

Terms of Reference

Marine Scalefish Fishery Management Advisory Committee

These Terms of Reference describe the procedures to be observed in relation to the conduct of the Marine Scalefish Fishery Management Advisory Committee's (MSFMAC) business, and are determined by the Minister for Primary Industries and Regional Development (Minister) in fulfillment of section 20(5) of the *Fisheries Management Act 2007* (the Act).

Authority

The MSFMAC has been established under Section 20 of the Act, which provides advice to the Minister on any matter related to the administration of the Act. The MSFMAC is an advisory committee that may only provide advice relating to the purpose that it was established. It has no authority to approve or make any decisions with respect to administering any part of the Act.

Background

The role of the South Australian Government, as custodian of the State's aquatic resources, on behalf of the broader community and future generations, is to ensure that they are protected, managed and used in a manner that is consistent with the principles of ecologically sustainable development (ESD), in pursuit of the objects of the Act. In pursuit of these objects, the Department of Primary Industries and Regions (PIRSA) manages fisheries in partnership and in consultation with the fishing industry and other key stakeholders with the aim of achieving better fisheries management outcomes. The Policy for the co-management of Fisheries in South Australia provides the overarching framework to promote further co-management of fisheries in South Australia.

The MSFMAC, established by the Minister, will provide advice on day to day management for the commercial marine scalefish, charter boat, recreational and Aboriginal traditional fisheries (the shared access fisheries), consistent with the objects of the Act. This will include advice on the development, review, and implementation of the Management Plan for the South Australian Commercial Marine Scalefish Fishery, related harvest strategies, other shared fisheries management plans where necessary, and any other matter referred to it by the Minister that supports the sustainable management of shared access marine scalefish fisheries in South Australia.

Purpose

The purpose of the MSFMAC is to provide advice and recommendations to the Minister for Primary Industries and Regional Development, and include:

- Provide advice on the performance of the shared access fisheries against the obligations established under the Management Plan for the South Australian Commercial Marine Scalefish Fishery (“the Commercial MSF Management Plan”).
- Provide advice on the review and preparation of the Commercial MSF Management Plan and related harvest strategies, as required.
- Monitor performance against the agreed indicators and defined reference points within the harvest strategies outlined in / related to the Commercial MSF Management Plan.
- Make recommendations for suitable catch and effort levels and/or bag and boat limits or other management arrangements for each fishing sector, in line with allocated shares determined in the Commercial MSF Management Plan, Recreational Fishery Management Plan and Charter Fishery Management Plan.
- Monitor catch levels for each sector in reference to allocated shares for key species.
- Recommend research and scientific monitoring programs for shared access fisheries to support the sustainable management of shared access fisheries.
- Where necessary, recommend improvements to fisheries management arrangements to ensure the efficient and effective operation of shared access fisheries including regulatory reform to the Marine Scalefish Fishery, Charter Boat Fishery and recreational fishing.
- Where necessary, provide input through statutory and other processes to shared access fishery management planning for the;
 - Management Plan for the South Australian Charter Boat Fishery
 - Management Plan for Recreational Fishing in South Australia

In preparing advice and recommendations to the Minister for Primary Industries and Regional Development, the MSFMAC will:

- Ensure appropriate engagement and consultation with commercial licence holders, key recreational, charter and Traditional fisheries stakeholders on all matters that are considered by the MSFMAC;
- Consider the required technical support to analyse available information about the shared access fish stocks;
- Provide a written Chair’s Summary to the Minister on the key deliberations of the MSFMAC following each meeting;
- If required, Agenda papers can be discussed in confidence, with selected stakeholders prior to MSFMAC meetings, but not distributed.

Membership

Membership of the Marine Scalefish Fishery Management Advisory Committee comprises:

- Independent Chair
- Independent economist with expertise related to fisheries management
- Independent fisheries scientist
- Representative of the conservation sector
- Two representatives of the recreational fishing sector
- Representative of the Charter Boat Fishery
- Two representatives of the Marine Scalefish Fishery
- Representative of the rock lobster industry
- Aboriginal traditional fishing sector member
- PIRSA fisheries management expert
- SARDI fisheries science expert

PIRSA will provide executive support, including secretariat services, travel, and meeting arrangements.

The Independent Chair and members of the MSFMAC will be appointed for a three-year term which may be reviewed and/or extended as determined by the Minister.

Other persons may attend MSFMAC meetings to observe or contribute to specific agenda items from time to time as appropriate on direction of the Chair.

The Minister may close the MSFMAC at any time at the Minister's discretion.

Conflicts of Interest

Members must perform their function in good faith, honestly and impartially, and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Members are required to declare any actual or perceived interests to the MSFMAC, which will then determine whether the interest represents a conflict and, if so, what action will be taken.

Member Responsibilities

Members must be able to demonstrate a sound understanding of their relevant area of expertise and bring forward issues for consideration based on that understanding and expertise.

The MSFMAC will operate on a consensus basis wherever possible. Where this is not possible, dissenting views will be recorded in the outcomes of the meeting.

To ensure open and free discussion, the Chatham House Rule will apply i.e. *'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information*

received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

In addition, views which may be expressed are not to be considered binding nor prejudicial.

Members are expected to be available for all meetings to their best ability and may attend virtually by electronic means. Members may be asked to consider issues out-of-session. Proxy members may be permitted with approval of the Chair.

Members will act with courtesy, honesty, and respect towards each other and recognise the respective roles and responsibilities of all members.

Reporting Relationship

The MSFMAC will report directly to the Minister for Primary Industries and Regional Development.

Deliverables and Timeframes

The MSFMAC independent chair to provide a report of each meeting no later than two weeks following the meeting.

The MSFMAC to provide an annual report of the MSFMAC by 31 August each year.

Governance and Confidentiality

- All written representations made by key stakeholders to the MSFMAC will become public records.
- Confidential information such as reported catch and effort information will not be identified or revealed through the process, unless authorised under Section 124 of the Act.
- The MSFMAC will convene a face-to-face meeting at least three times per year and should use teleconferencing facilities as required and where suitable, to enable cost-effective, timely and efficient meeting procedures.
- A PIRSA executive support officer will make arrangements for each meeting, including date, time, venue and/or teleconference.
- Following each meeting, the PIRSA executive support officer will prepare and provide draft minutes of the meeting to the Independent Chair within five business days.

Separate to these Terms of Reference, the Minister will determine the procedures to be observed by the MSFMAC, pursuant to Section 20(5) of the Act.