

DEPARTMENT OF FISHERIES
WESTERN AUSTRALIA

Report of the Consultation Working Group

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1. BACKGROUND

This report outlines recommendations of a Working Group established by the CEO of the Department of Fisheries to advise on a proposed new model for fisheries consultation in Western Australia. The proposed model provided to the Working Group for advice was developed based on the following objectives:

1. Enhanced efficiency, cost effectiveness and flexibility.
2. Clarification between:
 - a. fishing sector representation
 - b. expertise based advice to the Department of Fisheries; and
 - c. Department of Fisheries as the primary source of management advice to the Minister for Fisheries.
3. Enhancement of Department of Fisheries engagement with industry, stakeholders and the public.

The proposed model provided to the Working Group for advice is represented in Figure 1:

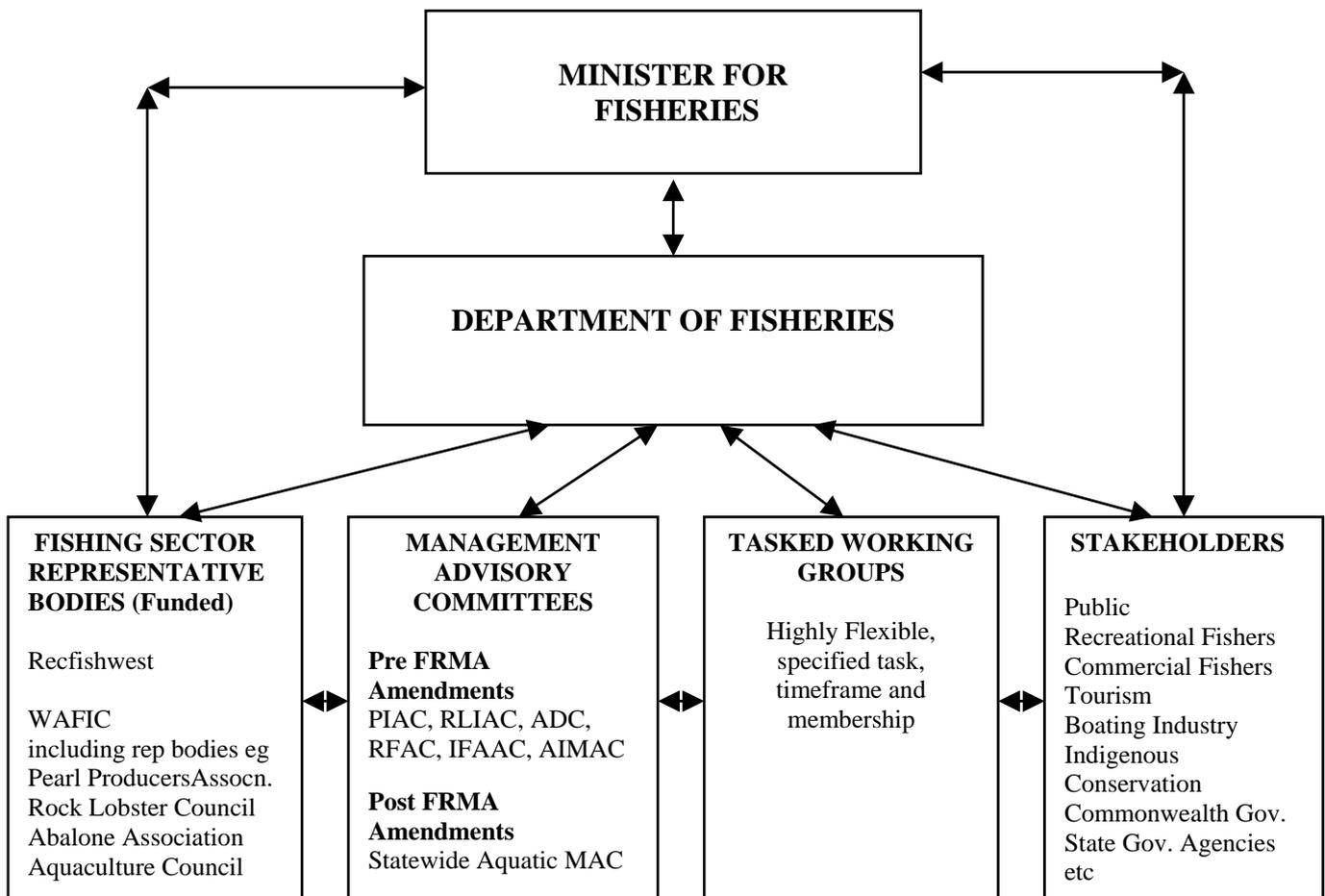


Figure 1: Proposed Fisheries Consultation Model

The Working Group has developed its recommendations in the context of linkages between consultation reform and the development of new funding arrangements for the management of fishing activity in Western Australia. Funding arrangements are viewed by the Working Group as inherently linked to consultation arrangements because of the joint

responsibilities of government and fishing sectors in funding and managing the community’s fish and aquatic resources.

2. WORKING GROUP RECOMMENDATIONS

The Working Group has found the proposed consultation objectives and initial model to be fundamentally sound, but recommends some adjustment. It offers the following advice with respect to processes and functions within the model, including issues for consideration during implementation.

2.1 Consultation Model

The Working Group recommends the following model to represent fisheries consultation arrangements in Western Australia. The key change from the initial model is the separation of strategic and management advice. This separation is discussed further in the following description of the model.

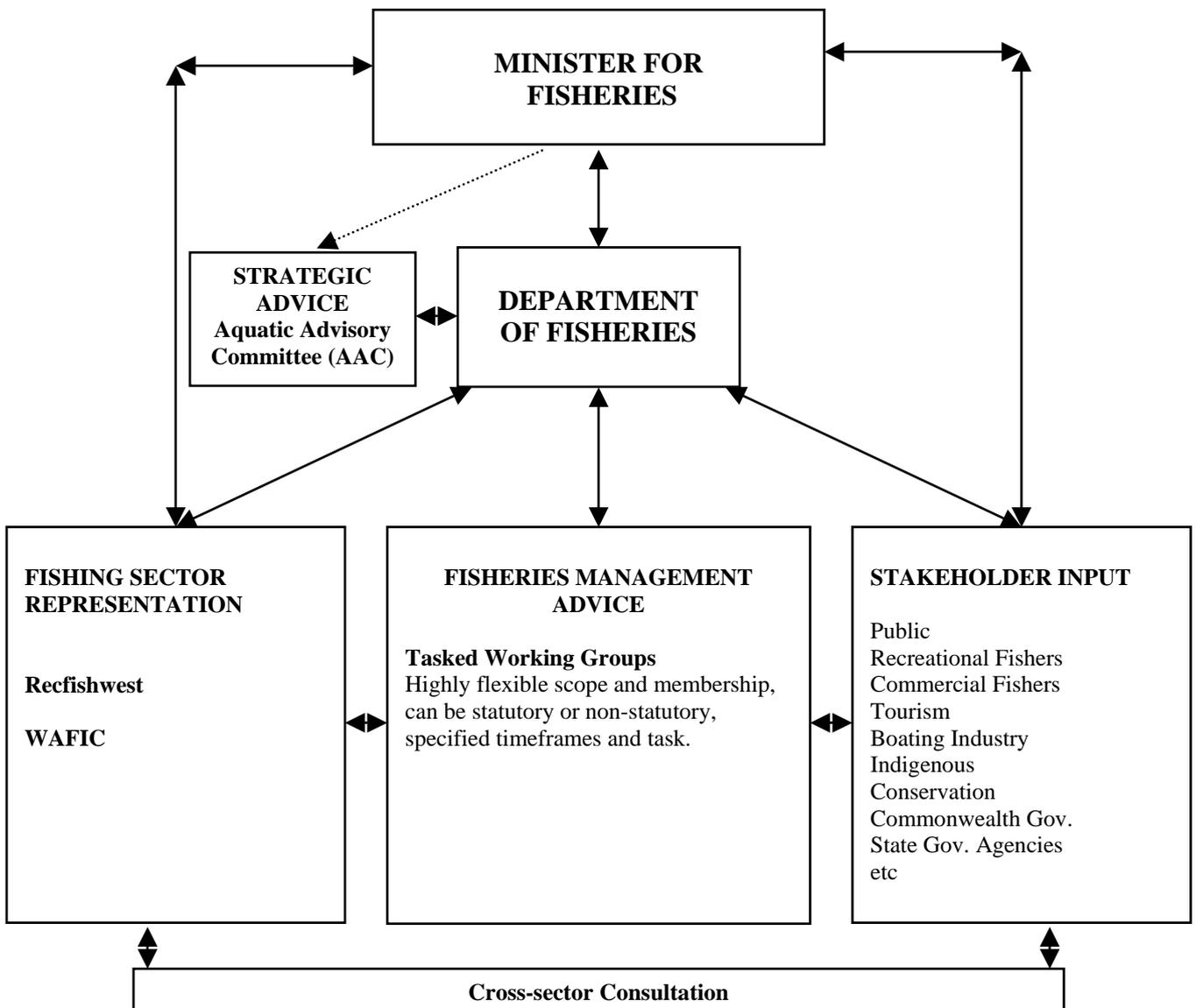


Figure 2: Working Group Proposed Fisheries Consultation Model.

2.2 Aquatic Advisory Committee (AAC)

In Figure 2, the Aquatic Advisory Committee (AAC) is proposed to sit out to the side of the Department of Fisheries. This clarifies within the structure the independent function of the AAC and identifies its role as strategic advice, as opposed to fisheries management advice.

The AAC's role would be provision of high level, strategic, expert, balanced and independent advice on strategic and public interest issues. Advice would be provided predominantly to the Department of Fisheries, but also to the Minister for Fisheries if requested (as denoted by the dotted line). It would operate independently of stakeholders or fishing sector representative bodies and would advise on any strategic issues referred to it by the Department (or Minister). These strategic issues may include providing an independent second opinion for the Department or Minister for Fisheries on strategic matters such as policy development, legislation reform or priority setting. The AAC would not have a role in fisheries resource management advice as this advice is proposed to be addressed by peak bodies, stakeholders, the Department and if necessary, tasked working groups.

The composition of the AAC should be flexible, and as determined by the Minister/CEO from time to time. In any event, there should be no more than an Independent Chair plus 6 members. Within the group as a whole it is anticipated that members would have skill sets consistent with practical application of the objects of fisheries legislation. This may translate to skills covering fisheries and natural resource management, strategic planning and policy development, finance / accounting, legal, economics, business management or environmental protection.

The AAC should be established as a statutory committee. The role and functions of this committee will need to be reconsidered as a result of any new Fisheries Act.

2.3 Fishing Sector Representation

The Working Group defines the fishing sector as including recreational, commercial, aquaculture, pearling, customary and community interests. The box in Figure 2 described as Fishing Sector Representation outlines the fishing sector's two current peak bodies, but the model does not preclude the involvement of additional peak bodies for separate interest / user groups in the future. While there may be a number of representative bodies, there cannot be more than one peak body for each interest or user group identified within the model.

WAFIC has produced operating principles that identify the respective roles for WAFIC as the peak body and its key sector bodies in representing commercial fishing industry interests. These operating principles are outlined in **Appendix 1**. There are two key roles to be played by WAFIC as the peak body:

1. Act as a conduit for government to garner industry views on public policy.
2. Act as a conduit for industry input into fisheries management.

Rather than have the Minister / Department of Fisheries meet with every licensee, these roles allow for a more efficient and effective consultation outcome.

Similar operating principles should be developed to provide clarity in the consultation roles and relationship between the peak bodies (WAFIC and Recfishwest), the Department and

the Minister for Fisheries. In addition, the expected roles of peak and representative bodies should be clearly documented to ensure continuation of input into areas currently covered by Management Advisory Committees and their sub-committees, such as fisheries management, budgets, policy development and research and development issues.

Recfishwest is undertaking constitutional and Board membership reform and working with the Department and existing Recreational Fishing Advisory Committees (RFACs) with a view to enhancing Recfishwest's role in regional recreational fishing representation. The Working Group acknowledges this is being addressed at an intra-sectoral level and outside of the Working Group's scope. However, the Working Group agrees that it is critical to clarify that representation of recreational fishing interests across the State is the role of a peak body (in this case Recfishwest) and similar to the roles set out for WAFIC above. Representation is not the role of advisory committees. The transition and clarification of these roles across both commercial and recreational sectors (with appropriate funding and performance measures) should be progressed as a priority.

The charter fishing industry is currently represented by the Charter Industry Association, which is not formally linked to either peak bodies (WAFIC or Recfishwest). The Working Group has recommended the Department of Fisheries engage with the Charter Industry Association and peak bodies to identify options for the most effective representation of this industry.

2.4 Management Advice

Management advice within the Working Group proposed model relates to advice on the management of fish and aquatic resources. Strategic advice to the Department is the role of the proposed Aquatic Advisory Committee.

Greater efficiency and flexibility could be gained from the use of specifically tasked working groups. Tasked working groups would have:

- a specific task
- membership reflective of the expertise necessary to address the task
- set timeframes to achieve the task.

Tasked working groups could be established by the Minister or CEO of the Department of Fisheries and report to either, be statutory or non statutory and be used for any purpose required. They would play a key role in developing advice on public policy and specific fisheries management issues.

Current tasks being undertaken by existing statutory Management Advisory Committees have been considered and the Working Group offers the following advice for transition of those tasks, consistent with the objectives of the consultation model.

- Advice on Expenditure of the Recreational Fishing Fund to be provided to the Department by a Recreational Fishing Budget Committee (tasked working group).
- Advice on management of the Abrolhos Islands and the Fish Habitat Protection Area (not fisheries management issues within the Abrolhos) to continue through AIMAC (as a tasked working group). A review of AIMAC should be undertaken by July 2010.

- Rock Lobster and Pearling – management, operational advice and budgets to be developed between the Department and WAFIC, supported by tasked working groups as required.
- The Department will seek industry representative advice on aquaculture issues from WAFIC. Advice on already specified aquaculture development projects is due from the Aquaculture Development Council (as a tasked working group) in 2010.
- The Integrated Fisheries Allocation Advisory Committee (IFAAC) to continue resource allocations within the Integrated Fisheries Management process, with a review of current functions and timeframes by July 2010.
- Continue to establish Committees under the *Fisheries Adjustment Scheme Act* on an as needs basis to address specific fisheries adjustment tasks.

2.5 Stakeholder Engagement

In addition to engaging with peak and representative bodies, the other major area of engagement by the Department of Fisheries is with key stakeholders and the public. The Department will need to continue to engage directly with, for example, licensees engaged in commercial fishing, aquaculture and pearling, with community groups, Aboriginal groups, other Government agencies, recreational fishers, and charter operators. This engagement will, and currently does, take many forms such as:

- Licensee meetings to address operational level fisheries management matters.
- Public / regional forums.
- Regional networking by regional managers and staff.

The Department of Fisheries should develop internal guidelines that are process oriented to guide and clarify the way it undertakes stakeholder engagement. These guidelines should provide minimum standards that stakeholders and the community should expect in public and stakeholder consultation by the Department.

2.6 Cross Sectoral Consultation

Strong, appropriately resourced peak body representation should allow for a significant level of cross-sectoral consultation to occur and issues to be addressed at the local or bioregional level with less Department intervention.

It is important that mechanisms be developed that allow cross-sectoral management and resource sharing issues to be resolved at the local or regional level wherever possible. However, one of the advantages of the new model is to reduce the number of formal committees that are established and administered.

In recognising this, the commercial and recreational fishing sectors agree to hold at least one formal cross sectoral meeting each year to discuss priority areas and develop action plans for addressing these concerns. These meetings will take place following sectoral specific meetings where priorities, resourcing and needs of the community and other sectors are considered. These meetings should take place in a spirit of cooperation and respect, and if resolution is not possible, will require the direct involvement of peak bodies through other avenues.

2.7 Implementation and Transitional Arrangements

The Working Group acknowledges that the consultation model provides the framework for future consultation and that details need to be developed prior to full implementation. There are a number of other factors affecting implementation including transitional funding of peak and representative bodies and proposed amendments to the *Fish Resources Management Act 1994*. With these parameters in mind the Working Group recommends an implementation process as follows:

Jul – Dec 2009	Transition period during which details of the model are developed.
Jan – Jun 2010	Funding arrangements (for 2010/11) and legislation relating to consultation settled.
1 July 2010	Full implementation.

During the transition period (July to December 2009) the following could occur:

- Establishment of the Aquatic Advisory Committee (AAC) to assist with implementation arrangements.
- Development of details for the approved model.
- Confirmation of 09/10 funding for peak bodies to 30 June 2010 in line with existing guidelines.
- Finalisation of arrangements with Recfishwest and RFACs for regional recreational fishing representation.
- Development of details and conditions for future funding arrangements for WAFIC and Recfishwest (as proposed under funding arrangements working group report).
- Development of protocols for cross sectoral consultation.
- Development of Department of Fisheries guidelines for direct stakeholder engagement.

During January – July 2010 (and assuming legislation amendments) the following implementation actions can be taken:

- ADC, IFAAC and AIMAC can be reconstituted as tasked working groups.
- PIAC, RFAC and RLIAC can be abolished.
- A Recreational Fishing Budget Committee can be established.

Implementation of the consultation arrangements should be preceded by a communication plan, where appropriate.

2.8 Resourcing

It is anticipated that the costs of consultation under the new model will decrease, however sources of revenue and consultation costs will vary according to adoption of both new consultation and funding models. For example, the cost of resourcing peak bodies may be borne by Government or industry depending on where it is funded from. The Department of Fisheries will need to consider the cost implications of various scenarios in advising the Minister.

2.9 Review

Effectiveness of the new consultation and funding arrangements should be reviewed against the objectives within three years of implementation.

Representation Operating Principles (agreed by WAFIC)

Principle	Responsible Association	Example
On generic policy issues which could affect, as a whole, the fishing, aquaculture, and pearling industries	WAFIC	Bioregional marine planning; safety, education and training; research and development policy and biosecurity
On policy issues which currently primarily affect one sector but which could have implications for the broader industry	WAFIC will nominate the relevant sector body and WAFIC and that body will jointly represent industry.	The Western Rock Lobster Council and WAFIC would represent industry on marina and port access issues which may primarily initially impact on the rock lobster industry in regard to certain locations but have precedents for the rest of the industry for other locations; the Pearl Producers' Association and WAFIC on animal welfare
On issues which affect only one specific sector	The relevant sector body would represent itself but WAFIC would be kept informed. If no relevant sector body, WAFIC will assist in setting up appropriate consultative mechanisms.	Regulation of lobster pot design (Western Rock Lobster Council); pearl promotion, (Pearl Producers' Association) e.g. Assisting the shark industry to establish the WA Demersal Gillnet & Longline Association and acting as Secretariat for interim period.