricted to members of the body that formed it.
- (3) A body may by instrument delegate to the members of a sub-committee any of its functions, except this power of delegation.

9. Business Plans

- (1) In respect of each specified period a body must prepare a business plan setting out its proposed activities for that period.
- (2) A body must prepare and submit its first business plan to the Minister not later than 6 months after its establishment.
- (3) A body must prepare and submit to the Minister each subsequent business plan not later than 6 months after the end of the period to which the last plan relates.
- (4) A business plan must be prepared in accordance with any guidelines from time to time issued by the Minister to the body.
- (5) The Minister may approve or reject a business plan prepared under this clause.
- (6) A body that prepares an approved business plan must make it available for inspection by any member of the public on request and without charge.
- (7) A body must have regard to a current approved business plan in performing its functions.
- (8) In this section “**specified period**” means a period determined by the Minister, the first period beginning on the date on which the body is established, and each successive period beginning on the day after the date of expiry of the previous period.

18.4 Appendix 4) Council & Committee members

Fisheries Co-Management Council

Dr David Smith – Acting Chair	Mr Walter Saunders
Mr Peter Rankin – Deputy Chair	Ms Lyn Warn
Dr Peter Appleford – Fisheries Victoria	Ms Bronwyn Burton
Mr Christopher Collins	

Abalone Fishery Committee

Mr Neil Ward – Chair	Ms Alice Marriott
Ms Susan Alcock	Mr Peter Ronald
Dr Robert Day	Ms Angeline Tew
Dallas D’Silva – Fisheries Victoria	Mr Alexander Ziolkowski
Mr Laurence Moore	

Inland Fishery Committee

Shelley Heron – Chair	Mr Phillip Kerr
Ms Cate Bell	Karen Weaver – Fisheries Victoria
Ms Sandra Brizga	Mr Robert Loats
Mr Stephan Gabas	Mr Darren O’Shannassy
Dr Kimberley James	

Marine & Estuarine Committee

Mr Ross Winstanley – Chair	Mr Barry Coates
Ms Susan Alcock	Dr Janet Gwyther
Mr Roberto Baldini	Sonia Talman– Fisheries Victoria
Mr Corrie Banks	Dr Catherine Oke
Mr Neville Clarke	

Rock Lobster & Giant Crab Fishery Committee

Mr Ross Hodge – Chair	Mr Brampton Le Page
Dr Matt Edmunds	Mr David Lucas
Ms Antoinette Hanna	Ms Elfreda Mason
Dr John Hawkins	Dave Molloy – Fisheries Victoria
Ms Helen Jenkins	

18.5 Appendix 5) Example of Chair's Summary

Fisheries Co-Management Council – Chair's Summary

Background

This is the Chair's Summary of the 96th meeting of the Fisheries Co-Management Council (FCC) held on Wednesday 8th February 2006

Guest Speaker

The Environmental Protection Agency (EPA), Manager Natural Resource Audit, briefed the FCC on the results of the Goulburn River Environmental Audit. The EPA will provide further details on the audit and the progress on implementing its outcomes for inclusion in the FCC 05/06 Annual Report.

Advice Provided

The Council made a submission to the Australian Government Department of Agriculture, Fisheries and Forestry, regarding its draft *National Seal Strategy, to Address Interactions between Humans and Seals*.

The FCC was advised that at this stage the Glenelg-Hopkins draft Management Plan is compliant with the Fisheries Act 1995 and Ministerial Guidelines. FCC will advise the Minister that the draft plan is suitable to be released for public comment.

Council provided comment on the draft Ministerial Guidelines for the North-east Fishery Management Plan. Council has previously endorsed the planning process.

FCC made recommendations to the Minister for appointment to FCC Fisheries Committees.

The Council provided advice to the Minister as a result of the request for comment on the proposed initial and further quota orders for the 2006- 2007 Abalone Fishery quota year.

Future Activities

As there will be a significant number of new Committee appointees who have never previously served with the FCC, the Council has sought assistance from the Australian Maritime College to conduct a Management Advisory Course (MAC) over the weekend 6/7 May 2006 for all Staff, Council and Committee members. The MAC program will be refined to place an increased emphasis on Governance. The FCC Operational Guidelines will be reviewed prior to the course.

The Minister has sought Council's assessment of options for estimating the recreational rock lobster catch, including detailed assessments of each option and recommendations. A draft options paper is to be available by the next meeting.

Traditionally the Council has met on the second Wednesday of each month. This arrangement is no longer suitable for all Councillors. It has been suggested that the future Council meetings be held on the 1st or 3rd Wednesday of every month. Arrangements to be finalised next meeting.

Council received a copy of a letter from the Australian Seafood Industry Council, to Senator Ian Macdonald, which outlines the Commonwealth and State fishing industry concerns with the proposed South-east MPA. Council agreed to write to DEH, asking for a briefing on the likely impact of proposed DEH activities on Victorian fisheries.

Notifications

Council received a letter from the Minister acknowledging receipt of December 23rd FCC notification of triggered reefs in the Victorian commercial abalone fishery in 2004-05 season.

Other matters that were noted by the Council included;

- the Minister for Agriculture's request for nominations for the Appointment to Fisheries Revenue Allocation Committee;
- a letter from Fisheries Victoria notifying of the deterioration of critical water quality parameters at Lake Fyans requiring a biomass reduction;
- advice that the State Government's voluntary buy back of Commercial fishing licences, funded over five years by the Fisheries Revenue Allocation Committee has seen a reduction in the

number of commercial fishing licences in Victoria's bays and Inlets by 14 licences (Gippsland lakes 8, Port Phillip & Western Port 4 & Corner Inlet 2);

- an update on the Aquaculture Advisory Group (AAG) on the drafting of the Victorian Aquaculture Strategy; and,
- the release by Parks Victoria of first five Management Plans for Marine Parks & Sanctuaries for Corner Inlet and Point Addis National Parks and the Marine Sanctuaries of Point Danger, Eagle Rock and Ricketts Point.

Next meeting

Wednesday 8 March 2006

18.6 Appendix 6) Agenda Paper

Agenda Paper Proforma

(NAME) FISHERY COMMITTEE	MEETING NUMBER: 1
	LOCATION: PARKVILLE
	DATE: 1 JANUARY 2006
AGENDA PAPER	ITEM:

(Issue)

PURPOSE

1.

BACKGROUND

2.

RECOMMENDATION

3.

(Author)

(Agency)

(date)