

South Australia

## Fisheries (Management Committees) Regulations 1995

under the *Fisheries Act 1982*

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Schedule—Fishery management committees

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### 1—Short title

These regulations may be cited as the *Fisheries (Management Committees) Regulations 1995*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*the Act* means the *Fisheries Act 1982*;

*committee* means a management committee established by these regulations in respect of a fishery;

*fishery*, in relation to a committee, means a fishery in relation to which the committee is established by these regulations;

*member* of a prescribed organisation includes an officer or employee of the organisation;

*prescribed organisation* means—

- (a) the South Australian Department of Primary Industries; or
- (b) the South Australian Fishing Industry Council; or
- (c) the South Australian Recreational Fishing Advisory Council.

- (2) In these regulations, a reference to a fishery of a particular name is a reference to the fishery of that name constituted by the scheme of management prescribed for that fishery under the Act.

#### **4—Establishment of committees**

The fishery management committees referred to in column 1 of the Schedule are established in relation to the fishery or fisheries referred to in column 2 opposite.

#### **5—Membership of committees**

- (1) Subject to this regulation, a committee will consist of such members as the Minister thinks fit to appoint to the committee.
- (2) The Minister must, in appointing persons as members of a committee, ensure—
- (a) that all prescribed organisations are adequately represented on the committee; and
  - (b) that the interests of holders of licences in respect of the fisheries in relation to which the committee is established are adequately represented on the committee by persons who—
    - (i) are involved in fishing activities carried on pursuant to such licences; and
    - (ii) in the opinion of the Minister, are suitable persons to represent such interests.
- (3) The Minister must not appoint a person as a member of a committee to represent a prescribed organisation unless the person is a member of the organisation and has been nominated by the organisation for appointment as a member of the committee.
- (4) The Minister must appoint as a member of a committee at least one person with qualifications or expertise in fisheries research.

#### **6—Proxies**

- (1) Subject to subregulation (2), The Minister may, on such terms and conditions as he or she thinks fit, appoint a suitable person to be the proxy of a member of a committee.
- (2) The Minister must not appoint a person to be the proxy of a member of a committee appointed on the nomination of a prescribed organisation unless the person is a member of the organisation and has been nominated by the organisation for appointment as a proxy of a member of the committee.

#### **7—Terms and conditions of office**

- (1) A member of a committee will be appointed for such term (being not less than 12 months), and on such conditions, as the Minister determines and will, on the expiration of a term of office, be eligible for reappointment.
- (2) On the office of a member of a committee becoming vacant, a person must be appointed in accordance with these regulations to the vacant office, but where the office of a member becomes vacant before the expiration of a term of appointment, the successor will be appointed only for the balance of the term.
- (3) The office of a member of a committee becomes vacant if—
- (a) the member dies; or

- (b) the member completes a term of office and is not reappointed; or
- (c) the member resigns by written notice addressed to the Minister; or
- (d) in the case of a member nominated by a prescribed organisation, the member ceases to be a member of the organisation; or
- (e) the member is removed from office by the Minister—
  - (i) on the ground that the member has been convicted of—
    - (A) an offence against the Act; or
    - (B) an offence against any other Act (including an Act of the Commonwealth or another State or a Territory of the Commonwealth), being an offence related to fishing; or
  - (ii) on the ground of—
    - (A) misconduct; or
    - (B) mental or physical incapacity to carry out satisfactorily the duties of his or her office; or
    - (C) failure to carry out satisfactorily the duties of his or her office.

## **8—Presiding member**

The Minister must appoint a member of a committee to be the presiding member of the committee.

## **9—Procedure**

- (1) A meeting of a committee will be chaired by the presiding member or, in his or her absence, by a member chosen by the members present at the meeting.
- (2) Subject to subregulation (4), a committee may act despite vacancies in its membership.
- (3) The number of members of a committee or proxies of members, or both, that constitutes a quorum of the committee will be as determined by the Minister.
- (4) No business may be transacted at a meeting of a committee unless a quorum is present.
- (5) Subject to subregulation (6), each member present at a meeting of a committee whether personally or by proxy is entitled to one vote on a matter arising for decision at the meeting, but the person presiding at the meeting has, in the event of an equality of votes, a casting vote as well as a deliberative vote.
- (6) Subject to subregulation (6a), the following members of a committee (and their proxies) are not entitled to vote on a matter arising for decision at a meeting of the committee:
  - (a) a person appointed to the committee to represent a prescribed organisation; or
  - (b) a person appointed to the committee pursuant to regulation 5(4).

- (6a) Subregulation (6) does not apply to a member of a committee and his or her proxy if the member was appointed to the committee to represent the South Australian Recreational Fishing Advisory Council and the member is the only representative of the recreational fishing sector on the committee.
- (7) A committee must cause accurate minutes to be kept of its proceedings at meetings.
- (8) The procedure for the calling of meetings of a committee and for the conduct of business at meetings will, subject to these regulations, be as determined by the committee.

## **11—Delegation**

- (1) A committee may, by instrument in writing, delegate any of its powers or functions under these regulations (except this power of delegation) to a member of the committee or a sub-committee established by the committee.
- (2) A delegation under this regulation—
  - (a) may be absolute or conditional; and
  - (b) does not derogate from the power of the committee to act itself in any matter; and
  - (c) is revocable by the committee by instrument in writing.

## **12—Ministerial control**

Except where a committee makes, or is required to make, a recommendation to the Minister, a committee is subject to control and direction by the Minister.

## **13—Functions and powers**

- (1) Subject to the Act, a committee is responsible for the management of its fisheries.
- (2) For the purposes of subregulation (1), a committee may—
  - (a) make recommendations to the Minister on any of the following matters:
    - (i) any matter which may be provided for by a scheme of management under section 46 of the Act;
    - (ii) any other matter that may be the subject of regulations under the Act;
    - (iii) proposals to make, vary or revoke regulations under the Act, or to make amendments to the Act;
    - (iv) the application of money in the Fisheries Research and Development Fund;
    - (v) any matter related to the administration of the Act;
    - (vi) any matter that the Minister refers to the committee for advice or on which the committee believes it should advise the Minister;
  - (b) make recommendations to the Director on any of the following matters:
    - (i) the granting of authorities under the Act and the conditions to be included in such authorities;
    - (ii) any matter related to the administration of the Act;

- (iii) any matter that the Director refers to the committee for advice or on which the committee believes it should advise the Director.

#### 14—Five year strategic plans

- (1) A committee must, within six months after the commencement of these regulations—
- (a) prepare a plan for the management of its fisheries for the ensuing five years; and
  - (b) prepare a plan of the committee's proposed operations for the ensuing five years.
- (2) A committee must submit a plan prepared under subregulation (1) to the Minister.
- (3) A committee may amend a plan under subregulation (1) at any time, but must submit a revised plan for the ensuing five years to the Minister at least once every 12 months after the initial submission of the plan.

#### 15—Annual report

A committee must, on or before 30 November in each year, submit a report to the Minister on the operations of the committee during the preceding financial year.

### Schedule—Fishery management committees

Column 1 Committee	Column 2 Fishery
<i>Abalone Fishery Management Committee</i>	Central Zone Abalone Fishery Southern Zone Abalone Fishery Western Zone Abalone Fishery
<i>Blue Crab Fishery Management Committee</i>	Blue Crab Fishery
<i>Inland Fisheries Management Committee</i>	Lakes and Coorong Fishery River Fishery
<i>Marine Scalefish Fishery Management Committee</i>	Marine Scalefish Fishery Miscellaneous Fishery Restricted Marine Scalefish Fishery
<i>Northern Zone Rock Lobster Fishery Management Committee</i>	Northern Zone Rock Lobster Fishery
<i>Prawn Fisheries Management Committee</i>	Gulf St. Vincent Prawn Fishery Spencer Gulf Prawn Fishery West Coast Prawn Fishery
<i>Southern Zone Rock Lobster Fishery Management Committee</i>	Southern Zone Rock Lobster Fishery

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Expiry of regulations

The *Fisheries (Management Committees) Regulations 1995* expired on 1.9.2007: see *Subordinate Legislation Act 1978*.

### Principal regulations and variations

Year	No	Reference	Commencement
1995	194	<i>Gazette 12.10.1995 p1100</i>	12.10.1995: r 2
1996	56	<i>Gazette 11.4.1996 p1957</i>	11.8.1996: r 2
1997	18	<i>Gazette 20.2.1997 p1002</i>	20.6.1997: r 2
1998	129	<i>Gazette 11.6.1998 p2515</i>	11.6.1998: r 2
2001	16	<i>Gazette 1.3.2001 p814</i>	1.3.2001: r 2
2005	175	<i>Gazette 28.7.2005 p2545</i>	28.7.2005: r 2

### Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>31.7.2005</i>
r 9		
r 9(5)	varied by 18/1997 r 3(a)	20.6.1997
r 9(6)	substituted by 18/1997 r 3(b)	20.6.1997
r 9(6a)	inserted by 18/1997 r 3(b)	20.6.1997
<i>r 10</i>	<i>deleted by 175/2005 r 4</i>	<i>28.7.2005</i>
Sch		
	substituted by 56/1996 r 3	11.8.1996
	substituted by 18/1997 r 4	20.6.1997
	substituted by 129/1998 r 3	11.6.1998
	substituted by 16/2001 r 3	1.3.2001