

## Allocation Review Committee

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

### Authority

The ARC has been established under Section 20 of the Act. The ARC 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

Formal sector allocations of primary and secondary species are provided in fisheries management plans, including commercial and recreational shares and allocation triggers.

The Department of Primary Industries and Regions (PIRSA) Allocation Policy<sup>1</sup> provides guidance for setting and reviewing allocations and outlines that the relevant management plan will set out the process for undertaking a review of an allocation.

The Allocation Policy provides that allocations between sectors will be reviewed when:

- *Category 1.* The trigger limits defined in the management plan are reached; or
- *Category 2.* There is a significant change to the management arrangements in the fishery in response to a stock sustainability risk and that change has the effect or potential effect of adjusting shares from one sector in favour of another.

A response to a stock sustainability risk in Category 2 does not include a response in relation to the protection of threatened, endangered or protected species (TEPS). TEPS issues are core fishery management issues in an ecosystem-based approach that need to be dealt with by the sector that has the impact on the TEPS. This is an important policy position because it maintains the incentive for the sector to take a stewardship approach to use of the resource. If compensation is offered for impacts on TEPS, any incentives for the sector to manage these issues are removed and sectors that do take responsibility for managing these impacts are unfairly disadvantaged; or

- *Category 3.* There is a significant change to the management arrangements in the fishery as a result of the impact of marine parks.

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<sup>1</sup> [Allocation Policy: Allocation of access to fisheries resources between fishing sectors \(pir.sa.gov.au\)](http://pir.sa.gov.au)

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The Allocation Policy provides that the process to review allocations will be a two-staged approach. The first stage is an initial assessment to determine whether a full assessment (the second stage) is necessary or appropriate.

The Allocation Policy provides that a full assessment will be conducted by an evaluation panel and overseen by the Minister.

The Minister has approved the establishment of the ARC to work as the evaluation panel.

## Purpose

The purpose of the ARC is to conduct the full, Stage 2, assessments of any allocation reviews that arise during the term of the ARC.

In accordance with the Allocation Policy and ecological sustainable development principles, the full assessment includes the following steps:

1. A process overseen by the Minister
2. An evaluation of how the catch and/or value of one or more sectors is changing and potential future trends
3. In the context of these changes, any alternative allocation options should be evaluated against the option of maintaining the status quo (i.e. existing allocations)
4. Evaluate the options being assessed against these criteria:
  - a. Contribution to Gross State Product
  - b. Contribution to employment
  - c. Access for consumers to fresh seafood
  - d. Maintenance and growth of regional communities
  - e. Health and wellbeing impacts
  - f. Sport and recreation opportunities
  - g. Consistency with tourism policies
  - h. Indigenous Land Use Agreements, traditional fishing agreements, or traditional fishing management plans.
  - i. Other criteria relevant to the fishery

The outcomes of a review will be:

- a. No action required; or
- b. Proceed to adjust shares; or
- c. Manage each relevant sector(s) to return to within their original allocated shares.

A written report is to be prepared for the Minister, detailing the review, and recommending a preferred option.

If shares are to be maintained it may be necessary, depending on the circumstances, to limit or reduce the catch of one sector to return it to its existing share. If a sector has exceeded its existing share by a significant amount and this shift is long term, then revised management arrangements should be introduced within 2 years.

## Membership

Membership of the ARC comprises:

- Independent Chair
- Independent economist
- Independent social scientist
- Independent fisheries management expert with allocation experience
- One representative of the commercial fishing sector
- One representative of the recreational fishing sector
- One representative of the Aboriginal traditional fishing sector.

An independent member may take the role of more than one independent position. For example, the Independent Chair may also act as the Independent social scientist.

PIRSA will provide executive support, including secretariat services, travel and meeting arrangements and provision of relevant data and technical information accessible to PIRSA.

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

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

Fisheries directly impacted as stakeholders in the review of an allocation will be given the opportunity to provide input to the ARC for consideration, either through the relevant sector representative on the ARC or through PIRSA.

The Minister may close the ARC 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 ARC, 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.

Members representing sectors are to ensure appropriate engagement with relevant sector peak bodies to ensure fisheries to which the review relates/impacts have opportunity to provide input, noting that PIRSA may facilitate this engagement.

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

## Deliverables

The ARC chair is to provide a written report to the Minister, evaluating the review, and recommending a preferred option(s), at the conclusion of each full assessment.

The ARC Independent Chair is to submit a report of each meeting to the Minister no later than two weeks following the meeting.

The ARC is to provide an annual report on the activities of the ARC by 31 August each year to the Minister.

## Governance and Confidentiality

- All written representations made by key stakeholders to the ARC 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 ARC will convene a face-to-face meeting (either in person or virtually) whenever a full, Stage 2, assessment of allocation is required 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.
- The PIRSA executive support officer will prepare draft minutes of each meeting, as outlined in the Meeting Procedures.

## Meeting procedures

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