

ROCK LOBSTER FISHERY MANAGEMENT ADVISORY COMMITTEE

1 August 2014

Professor Mehdi Doroudi
Group Executive Director Agriculture, Food and Wine / Fisheries and
Aquaculture
Department of Primary Industries and Regions
GPO Box 1625
ADELAIDE SA 5001

Dear Professor Doroudi

Boards and Committees Reform

I write as Chair of the Rock Lobster Fishery Management Advisory Committee (RLFMAC) in response to the email circulated by the Premier on 8 July 2014 regarding the reform of Boards and Committees.

The Committee appreciates the opportunity to provide its views on the reform process, not only because we wish to ensure that we are conducting our affairs in the most efficient manner, but also because we see it as critical to continue the RLFMAC's role to provide sound and independent advice on relevant issues of importance to SA's rock lobster fishery. As part of that process, we also see it as important to provide the most cost effective mechanism for stakeholder engagement.

The following sets out the RLFMAC's views on the reform agenda proposed by the Premier.

1. Background

The RLFMAC was established in response to the commercial rock lobster industry's desire to have a mechanism for proper engagement with your Department following the abolition of the Fisheries Management Committees (FMCs) under the new Fisheries Management Act brought in in 2007. Whilst a Fisheries Council was established under the new Act, the industry did not see this Council as providing anywhere near the same opportunities for meaningful engagement and consultation with stakeholders as the old FMCs. In particular, the industry and the Department recognised that in the absence of an adequate mechanism for discussion, ad hoc consideration of issues would be time consuming and inefficient for both the industry and your Department, soaking up very limited resources to

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the detriment of both parties. Importantly, it would also leave the Minister of the day open to lobbying by all sectors in response to sometimes contentious fisheries management issues.

To its credit, in proposing the establishment of the RLFMAC, the industry did not limit the consultation process to just the industry itself - it also recognised the clear need to broaden the membership of the RLFMAC to include the recreational and conservation sectors, together with an independent scientist and chair to ensure cross sectoral and professional consideration of issues, and the submission of sound and considered advice to both the Government and the Department.

As far as resourcing was concerned, the industry took on the responsibility to provide the necessary funding to ensure all sectors were able to participate in RLFMAC deliberations on issues of concern to the rock lobster fishery.

2. Establishment of the RLFMAC

Following discussions between your Department and the Industry in 2010, a proposal was developed for the establishment of the RLFMAC. This was endorsed by the Fisheries Council and subsequently the then Minister, the Hon. Gail Gago MP, and the Committee proper was formally constituted in May 2012 with the following terms of reference: The RLFMAC Functions are to provide advice to the Fisheries Council or the Minister or his/her delegate on the commercial Rock Lobster fisheries in relation to:

- day to day management of the fishery;
- development, review and implementation of fishery management plans (including harvest strategies)
- any other matter referred to it by the Fisheries Council or the Minister or his/her delegate.

The Committee then drafted a document entitled "Procedure for the conduct of meetings of the Rock Lobster Fishery Management Advisory Committee" which the Minister approved; the Committee also drafted a RLFMAC Strategy 2012-2015, which was also provided to the Minister as the focus of the RLFMAC's work. The Strategy aims to:

- ensure the appropriate level of management is provided to South Australia's rock lobster fisheries in a cost effective manner i.e to provide affordable and effective fisheries management services (acknowledging that many of these services are funded via cost recovery) to ensure desired biological and economic outcomes;
- identify risks and rate them appropriately so that management measures can be adopted early to mitigate the risks, or research

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projects can be developed to investigate them. This process will be guided by, and is described in the RLFMAC Research and Development Plan; and

- establish a robust and enduring framework that is conducive to mutually exclusive strategic planning activities and achieves outcomes/results for the bi-partite relationship between industry and government and other stakeholder groups.

In preparing this Strategy, the RLFMAC believes that good fisheries management is reliant on sound science, quality management processes with effective engagement and consultation with stakeholders, and effective compliance. This, in turn, requires an integrated approach to fisheries management, and the RLFMAC sees its role as the mechanism to support such an approach. In doing so, the RLFMAC acknowledges:

- the importance of providing its advice in recognition of applicable legislation and Government policy,
- recognition of biological and economic research,
- budgetary and legal implications in providing advice, and
- strict observance of due process in arriving at recommendations, including around conflict of interest issues.

3. Operation of the RLFMAC

3.1 Meetings and Outcomes

Since its inception in 2012, the MAC has met on seven occasions, and in that time has dealt with the following issues:

- (a) recommendations to the Minister or his/her delegate on Total Allowable Commercial Catch (TACCs) levels for both the Southern and Northern Zone Rock Lobster fisheries for three successive years;
- (b) the drafting of Fishery Management Plans for both the Southern and Northern Zone Commercial Rock Lobster fisheries;
- (c) the review of Harvest Strategies for both the Southern and Northern Zone Rock Lobster Fisheries;
- (d) the implementation of Sea Lion Excluder Devices (SLEDs) in the Northern Zone commercial and recreational rock lobster fisheries designed to mitigate interactions of fishing gear with Australian sea lions;
- (e) the implementation of consistent escape gap provisions in both the commercial and recreational sectors of the Northern Zone rock lobster fishery;
- (f) provided strategic direction and advice on future research and development priorities for the rock lobster fishery;

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- (g) Investigated the possibilities around the use of E technology to support management of the fishery and to provide improved business planning approaches for industry;
- (h) Secured external funding through the Fisheries Research and Development Corporation to inform spatial and temporal management in the Northern Zone fishery (\$300K); and
- (i) provided a forum to discuss key operational issues related to sustainable management of the fishery.

3.2 Budget

The annual funding of \$40,000 for the operation of the RLFMAC is cost recovered from the rock lobster industry in annual license fees (including recreational and conservation meeting attendance) i.e. there is no Government funding required for the operation of the RLFMAC.

3.3 Co-management

Following the Minister's approval of a Policy for the Co-management of Fisheries in South Australia in October 2013, the RLFMAC has commenced the process of identifying initiatives it can consider to encourage greater participation of users of the aquatic resources of the State, and the community more generally, in the management of the rock lobster fishery. In doing so, the RLFMAC recognises the need as set out in the Policy to "build capacity over time" and to "allow for a government audit process to measure performance and success".

4. Summary

The RLFMAC is of the firm view that without a mechanism for consultation as provided by the RLFMAC structure, many of the issues dealt with by the MAC would have taken an enormous amount of time to negotiate through, not only with the commercial fishing sector, but across all fishing sectors, with consequent adverse resourcing implications for both the industry and Government.

Further, the RLFMAC suggests that the engagement and consultation process is cost effective and efficient in providing the Government and the Department with consolidated advice on issues of importance to the State's rock lobster fishery.

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In conclusion, the RLFMAC would like to stress again that it recognises:

- the importance of providing its advice in recognition of applicable legislation and Government policy,
- recognition of biological and economic research,
- budgetary and legal implications in providing advice, and
- strict observance of due process in arriving at recommendations, including around conflict of interest issues.

Yours sincerely

Richard Stevens
Chair

29 September 2014

Professor Mehdi Doroudi
Group Executive Director Agriculture, Food and Wine / Fisheries and Aquaculture
Department of Primary Industries and Regions
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Dear Professor Doroudi

Boards and Committees Reform

Following my letter of 1 August 2014 in which I provided you with advice regarding the importance of retaining the RLFMAC, I have been made aware of the announcement by the Premier of the proposed abolition of the RLFMAC.

Needless to say, the members of the RLFMAC and the Research Subcommittee are extremely disappointed with this outcome. Accordingly, I think it only reasonable as the Chair of the RLFMAC to seek an explanation as to the reasons for this decision. Whilst I have read the general methodology applied to the process of reviewing Government Boards and Committees, I cannot find any specific reference to the analysis/assessment applied to the RLFMAC, and in particular, no recognition of the matters raised in my letter of 1 August 2014.

As I received no response to my letter of 1 August 2014, and was not provided with any opportunity to make personal representations as to why there were very good reasons to retain the RLFMAC, I would seek your advice on the following:

1. Can you provide a copy of the assessment undertaken by PIRSA on the operation of the RLFMAC, including addressing the matters raised in my letter of 1 August 2014, together with the rationale as to why it should not continue as the most appropriate mechanism for stakeholder engagement and dealing with management issues in the SA rock lobster fishery?
2. In addition to point 1 above, and bearing in mind that the rock lobster industry pays for the operation of the RLFMAC, can you advise what savings you expect to achieve for PIRSA's budget as a result of the abolition of the RLFMAC?
3. As a result of the abolition of the RLFMAC, can you advise what alternative strategies PIRSA intends to adopt to facilitate effective engagement with all stakeholders with an interest in the rock lobster fishery? The RLFMAC would be particularly interested to hear from you as to the process for setting annual TACCs, implementing the harvest strategies for the two Rock Lobster zones, and generally dealing with fisheries management issues in the fishery.

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I believe it is only reasonable for RLFMAC members to be provided with an explanation on the above three matters after all the hard work and commitment given over the last three years to working with PIRSA on sometimes contentious issues in the fishery, and implementing Government policy. In this latter case, I would cite the progress being made to implement the Minister's approved policy on Co-management in the Rock Lobster fishery, where the RLFMAC recognised the opportunity to share responsibility for fisheries management decisions, achieve cost efficiencies, and generally gain better outcomes for the management of the fishery.

I have provided the members of the Fisheries Council and Industry Executive Officers with a copy of this letter via email, as there are implications of the Government's decision on Boards and Committees more widely in the SA seafood sector and the broader fishing community. I'm sure all will be interested in your response.

Yours sincerely

Richard Stevens OAM
Chair



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14 October 2014

Mr Richard Stevens OAM
Chair
South Australian Rock Lobster Fishery Management Advisory
Committee
C/- PO BOX 92
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Dear Mr Stevens

Richard

Thank you for your letter of 29 September 2014 in relation to the proposed abolition of the Rock Lobster Fishery Management Advisory Committee.

The receipt of your letter of 1 August 2014 was acknowledged by me by return email. I can advise that the issues you raised were considered in the development of the whole of government response on the reform of all government boards and committees.

Please note that the whole of government interim decision to recommend the abolition of certain boards and committees and in particular the South Australian Rock Lobster Fishery Management Advisory Committee, is in no way a reflection on the work it has undertaken or the outcomes it has enabled.

As the independent chairperson for this committee, you will be kept informed of this reform process as it progresses.

While I am not in a position to advise on the final outcome of this process, I am committed to working with the South Australian Rock Lobster Advisory Council, the South Eastern Professional Fishermen's Association Inc. and the SA Northern Zone rock Lobster Fishermen's Association Inc. to develop effective consultative arrangements for the future.

Yours sincerely

Professor Mehdi Doroudi
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AGRICULTURE, FOOD AND WINE / FISHERIES AND AQUACULTURE

