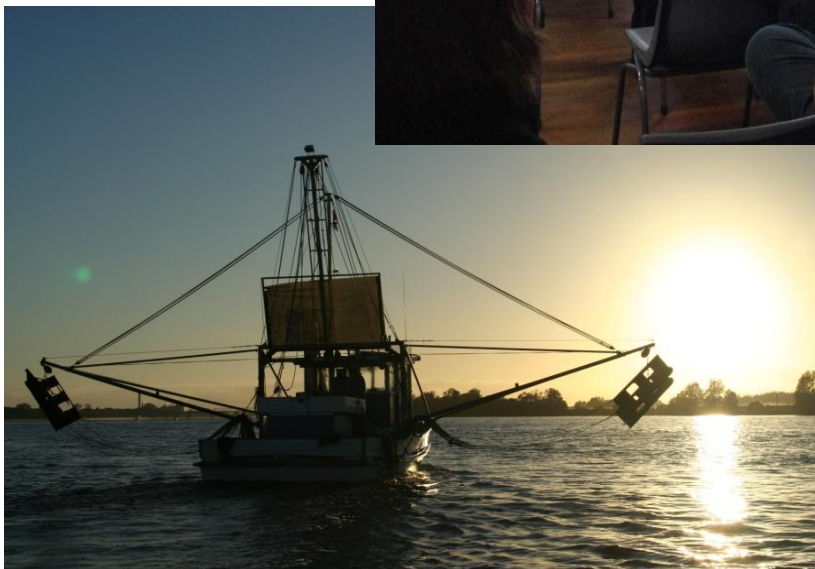


Development of an industry representative framework for co-management in NSW fisheries

An industry co-management body for NSW



Neil MacDonald

March 2015

FRDC Project No 2013/226



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ISBN 978-0-9808042-2-5

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FRDC 2013/226**

2015

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In submitting this report, the researcher has agreed to FRDC publishing this material in its edited form.

Foreword

This project was developed through the Professional Fishermen's Association Inc. (PFA) in order to assist it in addressing a range of issues facing the commercial fishing industry in New South Wales (NSW).

The NSW Government announced a major reform of the current NSW commercial fishing industry in November 2012. The reform is based upon advice from an independent review and report the *'Independent Review of Fisheries Policy, Management and Administration 2012'* undertaken by Richard A Stevens OAM, Ian Cartwright and Peter Neville, commissioned by the NSW Government. As part of the report, Recommendation 5.1 identified that the industry needed a peak industry body as 'the current state of working relationships between industry and the Department, together with the present failure of most consultative bodies across the industry preclude the development of formal co-management arrangements at this time'. Subsequently, the NSW Government consulted with the industry through an industry workshop in November 2012 and discussion paper sent to all NSW commercial fishers to determine an appropriate peak industry body structure. Analysis of the industry discussions and responses showed strong support for a modified PFA as the peak industry body.

At present, there is no established body for commercial fishers in NSW that can claim to be a representative body of all, or at best the majority of, fishery licence holders. The PFA currently represents over 250 commercial fishers as voluntary members.

It has been identified from the Government's response to the above report that there is a critical need to have a co-ordinated and regional approach to engaging licence holders and fishery sector interests. This significantly highlights discussions within the NSW industry on the need for co-management arrangements to be developed. The Government announced that they would advertise through a tender process for the delivery of a consultation contract, the main aim of which would be to establish a representative Industry body. The consultation contract would require the body to facilitate engagement of all industry interests.

The PFA has become the focus of significant debate among the NSW industry, both from within its membership but also from those who choose not to be a member, regarding appropriate governance structures and has sought assistance to ensure an effective industry representative body can be established. In order to meet the requirements of a representative body that could service the industry's licence holders through future co-management processes in NSW it is necessary to develop a framework for licence holder and regional engagement.

While the industry reform process is underway and there continues to be a gap in leadership and unity within the NSW fishing industry there is a loss of industry capacity, communication and effective leadership which continues to degrade industry's influence over its future. This gap needs to be filled by a body similar to other State peak industry bodies for the wildcatch fishing sector.

This report and recommendations to the PFA are to support adoption of a range of constitutional and organisational reforms in order to meet the requirements expected by industry and government from a representative body for NSW fishers within an effective co-management engagement process. It also outlines the structures and operational arrangements it should consider, to be able to effectively engage the whole industry in the management process.

The Industry should create a single co-ordinated organisation they can use to engage with the NSW Government. The Industry body should have as a core objective to build an effective relationship with the NSW fisheries agency to support the future stability and development of the commercial industry beyond the current reform process.

The most effective outcomes from fisheries management are obtained when industry and government can work collaboratively with a shared vision for the short and long term interests of a secure industry. The need to have a well resourced and effective voice for the Industry is essential in any effective co-

management framework to be adopted for NSW fisheries.

It is recognised that increased industry involvement and ownership in management processes will enhance both ownership and participation in decision making. Building a strong industry based co-management process, with increased delegation for facilitating the industry engagement process, will improve industry's capacity to both participate in issues identification and problem solving leading to improved management outcomes and a stronger working relationship between industry and government.

A collaboratively developed staged process for building industry participation in the management processes, with effectively skilled leaders, operating under an industry driven framework for participation will deliver on many of the outcomes identified from the recent independent review on fisheries management and administration in NSW.

As P. Neville identified “Mutual trust is the pre-condition to successful co-management¹”. The opportunity exists today for the Industry and the Government to begin to build that trust and a framework for the future of a viable and effective NSW wild harvest seafood industry.

¹ P Neville, Co-management: Managing Australia's fisheries through partnership and delegation (FRDC 2006/068)

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Acknowledgments

The author wishes to thank – Tricia Beatty (EO PFA), Dr Ian Plowman, Esmay Hropic, Emel Hropic, Daniel McDermott, Sky McDermott, Simon Goslett, Dana Goslett, Stanley Davidson, Gary Howard, Mary Howard, R Fidden, M Milanja, L Lukin, M Mislov, L Monin, G Tarrant, M Sproule, Richard Bagnato, Paul Bagnato, Vince Bagnato, Tony Bagnato, Bryan Skepper, Grahame Turk, John Harrison, Neil Stump, Jonathon Davey, Catherine Winchester, Franca Romeo, Danny Stewart, Ron Stewart, Barry Johnson, Brad Warren, Don Johnson, Glenn Dawson, Geoff Blackburn, Russell Kerr, Greg Parker, Greg Golby, Brett Bollinger, Marilyn Nobes, George Baker, Barry Aish, Jason Davidson, Dane van der Neut, Tony Williams, Gary Anderson, Danielle Adams, John Verdich, Paul Sullivan, Phil Hilliard, Robert Gauta, Suzie McEnally, Greg Golby, Anthony Ragno, John Alesi, Dean Logan, Dawn Aish, Heather Elliot.

Executive Summary

This report was commissioned by the Professional Fishermen's Association Inc. (PFA) to assist it in working towards the objectives of:

1. Developing a framework for engagement of all fishers in natural resource management;
2. Creating an effective industry representative capacity to participate in NSW Fisheries co-management processes;
3. Providing recommendations on governance and organisational requirements for a peak representative body for all fishers;
4. Maintain the capacity to act as a member based body engaged in the traditional roles of advocacy, lobbying and providing member services.

The above objectives are intended to support the PFA or its replacement in meeting criteria established by NSW Fisheries under any future industry engagement and service delivery arrangements to support co-management.

The PFA Strategic Plan 2012- 2014 introduces the PFA as having been borne out of widespread concern about the future of the commercial fishing industry in NSW. In common with other State fisheries, NSW professional fishers are deeply worried about the erosion of their long term rights to harvest seafood on behalf of the community. This harvest is essential to supplying both the retail and wholesale sectors, and valuable restaurant and tourism businesses. It further identifies that, *'Our strength will always be in numbers and as a united group. For too long the professional fishing industry in NSW has had no voice. The PFA vision is to provide that strong representative voice and to continue to be heard in the corridors of power so long as we remain as one'*.

While the PFA has grown and delivered an effective service to its members, there continues to be a range of issues that constrain its ability to represent the industry at large, as well as, being formally recognised as the voice of the Industry.

The NSW Government commissioned an Independent Review of NSW Commercial Fisheries Policy, Management and Administration in 2011. The Review was undertaken by Richard Stevens OAM, Ian Cartwright and Peter Neville and presented to the Government in 2012.

Among the recommendations from the Review it proposed that – *'The current state of working relationships between industry and the Department, together with the present failure of most consultative bodies across the industry preclude the development of formal co-management arrangements at this time'*. Further it proposed that, consultation with the commercial fishing sector should take place through structured consultation pathways that included the – *'The peak industry body for the development of wider industry policy positions on issues such as cost recovery and other fisheries issues involving other non-fisheries Government agencies, for regional approaches to the resolution of localised issues, such as a first stop calling centre for individual commercial fisher's issues'*.

The project is intended to build upon previous studies by C Bishop and P Neville assessing the issues needed to support a peak industry body in NSW. It also sought to identify the issues that will enable the PFA, or similar body, to be recognised as the representative organisation for the industry in NSW. Further it would provide advice on options for development of co-management frameworks that will enhance industry participation in the consultative processes established by government.

The project included a review of previous advice to government and the Industry on options for the structure of a peak industry body. A review of the co-management processes, roles and funding of the peak industry bodies in Australian jurisdictions was also undertaken. Further, it engaged industry members in meetings to identify their thoughts and consideration of options for approaches by the industry and enhanced engagement with government. Four industry meetings were held regionally including areas where there was poor representation of members of the PFA. A briefing was provided to the Industry Coalition Group on the framework for engagement of industry under a co-management approach. A number of meetings were held with the PFA Committee of Management and members.

In progressing towards the goal of being recognised as a peak industry body, the PFA has a number of key issues it should address. These include:

- Constitutional change to open up its membership and enhance the capacity of individuals to become involved in the organisation;
- Constitutional changes to improve governance arrangements;
- Creating a framework for engaging fishers in providing effective input into the management debate.

In developing industry's capacity to engage in the management process, the PFA should:

- Create an environment in which it can be recognised as the peak industry body for wildcatch fishers in NSW;
- Create a framework for industry to be able to effectively deal with the complex arrangement of share classes and regional considerations;
- Create a process for development of fishers' skills and knowledge required to effectively contribute to fisheries management, including:
 - Research process and principles;
 - Management principles and practices;
 - Social and economic drivers;
 - Effective decision making;
 - Leadership development; and
- Identify a framework for progressively building the co-management capacity between government and industry.

There are significant negative implications from the failure to create a peak industry body for commercial wildcatch fisheries in NSW. The lack of cohesion in the industry, internal conflicts and the historically high levels of politicisation of the fisheries management process have been recognised by a recent Review of NSW fisheries management as having limited effective decision making in the past. The Review provided a number of recommendations regarding fisheries management, governance and consultation. The Review Report highlighted the need for a better relationship and improved communication with industry by government, with emphasis on stronger industry involvement in the management of their fisheries. Any change in Industry participation must be built upon a significant change in the approach to engagement adopted by the Government.

An industry that is able to present itself as cohesive and co-ordinated would be a key partner for government in the management process. At present, management is compromised by the diversity of often conflicting voices and views presented by various groups purporting to represent the industry. This was recognised through the Review of NSW fisheries management. There are a number of examples of effective peak industry bodies throughout the States and Commonwealth with good decision making processes under a range of co-management frameworks that would be attractive for the NSW Government to support.

The co-management framework developed for fisheries in Australia through the Report - '*Co-management: Managing Australia's fisheries through partnership and delegation*' (FRDC 2006/068) identifies the stages for developing enhanced co-management. The opportunity must be taken by the industry and government to create an environment that will support the progressive implementation of the recognised phases for developing co-management in NSW fisheries.

As identified in the Neville Report, the PFA must modify its governance and structure in ensuring it enhances its recognition and acceptance by the industry throughout all of NSW. There are also a number of challenges for the industry in recognising that it needs to change its approach to management, and in its dealings with the Government, in order to create an effective and robust relationship which will underpin confidence in industry having a greater influence over management directions and decisions.

The opportunity currently exists for the NSW wildcatch fishing industry to create the capacity and recognition given to peak industry bodies in other jurisdictions. In order for this to happen it must accept the challenges this presents and work towards creating a strong, robust, and secure industry by providing effective leadership and support for its fishers.

For Government to move emphasis from its role as a regulatory group to a co-management group it also needs to support industry's development of a peak industry body. For there to be an effective peak industry body, there is a need for the government to make a decision and demonstrate its confidence in dealing with one key group on behalf of the industry. This does not preclude other groups existing in support of fishers on a share class, fishery or regional basis. However, there is a need for cohesive and unified approach on state issues, and coordination of issues across share classes and regions, which then strengthens the need for these groups to work through a peak body.

Keywords

co-management, peak industry body, leadership, fisheries management, governance, representative body, Professional Fishermen's Association, PFA

Introduction

The PFA was initially established in July 2009 through, initially the support of the Clarence River Fishermen, and then support of fishery licence holders affiliated with a number of Fishermen's Co-operatives, particularly in the northern regions of the State. It has become a well-resourced body with a full-time executive officer who is supported by several part-time staff. The PFA has the capacity to effectively engage and represent its members throughout the State in discussions on a complex range of issues affecting commercial fishers. The PFA has been involved in representing its members on a wide range of matters including - fisheries management, marine estate planning and management, best practice processes, food safety and quality, erosion of rights / interests, maritime safety regulation, community engagement and recognition of the role of commercial fishers in production of a key local food source.

The issue of a more representative peak industry body in NSW has been a challenge for both government and industry for many years. The need to have an effective partner in management processes was recognised by the Government prior to 2010. In 2010 the Government commissioned Colin Bishop of Enram Enterprises to undertake a study into the establishment of a peak body for the industry '*Report on the Establishment of an Industry Voice for New South Wales Commercial Fishermen*'.

The above report evaluated peak industry body models from other jurisdictions and then evaluated options for voluntary versus compulsory funding and a range of governance options. The Terms of Reference for the report are contained in Appendix 1. The following recommendations were contained in the Report:

1. The existing Professional Fishermen's Association Incorporated would provide an ideal foundation for expansion into a representative body providing a voice for all commercial fishers in NSW:
2. It is an incorporated association;
3. It is based on commercial fisher membership and representation;
4. It is growing in membership to the extent that it now represents around 30-40 percent of commercial fishers in NSW;
5. It is seeking to ultimately establish regional representation through increased staffing as more funding becomes available; and
6. It is already a member of the Seafood Industry Council (NSWSIC) which is the 'peak' representative body for the seafood industry in NSW
7. Importantly, the establishment of an alternate association to undertake the role as a voice for NSW commercial fishers at this time would be detrimental to both the PFA and any proposed alternate association.
8. The incorporated association would provide the most suitable business model for an association established to provide a voice for commercial fishers in NSW.
9. NSW is not in a position to adopt a membership model based on a federation of existing sector associations due to their limited existence within the State. The appropriate model being one based on membership of individual commercial fishers.
10. The key being to develop a model that builds on what already exists within the jurisdiction concerned – in this case the current Professional Fishermen's Association would seem appropriate. The association can then evolve to meet the changing requirements of its members.

11. In establishing of a voice for commercial fishers in NSW it would be advisable to start with a simple membership and fee structure (individual membership and a flat fee) and to leave the decision to change this arrangement with the association management committee.
12. It is anticipated that any association established to provide a voice for commercial fishers in NSW would undertake roles and functions similar to other established commercial fisher representative bodies in Australia.
13. Based on the review of options available it is proposed that the association would function most cost effectively under a regionally based consultation and service delivery structure serviced by regionally located professional officers. The only permanent committee being the regionally representative management committee. This model would require between \$500,000 and \$700,000 per annum to function effectively given the extent of coastline that needs to be covered.
14. There is merit in the government negotiating a partial funding arrangement with the commercial fisher 'peak' representative body to provide services that are mutually beneficial to the association and the government. Where a funding agreement is achievable, it is critical that it does not impact negatively on member perceptions of the association's independence, particularly in negotiating difficult issues with government.

The range of matters addressed in the above report and its recommendations are just as relevant today as they were then. It can be argued that the challenges confronting the industry today are at least in part due to the absence of a recognised peak industry body and its inability to effectively engage government and the management agency in a discussion on management strategies and implementation.

The Independent Review of NSW Commercial Fisheries Policy, Management and Administration of 2012 identified factors that limited the capacity for effective fisheries administration and management. One of the factors identified for improvement was the nature and role for the commercial wildcatch fishing industry, including the challenge of creating both a peak industry body for commercial fishers that would be recognised by the Government and a process that facilitated greater industry engagement and participation in management.

As a consequence of the above report, the PFA, the largest and most effectively resourced industry body in NSW, sought to pursue advice on what would be required to enhance its claims as the peak industry body. The PFA has over 250 of the State's 1,100 fishers as voluntary members. Further, the PFA sought to respond to a government tender call for the provision of industry consultative services to enhance a new management approach to be taken in NSW.

As a result of the Report on the Review of NSW fisheries in 2012, P J Neville & Associates were commissioned to undertake an assessment of industry's views on the establishment of a peak industry body through the release of a discussion paper – *'Options to introduce a peak body for commercial fishing in NSW'*. This paper was supported with a workshop of key industry representatives and members on 20 September 2012.

The discussion paper advises *'The workshop considered 5 options for such a peak body (including the option of doing nothing), each with different advantages and disadvantages and costs; it also considered options for funding such a body.'* ***It concluded that there was only one realistic option (Option 1) which would meet industry's needs and that this option should be considered by all of industry before any decisions were made'*** (Appendix 2).

The outcomes from the workshop were then provided to licence holders for feedback by early 2013. The document *'Analysis of Industry Responses to the Options Paper on the Formation of a Peak Industry Body for the Commercial Fishermen of NSW'* was then produced by PJ Neville and Associates in May 2013. The following summary was provided by the Report:

'The assessment of responses as provided in the Report says 'The options paper in attachment 1 listed five options, including a 'no change' or status quo option, which would reflect the current position involving the existing Professional Fishermen's Association (PFA) operating as a voluntary body representing some 300 fishermen and funded largely through the co-operative movement.

In terms of overall response, there was an extremely poor response rate in terms of 'individual' responses (74) from the 1,100 sent out i.e. approximately a 7% response rate and, as such, could not be regarded as a representative sample of the whole industry. Further, interpretation of some of the responses is problematic in that some responses alluded to them being on behalf of members of an organisation e.g. the PFA response was on behalf of its 300 members (which would include many of the co-operative members), while other responses purported to be 'on behalf of lots of other fishermen I have talked to.' Allowing for such factors, the response rate could be of the order of 33% but this cannot be accurately demonstrated from the responses e.g. some members of one co-operative supported a separate proposal by Mr G. Baker a former Chair of the Clarence River Co-op.) via a separate survey as discussed below, while co-operatives themselves supported the PFA submission (Coffs Harbour, Wallis Lakes, Ballina, Hastings River Fishermen's Co-ops., and the Commercial Fishermen's Co-operative Ltd.), while the Clarence River Co-op concentrated instead on the broader issues arising from the re-structuring of the catching sector and its effect on cooperatives.

The 'individual' responses were:

Option 1 (18); 2 (5); 3 (1); 4 (0); 5 (2); None of the options (21); G. Baker option (27)

Responses representing an 'organisational' view were:

Option 1 (300); 2 (5); 3 (1); 4 (0); 5 (2); None of the options (21); G. Baker option (27)

In terms of the preferred option from the review, by assuming all (or even only a majority) of individual members of the PFA support the PFA submission through the expressed support of their representatives on the PFA, this favours Option 1 in the paper. This represents a restructured PFA model to ensure it becomes a state-wide model of consultation and representation, with a different Board, an enhanced regional structure and different financial structure, involving a combination of voluntary funding for 'industry advocacy' and 'fee for service' funding for other potential activities as detailed in the options paper attached.

Apart from the support for option 1, (and limited local support for the proposal from G. Baker), the remaining options i.e. Options 2, 3, 4, and 5 did not receive any significant support at all. Because option 5 was the 'no change' option, this implies that even PFA membership support the need to change the existing PFA structure to reflect the state-wide structure of option 1, rather than leave the PFA in its current form, which is highly dependent on funding through the co-operatives operating principally in the northern part of the State.

These results are, however, somewhat at odds with the responses which the Review Team received during state-wide port visits across all fisheries, as well as the outcome of the September 2012 meeting. During these consultations, there was a recognition (although certainly not universal) that, with a \$16 million re-structuring package available from the Government, the industry needed a state-wide, effective peak body to help get the maximum long term benefit from the re-structure across all fisheries. This was also reflected as a recommendation in the Review Team's report.

A further factor influencing these responses is that, at the same time as attempting to get a peak body discussed, port meetings are being held to discuss the industry re-structuring which itself will have financial consequences for many industry operators. Hence a reluctance to commit to further costs in funding a peak body, either through voluntary contributions or through 'fee for service' arrangements.

Whilst the results from this review cannot be interpreted simply in precise quantitative terms, **it is clear that the choices from this review are to either create a new state-wide peak body along the lines proposed in option 1 or to have no peak body at all, as all other versions of a 'peak body' were rejected.'**

The conclusion that was drawn from the process undertaken by PJ Neville and Associates was that – ‘The key to this is that the lessons of the past must be learned so that a new body can be more representative of, and communicate better with, different areas, fisheries and interests and play an effective and transparent role in influencing Government decisions. Then, provided the financial burden of funding a body can be shared more equally as indicated in option 1, the industry would be better placed to see through the difficult re-structuring program ahead and build a strong long term industry peak body.

This is also the preferred arrangement of the Government as expressed through its acceptance of the recommendations from the recent Review. However, it is up to industry to support the concept and build the peak body from this point forward.’

Both the PFA and the Baker positions supported a broader and more regionally focussed peak body with core funding from industry to support improved industry engagement in the management process and other funding from provision of a range of member-based services.

The current government-managed industry reform program, which is proposing significant changes to the nature of fisher’s shares and rights, is having a considerable impact on the industry and is contributing to the uncertainties felt by licence holders. These uncertainties are further underlined by the current divergent views being expressed by individuals and organisations claiming to speak on behalf of other licence holders.

In the current environment fishers are feeling disconnected and are not significantly engaged in discussions on the need for a peak industry body. Nevertheless, major reforms such as those the Government are currently pursuing highlight the importance of having an effective and well-resourced peak industry body that can present a collective and cohesive response to the Government’s program.

Fisheries management is often most frustrating for industry and government when there are no clear options, or a lack consensus, for the parties to work towards. Divergent views from multiple voices add to the uncertainties felt by government and contribute to paralysis of decision making and action for all interests. This can also lead to political intervention where decisions between the parties are unable to be reached.

The success of peak industry bodies is largely due to their ability to develop solutions that work for the industry and effectively engage with government to support the development of options that meet the industry’s needs. Most often this requires the peak body to have robust processes for engaging the vast majority, if not all, licence holders in identifying options for resolution of the issues. The basis for developing a co-management framework for NSW fishers is built upon this need.

Objectives

The objectives established for this project were:

- 1) Review the legislative requirements for a representative body under the co-management framework against the current organisational governance arrangements of the PFA
- 2) Engage NSW Government and the PFA to ensure any structures meet their needs and expectations for the representative body
- 3) Engage licence holders and regional industry groups in the development of models for industry engagement at a local, regional and state-wide level
- 4) Develop governance structures and processes that will deliver the necessary level of industry engagement to ensure the co-management processes have credibility
- 5) Develop communications processes that will enable effective flow of information to and from licence holders to ensure the integrity of any outcomes or recommendations fed into the co-management process
- 6) Recommend any governance or institutional changes needed to meet requirements for the separation of the member based representative body roles from the services provided under the co-management process

Method

The project has used the following approaches in developing its understandings of the situation and the opportunities that may exist for the formation of a peak body and the most appropriate processes for engagement of licence holders:

- Review of documents and reports on the subject of representative bodies in NSW.
- Four (4) regional workshops with fishers utilising presentations of organisational attributes and designs that could be used to model future engagement frameworks and seeking participant responses to specific questions.
- A meeting with the NSW Commercial Fishers Coalition of Groups and Associations
- Direct engagement with fishers, particularly from the regions that are not well represented in membership of the PFA.
- Meetings with representatives of Government.
- Four (4) meetings with the Committee of Management and members of the PFA.
- Analysis of the current attributes for funding and co-management and engagement in other peak industry bodies in Australia.
- Evaluation of the options that could be adopted by an industry body to provide management outcomes through industry consultation and co-management processes.
- Developing a process that will enable broad industry engagement and debate on key issues for resolution through a co-management framework.

Discussion

What is a peak industry body and what is its purpose is a central question to this project. Definitions for a peak industry body include:

*'A **peak organisation** or **peak body** is an Australian term for an advocacy group or an association of industries or groups with allied interests. They are generally established for the purposes of developing standards and processes, or to act on behalf of all members when lobbying government or promoting the interests of the members. In the commercial sector they allow competing companies to meet to discuss common issues without the risk of breaching the Trade Practices Act which outlaws collusion between competitors which would affect the operation of a free market'.* Wikipedia

'Peak bodies present a unique and cost-effective opportunity for governments to access robust and innovative advice from a single point of contact, representing the allied interests of its membership group.' Queensland Council of Social Services

In the Productivity Commission's 2010 research report on the contribution of the not for-profit sector it is noted that *'not for profit organisations contribute to wellbeing through exerting influence on economic, social, cultural and environmental issues'*. The contribution of peak bodies in this area can be summarised as:

- Providing a low cost mechanism for government to access the knowledge and expertise of the sector to improve the quality, efficiency and relevance of their programs and services
- Acting as a repository of sector knowledge and expertise in relation to the needs and circumstances of specific groups in the community, through specialist knowledge and contributions from members
- Instigating and promoting public debate which assists in fostering participatory democracy while contributing to sound social policy development
- Assisting government to be accountable to the wider community, by providing information and feedback on the impacts of policy and programs on specific groups in the community

Peak bodies act to give a voice to minority and disadvantaged groups who often remain unconsulted. Why does the industry need a peak body? There are a wide range of roles, services and demands that lead to the creation of peak bodies, especially for industry groups. In the seafood industry there is a high degree of regulation and control exercised by governments in seeking to manage a common property resource. The nature of governments is that they have ascribed to themselves the role of protector of the public resource, on the basis they are seeking to avoid what is commonly referred to as the *'tragedy of the commons'*² or the over exploitation of that community owned resource.

In order to protect and secure the rights provided to commercial fishers to harvest that community resource on behalf of its owners it is necessary that the producers are able to effectively represent their interests to the government.

While providing for Industry having a greater role in decision making in NSW has not been developed to date there are several key Government documents that provide the impetus for this to occur. The Fisheries NSW Strategic Plan 2012- 2015 identifies reforming the consultant arrangements for key stakeholders as a strategy to be delivered under Key Result Area 4.3 of the Corporate Plan. The Corporate Plan under Key result Area 4 (Goal 32) identifies two areas that can be applied to enhanced industry participation and co-management. These are:

Outcome – Our services meet client and community needs, Strategy – Identify and implement collaborative models of service delivery engaging communities and the private sector; and

² Tragedy of the Commons – William Forster Lloyd 1833, Garrett Hardin 1968

Outcome – Enhanced opportunities for communities to participate in decision making, Strategy – develop tailored approaches to enhance community involvement in decision making in relevant programs areas.

A major gap has existed in NSW in the area of collective and cohesive representation for many years. This has been recognised by many within the industry and by government over that time, most recently as part of the 2012 Review of NSW Fisheries arrangements. This gap led to there being a lack of effective engagement between the Government and industry and a failure of the fisheries management system. This recognition has become the impetus for the industry to strengthen its ability to represent its interests effectively to government and for the Government to recognise the need for a new co-management approach that must be supported by an effective industry organisation.

Role

The role of a peak body can vary considerably depending on such things as the nature of the industry it serves, the activities its members determine it should focus upon, and its resources and capacity.

The purpose of the peak body must be to provide a common perspective, even where there may be a divergence of views within the organisation. The role of groups to gauge views and formulate an agreed position is essential, as all human beings will never see things in the same way. The aim of organisations and groups should be to understand and respect each other's views so that they can find common ground, minimise conflict and maximise co-operation. As such it must be recognised that a peak body cannot, nor should it, form a view for any particular interests or group rather it should seek to represent a view that is in the best interests of the majority of those represented.

What is expected of a peak body was the subject of an FRDC supported workshop '*Strengthening Membership Communication and Support in Peak Industry Bodies in the Australian Fishing and Seafood Industry*' in 2010. The issues that challenge a peak body were identified as including:

- Defining the relevance of organisations as to their roles and representation
- Understanding the value and product they have to offer members
- Identifying the key messages for their members and broader industry
- Enable connection with the target audience to meet their needs
- Ensuring the clarity of the message amongst competing messages
- Aligning priorities and needs throughout organisational structures.

While the PFA currently has a strategic plan that defines its focus, the core role of industry representation must be explicitly defined in its constitution in order that it ensures there is a consistent and focused set of objectives that can define its principal reason for being.

The study '*Healthy Industry Associations and Leadership Succession*' (FRDC 2011/410) Plowman & MacDonald identified that having a specific purpose defined for an organisation is important in its ability to represent its members. The study identified that a stated purpose was important for an organisation in relation to:

- a. Catering for the three social needs of members, namely social need, need for achievement, and need for power.
- b. Publishing the association's purpose or charter so that all members have a clear and shared understanding of what the association is there to achieve.
- c. Revisiting annually that purpose or charter. This should be done by the executive, in consultation with members, to ensure it continues to be appropriate or relevant.

- d. Including the association's purpose as a header or footer on all association correspondence (including every meeting agenda, and all emails), thereby ensuring this stays front-of-mind.
- e. Using the association's purpose or charter to tell the world what business the association is not in. Therefore the purpose or charter serves as a filter in determining what activities the association chooses to undertake or declines. Hence the association should only undertake activities that clearly fall within its charter or purpose. Further, the relative importance of potential association activities can be determined by assessing how well each contributes to the published charter.
- f. Using the association's charter or purpose as the conscious beacon to which all the association's efforts are deliberately focused.

A stated purpose for organisations is intended to provide clarity for the organisation and its members. The purpose should be regularly reviewed by the Committee of Management and by the members at each AGM. This should focus the organisation and ensure its activities are aligned with the members' needs. **As a peak body the PFA would need to revise its constitution to include a clear set of objectives or roles for the organisation.**

Governance

The future of a peak industry body in NSW is best facilitated by the reform and revision of the PFA and its membership. There is general acceptance that the PFA, as an organisation, already has a number of attributes that should be effective in supporting the industry. However, the structure of the PFA must be revised and opened up to individual fishers to make it more relevant to the industry at large and improve their ability to participate in its Committee of Management.

The PFA has been built upon the support generated through key Fishermen's Co-operatives and their members. The current PFA structure has been identified as needing changes directed at opening up membership by increasing the role of individuals rather than groups, such as the Co-operatives, with a more regionally based representative structure.

The nature and structure of NSW fisheries, unlike most other Australian jurisdictions, has meant that it does not have a focus on the common needs of different fishery specific groups which would act to strengthen both individual fishery interests and the interests of all licence holders collectively. The exceptions to this in NSW are the abalone, rock lobster and inland waters fisheries. In the absence of the focus at an individual fisheries level, the industry struggles to take on a collaborative approach.

The need to have individual members who drive the organisation and determine its strategic and operational objectives is central to the reform of the PFA. It has been seen, particularly by its detractors, as both regionally focussed and controlled therefore not representative of industry as a whole.

The nature of the industry in NSW would suggest that those individual members adopt a broad representative structure, based upon the current seven (7) management regions (Table 1). This approach has a number of benefits; such as the regions are well understood by fishers and there is some commonality of issues within the regions regardless of the nature of the fishing activity in which they participate.

Table 1 - Region Categories – based on the existing fisheries management structure for the Estuary General Fishery

Management Region
Region 1
Region 2
Region 3
Region 4 – this region may be divided due to the large number of fishers in the region. The previous MAC structure created an Estuary General Region North and South.
Region 5
Region 6
Region 7

Alternatively, a representative structure could be based upon fishery sectors / share classes where the operational issues are likely to be similar and the management program and processes are most likely to be common across regions. Other than for the specialist fisheries of rock lobster, abalone and inland waters the fishery /share classes are largely focussed on specific regions rather than all or a majority of regions. The nature of fishery / share class options is represented by Table 2.

Table 2 – Management Groups based on share classes

Management Group	Fishery / Activity	Regions
Estuary Trap	Finfish, eels, crabs	3 regions
Estuary General – netting	General	3 regions
Ocean Trawl (Offshore)	Finfish , prawns	1 region
Estuary Prawn	Prawns (inshore)	3 regions
Ocean Trap & Line	Finfish, Spanner crab	2 regions
Ocean Haul & Hand Gathering	Finfish	3 regions
Inland		1 region
Rock Lobster		1 region
Abalone		1 region

A representative structure on the management committee of the PFA should initially be based upon fishery management regions but should be transitioned to fishery / share class representatives. This approach will enable a more focussed approach to representation and facilitating the engagement of fishers over management strategies and operational issues.

The membership of the PFA is largely focussed on the membership of the founding groups (Co-ops). These Fishermen’s Co-Operatives were members on the basis that the majority of their members sought to be part of the PFA and valued the services it supplied – such as explicit management representation and lobbying. These are not traditionally the roles that Co-ops undertook given they existed for the purpose of the sale, marketing and distribution of their members’ product.

The PFA has begun to open itself up to individual members. This process needs to be enhanced and secured with appropriate membership provisions. The most effective test of an organisation's acceptance is if the individuals that comprise the area of organisational focus recognise and accept that the body is effectively reflecting its concerns and supporting their interests. **The Committee of Management of the PFA should be comprised of regional representatives based upon the above defined fishery / share classes.**

While individual membership should be the corner stone to the PFA it should also provide for and recognise that groups such as the Co-ops and other industry service organisations need to be able to participate in supporting the industry and its purpose. A key focus area for any modern industry representative body is the role of promotion and marketing of the industry and therefore by default its generic product (safe, sustainable seafood). Membership should also be open to other corporate interests that support and service the industry. This linking of support and service industries creates opportunities to provide licence holder members with access to services and products that assist their business.

While membership should extend to groups other than individual licence / share holders, the ability to select member representatives on the Committee of Management must rest with only those licence / share holders. **There should be provision for one (1) or no more than two (2) other members of the Committee of Management that can be elected from among the non-licence holder members.**

The peak body should also consider providing for a member nominated from the Women's Industry Network Seafood Community (WINSC) of NSW at some time in its future. This group has a national presence and a local focus. WINSC was established to enable the wives and partners of commercial fishers and those who support the industry to support the Industry. It has a key role in supporting fishers and providing programs and activities that promote the industry and help champion its role in society. In its role WINSC complements the work of the peak body. As this group grows and builds its base it should be able to add to the capacity and effectiveness of a peak industry body.

The PFA and its membership should consider the appointment of an independent chair, to support its role and to enable it to be governed with a degree of balance in its discussions at the Management Committee and professionalism in its organisational activities. An experienced chair with a corporate background would add value to the organisation, particularly in its early stages of reform. The Chair's role would be to provide guidance and enhance governance to ensure the organisation delivers against the needs of all of its diverse members. It is important that decisions on the Industry are made by those who have an investment in the Industry and the Independent Chair's role is to ensure this is achieved in a transparent and equitable fashion.

Funding

Central to the success of any organisation is its funding. The previous studies have dealt with this matter in some detail.

Currently most industry peak bodies providing the role of industry representation, under a co-management process, are funded through industry contributions collected under licence fees to support industry participation. This approach was proposed under the 2012 Review of NSW Fisheries and has been supported by the Government. Appendix 3 contains a table setting out the nature of funding for peak bodies and industry participation in co-management in Australian fisheries jurisdictions.

The core funding for the peak body should be based on funds from licence holders for membership services. This funding should provide for:

1. The essential administrative and operational arrangements for the organisation;
2. The cost of governance and statutory responsibilities of an incorporated body;
3. Activities such as industry promotion and development,
4. Communication with members;

5. Representation on the interests of individuals or groups who are adversely affected by policy or political processes or decisions;
6. Representation on matters beyond fisheries and marine estate management and planning; and
7. Membership of other industry bodies such as the NSW Seafood Industry Council etc.

The experience in other jurisdictions is that the need for the more traditional role of adversarial capacity from a representative body is increasingly diminished under an effective co-management approach, supported by more effective and co-operative processes for decision making.

The delivery of contracted services under a co-management framework may be seen by some as blunting the industry's ability to criticise government policy and decisions. The need to ensure that there is the capacity to undertake direct lobbying and advocacy over issues that are either outside of fishery management or are directly related to broader government policy is core to any representative body. It is the activities involved in strongly representing their member's interests by which many fishers would judge the value and success of its representative body. This concern over the lack of strong advocacy has not proven to be the case in the other jurisdictions that have co-management processes funded through licence fee collections or a contract for service delivery. Rather, delivering services under a commercial contract, that provides industry with a more effective and influential voice in fisheries decision making has enhanced the partnership approach with government in a range of associated non fisheries areas.

A contract for service provision brings with it a number of obligations in terms of the nature and efficiency of services delivered under the contract. This provides for a high level of accountability to industry to substantiate the nature and level of funding required. It also creates an organisation that is recognised as speaking on behalf of industry more broadly by government thus adding credibility to its representations in other areas.

The peak body should secure core funding from licence holders as individual memberships and in addition seek to fund an effective industry representation process for fisheries and marine estate management and planning through a process funded by industry and government.

Co-management

Central to modern fisheries management is the development of a progressive system of co-management. The approach to progressive devolution of management responsibility is proposed through the FRDC Report *'Co-management: Managing Australia's fisheries through partnership and delegation'* (FRDC 2006/068).

What is fisheries co-management? The above report defines it as *'An arrangement in which responsibilities and obligations for sustainable fisheries management are negotiated, shared and delegated between government, fishers and other interest groups and stakeholders'*.

As such co-management is a progressive continuum of varying degrees of delegation for operational and strategic management decision making arrangements that moves from centralised *'command and control'* approaches to a consultative model, through to a collaborative model with shared decision making (particularly for operational decisions) and ultimately a delegated model where industry organisations has responsibility to deliver on agreed services and functions.

As can be seen from Appendix 3 many peak industry bodies in Australia are involved in varying degrees of more advanced co-management operating within the range of consultation and collaborative models with shared responsibility for the management of industry participation and in many cases extension and administration of the services that support the co-management process.

An option to facilitate a funded co-management process was the subject of a tender process in late 2013 early 2014. The PFA developed a comprehensive tender proposal that was submitted. Along with all other tender bids this was not accepted and the Government has opted to further consider an appropriate framework for co-management and processes for industry engagement.

Central to the ability to strengthen the nature of co-management in NSW is the need for a peak industry body that can manage and support broad industry involvement in identification and resolution of management issues and supporting strategic activities, such as harvest strategy and management plan development and monitoring.

The government has made a commitment to facilitate a new approach to co-management and support an industry body which, subject to governance and operational changes, can provide the representative role. **Now is the time for the industry to embrace a new approach to fisheries management and begin to take responsibility for assisting in defining the solutions that best meet its needs and then work with government to ensure future security and stability.**

The following are the steps proposed in the FRDC Co-management initiative project which should be progressed by the PFA as part of developing an effective industry body and engagement process:

Step 1 – Birth of an idea

- Start talking – fishers and government
- Form group – core group of likeminded people formed and spokesperson selected
- Identify resources – identify resources to enable preparation of a detailed proposition.

This step has been underway through the PFA since late 2013. This process is moving into the next phase now the Government has made a determination on how it will proceed after the consultation tender process has been resolved.

Step 2 – Business Case

- Plan – draft a business case showing desired outcomes, funding and advantages of a co-management model
- Gain support – negotiate acceptable level of support among fishers
- Cover everything – refine the business case

The case for consolidating a representative body that can facilitate industry's engagement in an improved co-management framework should be the next step taken by the PFA with all licence holders in NSW.

Step 3- Acceptance and commitment

- Seek government acceptance – seek in principle agreement from government
- Refine – refine the process through a review of the proposed model
- Achieve wider acceptance – negotiate acceptance and commitment by fishers and other stakeholders

Initial contact with NSW Fisheries has been made and a proposal to obtain an 'in principle' framework has begun. This will be important in presenting a case to the Industry as referred to above.

Step 4 – Legal structure

- Set up the structure – develop accountable legal structures for fisher organisation
- Amend legislation – change legislation where necessary
- Develop governance – develop an MOU or contractual agreement identifying functions delegated, performance standards, accountability processes and funding responsibilities.

Step 5 – Implementation

- Delegate functions – government delegates agreed functions to fisher organisation with an agreement and specified conditions

- Deliver – fisher organisation ensures delivery of functions among industry
- Report – reporting against standards and audit processes, ongoing review.

The PFA should continue to develop a proposition for a peak industry body and prescribed processes that the body can deliver for industry and government under a new co-management framework.

Industry Engagement

At present the structure and management framework for fisheries in NSW means that the Industry, with a few exceptions, is made up predominately of diversified operators with shares in a range of different share classes (fisheries). As such, it does not lend itself to the fishery or sector based approach applied in most other jurisdictions.

There appears to be a high degree of specialisation in only a small number of fishery share classes – Abalone, Inland Waters and Rock Lobster and potentially the Ocean Trawl share class. As such, there is little that has facilitated industry groups being developed that focus on a single or small group of species, or on a regionally focussed approach to commonly operated share classes. There is some potential for homogenisation of some share classes where there is a higher degree of commonality of operation, gear type or area of operation.

Given the diversity in the Industry it is important that there be a peak body that can then support these diverse groups and regional interests in fisheries while supporting and delivering on fisheries management processes and outcomes.

The diversity and structure of fisheries / share classes in NSW supports representation being effectively facilitated through the role of a single peak body as occurs in other Australian jurisdictions.

Co-management Options

The project has identified several models of co-management that could be applied in NSW fisheries.

PROFESSIONAL FISHERMEN’S ASSOCIATION

In order to deliver against the previous Government tender, the PFA was required to separate its representative, lobbying and industry development roles from the process of consultation. The consultation framework required engaging with all licence holders and as such the servicing of the members of the PFA had to be separated from the role of facilitating consultation for all licence holders.

If the Government continues to insist upon a separation of the industry body and the role of an industry based co-management process then the PFA should pursue the establishment and operation of Wildharvest NSW Pty Ltd.

WILDHARVEST NSW (PTY LTD) (WNSW)

It is proposed that the PFA create a proprietary company of which it is the shareholder. The company could then deliver the services under any Consultative Services program developed by the Government.

The directors of the company should be based upon the following:

1. The PFA appoint 2 directors from the PFA CoM;
2. The PFA appoint 2 'independent' directors – one being the chair of the Industry Consultative Committee if that model of consultation is chosen.

The WNSW Board should be serviced by the staff of the PFA on a contract basis. The day to day operational responsibility for WNSW, its staff and service provision should be the role of the independent chair and the PFA Chief Executive who could be contracted between the PFA and the company.

Either of the Options below can be managed and delivered under a specific entity that is industry controlled and supported with external expertise as required to ensure good governance and effective and efficient service delivery.

The two models that should be further developed are outlined below:

Option 1

The first and most comprehensive co-management model was developed in response to the Government's tender call. This was based on a framework that included:

INDUSTRY CONSULTATIVE COMMITTEE (ICC)

The Industry Consultative Committee (ICC) is the Level 3 group (refer Figure 1) responsible for evaluation and development of the Industry's position and responses to issues put to WNSW for industry consultation by NSW Fisheries. The ICC should also develop and represent on fisheries management and resource sharing issues to the NSW Fisheries as identified and developed through the Industry's Level 1 & 2 Advisory Groups.

The ICC be comprised of an Independent Chair and the chairs of the Level 2 Advisory Groups established to service the industry engagement and consultation process for specific fishery sectors (Abalone, Rock Lobster and Inland Waters) and up to 3 Regional Advisory Groups. These Advisory Groups would review and evaluate the inputs and advice from the Level 1 Local and Regional Groups.

The members of the ICC should be selected by the Board of WNSW from a Register of Interested Fishers established and maintained by WNSW. The membership should be for a period of up to 3 years then subject to re-appointment. The re-appointment process should be limited to no more than 2 consecutive terms. The members of the ICC should be appointed on a rotational basis with a third of the members appointed in any one year. In the first instance this will require different periods of appointment to the first ICC.

SECTOR OR REGIONAL ADVISORY GROUPS

The Sector and Regional Advisory Groups are Level 2 groups. Membership would be drawn from the Register of Interested Fishers (referred to above) for those fishery sectors or regional advisory group specifically named above. The nature of the categorisation for representation is a matter for the industry taking account of the options of a regionally based approach or the concept of common interests and shared values in the grouping of share classes.

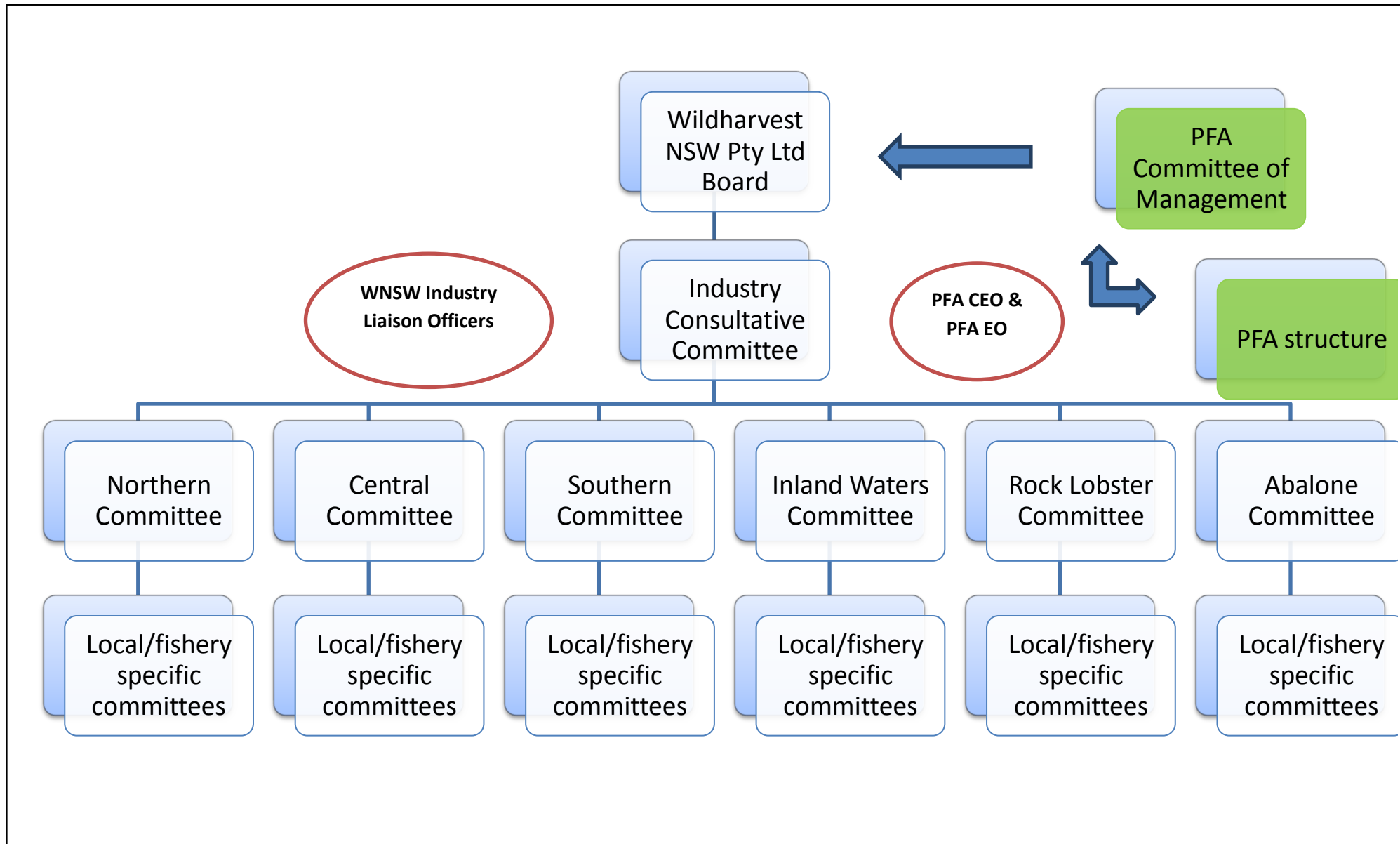
The membership of these groups would be determined based upon the range of port or other established groups and the nature of the share classes within each of the regions.

The Advisory Groups would be responsible for issues identification, information gathering and evaluation of advice from the Level 1 groups and for provision of advice on options and recommendations to the ICC.

If there was to be 3 Regional Advisory Groups they should be based on the following regions:

1. Southern – Eden to Sydney
2. Central – Sydney to Diamond Heads
3. Northern – Diamond Heads to Tweed Heads

Figure 1 – Wildcatch NSW Pty Ltd Structure



LOCAL OR REGIONAL GROUPS

These groups are Level 1 groups to be built around either existing groups with a specific regional or local role in representation or will be formed as ad-hoc groups depending upon the issue to be addressed. The meetings and activities of these groups must be open to all licence holders with an interest in that region.

The groups will be serviced, supported and facilitated by the ILOs in conjunction with any existing groups.

The groups will be open to involvement of all licence holders in the region or area concerned. They will facilitate industry input, advice and options development for issues driven down from NSW Fisheries and also identify issues at a local or regional level that could be pushed up the line to be addressed through the appropriate Advisory Group and if supported the ICC.

INDUSTRY LIAISON OFFICERS

The Level 2 groups and the sector specific groups would be serviced and supported by three (3) Industry Liaison Officers (ILOs) based on regional appointments.

The ILO would co-ordinate and facilitate the collection of information and advice from the Level 1 groups within their Regions and provide briefings and advice to the ICC as recommended by the Sector or Advisory (Level 2) Groups. The engagement framework that would be adopted by the ILO is shown in Figure 2.

Option 2

Under this approach to building co-management all committees would be established as government committees, with services in support of those committees provided by the peak body under contract.

The Government is, and will always be, the ultimate decision maker under this model. However, the government would work directly and co-operatively with the industry through those committees to inform decisions, to set the management agenda, and make strategic and operational decisions affecting fisheries and share classes.

The role, membership and servicing of the committees based on the industry's preference for groupings (Table 1 above) should be developed with the following considerations:

COMPOSITION

Each consultative group be comprised of an independent chair (non voting); a NSW DPI fishery manager; a research provider (independent or government), depending upon the sector / fishery / region a number of industry delegates, and in some cases other stakeholder interests with committee support service providers.

COMMITTEE ROLES

The Independent Chair

This position should be funded by the Government, selected by a panel of government and industry members and have a non-voting role of managing the committee processes, ensuring probity and good governance.

Industry Policy, Extension and Executive Support services

These roles should be funded by the Industry through its contribution to co-management within the licence fee process as recommended by the 2012 Review. This should be contracted by the Government to ensure the process complies with the requirements for industry engagement and acts effectively in providing advice to NSW Fisheries under the funding agreement.

This role should include:

- a. Work with the Independent Chair to ensure effective service delivery;
- b. Act as the liaison between industry members and the Committee ;
- c. Broad engagement processes - not just the process driven approach under the current NSW Fisheries consultation model;
- d. Identifying and developing issues with NSW Fisheries;
- e. Industry communication and feedback ; and
- f. Advice to the management groups, NSW Fisheries and Industry on Committee decisions.

Committee Support

The role of committee support should be funded by the Government. This could be procured by the Government under a contract with the peak body to ensure the process has integrity and provides effective services in support of the committees for NSW Fisheries.

The role should include:

- a. Work with and support the Independent Chair;
- b. Preparation and distribution of agenda with chairman and executive officer;
- c. Recording outcomes and recommendations from meetings – recommendations to be agreed on the day; and
- d. Meeting planning and preparation – venue booking, travel support for members etc.

Governance

Each committee is to meet at least 2 times per year and up to 4 times per year, under normal circumstances. Each committee should be able to create sub-committees to support regional or fishery specific engagement.

Industry members are to be provided with leadership development, fisheries management and research training, such as that which can be delivered by the adoption of the model developed in the Project *'Building Seafood Industry Representational Capacity - "Charting Your Own Course" A Seafood Industry Training Package'* (FRDC 2009/322). The *'Charting Your Own Course'* project has developed a series of tools to support industry leadership and representational development; among them are an Advisory Committee Representative guide, A Self-Paced Learning Manual and a Facilitator's Guide.

The model approach to be adopted under either the Option 1 or 2 approach above or any alternative co-management arrangement will in large part be influenced by the nature and degree of sharing in the decision making process that the Government would feel comfortable with. **Given the lack of established engagement frameworks in NSW it may be appropriate to develop a staged process of co-management.** This should be negotiated with the Industry as part of the process of building a peak representative body.

Managing Industry Input

Dr Ian Plowman was commissioned to provide advice to the PFA on how it should consider the approach to consultation that would best serve the Industry and improve the efficacy of the advice provided to government through any consultation process it would facilitate.

The advice provided by Dr Plowman forms the basis of approaches that would be adopted in managing any consultation process under a new co-management approach. Dr Plowman's advice is contained in Appendix 4.

Regardless of which approach to co-management is adopted, **the engagement of all affected fishers must be based upon an approach that ensures all interests have the opportunity to participate and provide their views and opinions in an environment free of innuendo, peer pressure and in which their views are valued.**

Central to any process of consultation is the manner in which the stakeholders are to be actively involved. All too often today the process referred to as '*consultation*' is one where stakeholders are invited to express their views and offer opinions which are then largely disregarded as they do not fit with the direction and views of those that make the decisions. The failure to value stakeholder contribution and give it credibility is the key to why some many fishers today are considered disengaged. Providing fishers with a collective voice is critical, however that must be aligned to the understanding by individuals or groups that their views may not be those considered by the majority to be in their interests. No one has a monopoly on being right!

For any of the above structures to be effective they must ensure that all or at least those that wish to express their opinion must be able to participate and put forward their views.

The model developed is based upon the community engagement principles contained Dr Ian Plowman's publication '*Meetings without Discussion*'.

The framework is based on the architecture of a conversation. Each conversation has four stages:

- 1) A question
- 2) Information that gives context, background and frames any dialogue
- 3) Divergence within which ideas are generated without judgement; and
- 4) Convergence where the various ideas are assessed and the best chosen.

The above process should be supported with an engagement process that works with large groups and manages their views and tests their opinions in a structured manner.

Communication

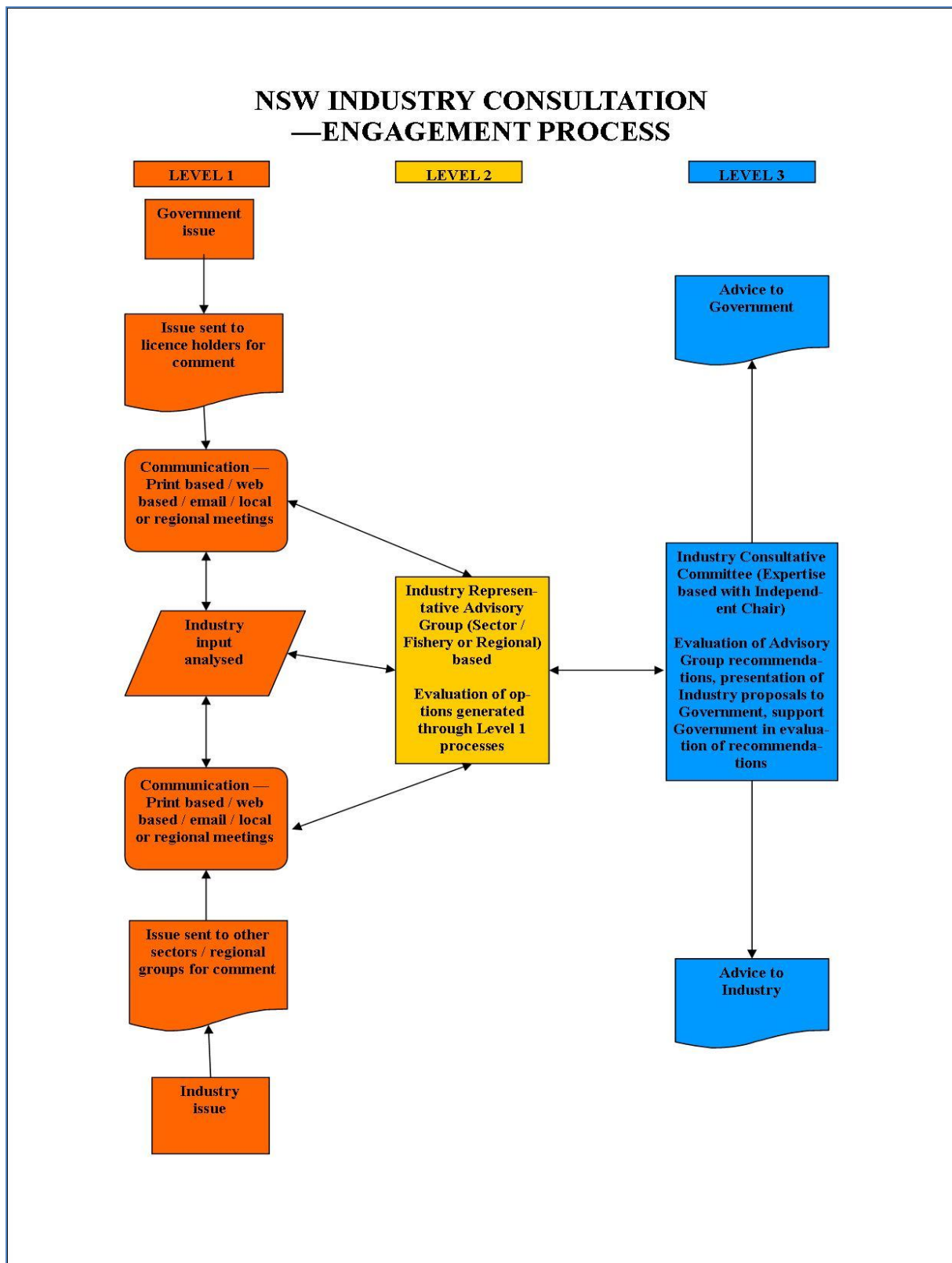
The success of any group, whether it is a peak body or a co-management committee is in largely determined by its communication processes. The measures for successful communication were assessed recently by the project '*Empowering Industry: Improving two-way communication in peak industry bodies of the fishing and aquaculture industry*' (FRDC 2011/400).

Critical to successful communication was the need for transparency and trustworthiness. These attributes were underpinned by the nature and frequency of communication.

While emails are the main mode of communication for both organisations and fishers today communication is still being undertaken in many traditional ways with '*in person*' and '*phone*' contacts continuing to be two of the top methods of communication for fishers with their peak bodies.

New media such as 'Facebook' and 'Twitter' are areas of opportunity to improve the immediacy of communication but are limited by the ability or willingness of fishers to use or access this medium. **The use of web based chat rooms and online forums are tools that should be used to enhance communication**, but once again they have limitations with fisher access and acceptance of this form of communication. These forums have also been known to become what is termed "negative echo rooms" where constructive discussion is overrun. Traditional communication tools such as newsletters and printed material are still important sources for the provision of information.

Figure 2 – Consultation Framework



Engaging fishers in the management process more often than not will mean ad-hoc communication as it is issues driven. **It is critical that a peak body communicate regularly and frequently with its member base and with all licence holders on issues for management.** For many peak industry

bodies' communication is still considered to be undertaken only rarely or monthly. The move to communicating more regularly, such as weekly, is being recognised and increasingly practiced but is still not something that is practiced widely.

Communication is one of the biggest costs for an organisation and without resources and capacity for improved communication it remains a challenge for most peak bodies. **The peak body should ensure that it has some, even if only part time, specialist communication expertise.** The pressure for more frequent and increasing diversity of communication places pressure on those organisations where there is often little expertise available internally or limited funding to support effective communication programs.

Conclusion

The long history of ineffective engagement between the industry as a whole and the Government and the recommendations from the 2012 Review of fisheries provides the impetus for the NSW Industry to embrace a new approach to representation and engagement in the process of fishery management and marine estate planning.

In relation to this project's objectives, the following findings are presented:

- 1) **Revise the current organisational governance arrangements of the PFA, or similar representative body, to meet the legislative requirements for a representative body under the co-management framework.**

There are no clear guidelines or principles established by the Government for an organisation to seek to be recognised as a peak body. Nevertheless, there is clear direction from the Government that it wishes to support the establishment of such a peak body that it can recognise and use to facilitate a new approach to industry engagement in the management process. The PFA and industry should be prepared to adopt any changes necessary to facilitate the creation of a body that would represent the industry in a co-management process.

- 2) **The PFA should engage with the NSW Government in designing any co-management structure to ensure that any representative structure meets the needs and expectations of the industry.**

The NSW Government recently tendered for provision of a consultation process for industry engagement. No tender proposal was successful. The outcome of this process was that there is now an opportunity for industry to help the Government identify and define the nature of the peak body and co-management processes to be implemented in NSW.

In the absence of a formally recognised peak body, the PFA should continue to work with NSW Government in establishing the principles and processes that would support the policy initiatives to enhance co-management and industry participation in the delivery of effective fisheries management. Greater certainty around the Government's commitment and support for co-management should assist in moving Industry leaders closer to supporting the structures and relationships to drive the changes necessary in NSW.

- 3) **Engage licence holders and regional industry groups in the development of models for industry engagement at a local, regional and state-wide level.**

There has been extensive engagement of fishers and groups within the Industry through this and other projects. The conclusions from those projects are available to industry to implement. Some options for engaging industry under a peak body framework are presented in this report.

The PFA should continue to build the case with industry for the need for a peak body that can deliver on the objectives for improved co-management and effective representation of licence holder interests across a broad range of areas, not just in the context of fisheries management.

- 4) **Develop governance structures and processes that will deliver the necessary level of industry engagement to ensure the co-management processes have credibility both with Industry and Government.**

Options for governance structures for industry engagement are presented in this report. These options are influenced by the degree of co-management that the Government are prepared to adopt in the first instance. Co-management frameworks are a progressive process and the

extent of delegation or participation will be driven by the Government's initial commitment and a process for progressing along the recognised co-management continuum.

- 5) **Develop communications processes that will enable an effective flow of information to and from licence holders to ensure the integrity of any outcomes or recommendations fed into the co-management process.**

A framework for communications on fishery and marine estate planning and management is proposed in this report. This process needs to be supported by a multi-layered communication strategy that uses both traditional communications tools, as well as, more modern and immediate platforms for information distribution and feedback on issues identified.

- 6) **Adopt any governance or institutional changes needed to meet requirements for the separation of the member based representative body roles from the services provided under a co-management process**

There are recommendations contained in this report on the need for the PFA to open up its membership base to individual licence holders (a process we understand has begun) and to transform the Committee of Management's membership and selection processes to make them relevant to the membership.

More specific details on the conclusions are available in the recommendations.

Implications

The Government, in embracing the recommendations from the 2012 Review, has committed to a new approach to fisheries management. The challenge for the Industry is to create an effective and efficient industry peak body and robust processes that will support it in engaging government in developing solutions to ensure the future certainty and stability for the Industry in NSW.

There is a clear opportunity for the NSW Industry to embrace change and a new approach to fisheries management and effectively working with the Government. This needs to be separated from the current challenges facing the industry under the reform process currently being developed.

The current challenges being experienced by both industry and government through the reform process would be better developed and progressed in an environment where the Industry had an effective peak body that could engage the Government, its Structural Adjustment Review Committee and all licence holders.

The current fisheries management processes are considered by a number of share holders in the Industry to be flawed, or broken, as such there is little confidence in them from a number of fishers. This is in part due to the approach taken previously by the Government, its Agency and the Industry. The management processes traditionally undertaken have not provided any party with the certainty or opportunity to be effectively involved in building shared resolutions to solving the problems and issues faced in managing the diversity of industry interests, share classes and regional needs.

There are many benefits for all parties in a new approach to fisheries management, which include:

- More effective relationships with the Government;
- Increased industry influence and control over decision making processes and outcomes;
- Improved access security;
- Stability for management decisions;
- Structures that enhance involvement in setting a clear strategic direction for industry;
- Enhanced recognition of share class and regional values that should be part of the Industry processes of engagement;
- Improved efficiency in the delivery of management outcomes and ultimately a more transparent and robust framework;
- Improved communications within industry and between industry and government;
- Increased certainty over fees and funding for services delivered in support of improved management processes and outcomes;
- The well-established industry framework that is currently in place can become an effective peak industry body that could be built at least cost to industry; and
- Increased licence holder input into and control over its peak body.

Recommendations

Governance

1. As a peak body the PFA, or any other similar representative group, would need to revise its constitution to include a clear set of objectives or roles for the organisation.
2. A representative structure on the management committee of the PFA should initially be based upon fishery management regions but should be transitioned to fishery / share class representatives.
3. The Committee of Management of the PFA should be comprised of regional representatives based upon the above defined fishery / share classes.
4. There should be provision for one (1) or no more than two (2) other members of the Committee of Management that can be elected from among the non-licence holder members.
5. The peak body should also consider providing for a member nominated from the Women's Industry Network Seafood Community of NSW at some time in its future
6. The PFA and its membership should consider the appointment of an independent chair,

Funding

7. The peak body should secure core funding from individual memberships from licence holders and seek to fund an effective industry representation process for fisheries and marine estate management and planning through a process funded by industry and government.

Co-management

8. Central to the ability to strengthen the nature of co-management in NSW is the need for a peak industry body that can manage and support broad industry involvement in identification and resolution of management issues and supporting strategic activities, such as harvest strategy and management plan development and monitoring.
9. Now is the time for the industry to embrace a new approach to fisheries management and begin to take responsibility for assisting in defining the solutions that best meet its needs and then work with government to ensure future security and stability.
10. The PFA should continue to develop a proposition for a peak industry body and prescribed processes that the body can deliver for industry and government under a new co-management framework.

Industry Engagement

11. The diversity and structure of fisheries / share classes in NSW supports representation being effectively facilitated through the role of a single peak body as occurs in other Australian jurisdictions.

Co-management Options

12. If the Government continues to insist upon a separation of the industry body and the role of an industry based co-management process then the PFA should pursue the establishment and operation of Wildharvest NSW Pty Ltd.
13. Industry members are to be provided with leadership development, fisheries management and research training,

14. Given the lack of established engagement frameworks in NSW it may be appropriate to develop a staged process of co-management. This should be negotiated with the Industry as part of the process of building a peak representative body.

Managing Industry Input

15. The engagement of all affected fishers must be based upon an approach that ensures all interests have the opportunity to participate and provide their views and opinions in an environment free of innuendo or peer group pressure and in which their views are valued.

Communication

16. New media such as '*Facebook*' and '*Twitter*' are areas of opportunity to improve the immediacy of communication
17. The use of web based chat rooms and online forums are tools that should be used to enhance communication
18. It is critical that a peak body communicate regularly and frequently with its member base and with all licence holders on issues for management.
19. The peak body should ensure that it has some, even if only part time, specialist communication expertise.

Extension and Adoption

The PFA should continue to pursue the NSW Fisheries for further progress in the development of a co-management framework that will enhance industry roles and support building its capacity. This should include promoting an industry voice through a recognised peak body.

The Report and its recommendations are to be promoted by the PFA to its members and more broadly to all licence holders through a range of communication opportunities. This should include promoting changes to the PFA's constitution to ensure that it is more relevant and open to membership from all licence holders.

Project coverage

PFA Quarterly Magazine – edition May 2014 and December 2014

PFA Weekly Magazine – throughout 20114

Outcomes of the Project will be published on the PFA website (www.nswpfa.com.au)

Appendices

References – footnotes/references/cross-references

- Bishop C., (2010), Report on the Establishment of an Industry Voice for New South Wales Commercial Fishermen - Enram Enterprises
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- Plowman I., (2010), Meetings without Discussion – Ian Plowman Pty Ltd 2005-2010
- Professional Fishermen’s Association, (2012), Strategic Plan 2010- 2014, Reviewed 2012
- Stevens R. OAM, Cartwright I., Neville P.J., (2012), Independent Review of NSW Commercial Fisheries Policy, Management and Administration
- Neville P. J., (2008), Co-management: Managing Australia’s fisheries through partnership and delegation (FRDC 2008/068)

Terms of Reference - Report on the Establishment of an Industry Voice for New South Wales Commercial Fishermen

The New South Wales commercial fishing industry is seeking the services of a consultant to investigate and report on the various options for an independent association to represent and be the voice for NSW commercial fishermen. The report will:

- 1 Describe options and structures from within Australia and Internationally (New Zealand) and outline the benefits and pitfalls of these.
- 2 Describe the range of roles the association might perform on behalf of commercial fishermen, such as public advocacy, political lobbying and representation on wider industry bodies.
- 3 Describe and comment on the advantages/disadvantages of voluntary and compulsory fees whilst defining the collection options and necessary supporting administrative and/or legislative requirements. It is noted that considerable work has been done in this area by organisations such as SEA, FRDC, APFA and NAC.
- 4 Define the most appropriate organisational structure and why this is preferred against options including incorporated association, unincorporated association, company limited by guarantee.
- 5 Assess and comment on the merits of regional based representatives as opposed to a centrally located state-wide approach. Comment on the current Professional Fishermen's Association Inc. and its suitability as a model.
- 6 Discuss the requirements for staff to support the association and briefly describe their roles. Identify the required financial resources to support the staff level and the functionality of the association.
- 7 Describe how the association would relate to and interact with the current NSW Seafood Industry Council and how their respective roles should complement each other.

Recommendations from Industry Workshop 20 September 2012 – P J Neville & Associates

Option 1: Modified Professional Fishermen's Association

A modified Professional Fishermen's Association (PFA) of New South Wales (NSW). This option comes from the 2010 report by Mr Col Bishop, which recommended changing the current structure and operation of the existing PFA to make it a State-wide representative body, but with a regional structure. Mr Bishop also considered a number of other options at the time.

Under this proposal, the current PFA would be changed from an industry advocacy organisation based around 'northern' co-operatives, to a State-wide body doing advocacy and service delivery on behalf of all fishermen, with a new Board of Management and an expanded funding base to achieve the two-way information flow between the government and the industry.

Key elements of this option include:

- A regional structure based on three regions – North, Central and South – with a staff person located in each region to service that region's needs;
- Fishery committees established in each region based on the needs of the region and serviced by the regional staff member;
- A Board of Management would be appointed (by a selection panel) with two fisher representatives nominating from each region (being financial members of the body), together with three independent additional expertise-based members.
- A full time paid Chief Executive Officer (CEO) would answer to the Board and be responsible for the overall running of the body with support in the form of administrative assistance and project officer assistance where needed.
- Funding would be based on a combination of voluntary membership fees, plus a range of 'fee for service' funding received from third parties (including NSW DPI) for undertaking agreed functions¹.
- Initially the 'fee for service' arrangements would be focused on NSW DPI to assist in consultation, representation, policy formulation and extension to industry, particularly as industry and government move together through the industry reform program. This could be extended to service other parties in future years. All fishers would be contributing to the cost of this activity on a mandatory basis through annual management charges collected by DPI and provided to the peak body.
- Funds from voluntary membership fees would allow those persons, who pay to attend regional meetings of the body and vote on proposals, nominate persons for working group appointments, nominate for Board positions and attend Board AGMs to discuss policies and undertake other advocacy roles.
- The estimated cost of such a peak body (consistent with the 2010 Mr Col Bishop report) providing all of the above services is \$600,000 to \$700,000² per year. This could be achieved with support from industry (expanded PFA contributions) and mandatory government charges on roughly a 50:50 basis, based on negotiated 'fee for service' payments (with government funding sourced from the increase in management charges from July 2013).
- It would be possible to design a range of different membership fee structures, other than a flat fee per member, to accommodate different classes of members if necessary. Obviously the level of subscriptions from industry will be driven by the perceptions of 'value for money' delivered by the organisation.

Under this option, the PFA of NSW body would be **recognised by government as the peak commercial fisher's organisation** to be consulted on fisheries policy and regulatory matters. It would also have a presence on the Ministerial Fisheries Advisory Council (MFAC), have membership of the Seafood Industry Council (SIC) and have membership of the National Seafood Industry Alliance.

The existing PFA has indicated a willingness to consider a change to their structures and services to meet this new model.

¹ The current membership fee for the PFA is around \$780 per individual member per year.

² The financial estimates presented are approximate only as they would depend on the voluntary membership uptake across industry and on negotiations with government on the need and level of services to be delivered.

Models of Peak Body Funding and Co-Management in Australian Fisheries

JURISDICTION	RECOGNISED REPRESENTATIVE BODY	FUNDING	CO-MANAGEMENT PROCESS	CO-MANAGEMENT SERVICE PROVISION
Commonwealth	Commonwealth Fisheries Association (CFA)	Voluntary membership from fishery sector associations	AFMA Board managed process	Chair – AFMA appointed Extension services/ administrative support – Contracted third party or sector association Industry representation – Sector / Fishery Associations
Western Australia	Western Australian Fishing Industry Council (WAFIC)	Licence fee based on 5.75% of 3 year rolling average of GVP collected from fishers. 0.5% GVP to WAFIC. 5% GVP to Department 0.25% GVP to FRDC.	Industry consultative committees. Arrangement with Govt for service level agreement with WAFIC to deliver all management meetings for 46 fisheries (Industry Consultation Unit). A four (4) year agreement.	Chairs – Industry appointed Extension services – Industry Administrative support – Industry depending on level of co-management Industry representation – Sector / Fishery association Some sector associations provide the above services, others are delivered by WAFIC on behalf of fishery sectors.
Northern Territory	Northern Territory Seafood Council	NTSC Levy paid to Government to assist the NTSC. Levy paid	NT government committees.	Chairs – Government appointed

	(NTSC)	<p>at same time as annual licence renewal.</p> <p>Levy funding transferred to NTSC to support representation and participation in management.</p> <p>NTSC also receives annual Industry Support Development Funding for specific projects.</p> <p>External funding through sponsorship, project funding and voluntary payment of levy from licence holders</p>		<p>Extension services – Industry</p> <p>Administrative support –Government or Industry depending on level of co-management</p> <p>Industry representation – Sector / Fishery association</p>
Queensland	Queensland Seafood Industry Association (QSIA)	Voluntary membership	No Co-Management process in place Qld Government committees	<p>Chair – member elected Government appointment</p> <p>Extension services – nil Government</p> <p>Administrative support – nil Government</p> <p>Industry representation – Industry Wide / Sector / Fishery association</p>
New South Wales	No government recognised peak body	Ranges between voluntary funding, service based funding, voluntary contributions by some	NSW Government committees	<p>Chair – Government appointment</p> <p>Extension services – Government</p> <p>Administrative support –Government</p> <p>Industry representation – Government selection</p>

Victoria	Seafood Industry Victoria (SIV)	Member fee collected through licence fees. External funding through sponsorship, other services to members or voluntary fess from licence holders	Victorian Government committees. Funds are directed into both specific sector associations or managed by SIV for those groups without such groups to support representation and participation in management.	Chair – Government appointment Extension services – Government Administrative support –Government Industry representation – Sector / Fishery association
Tasmania	Tasmanian Seafood Industry Council (TSIC)	Member fee collected through licence fees. Funds are directed into both specific sector associations or managed by TSIC for those groups without such groups External funding through sponsorship, other services to members or voluntary fess from licence holders	Tasmanian Government committees. TSIC and association funds are to support representation and participation in management.	Chairs – Independent Extension services – Industry / Government Administrative support – Government Industry representation – Sector / Fishery association
South Australia	Wildcatch Fisheries SA (WFSA)	Member fee collected through licence fees or production levy to support co-management	Predominately industry managed consultative / advisory committees. One government sub-	Chair – Association appointed (independent or industry members), one government appointed Extension services – Contracted to sector associations under government funding agreement

		<p>processes.</p> <p>WFSAs & sector associations are externally funded for representational capacity through voluntary fees from licence holders, sponsorship and services to members</p>	<p>committee.</p> <p>Funds are directed into specific sector associations to facilitate the co-management process.</p> <p>Associations then fund WFSAs for broad industry policy and government engagement.</p>	<p>Administrative support – Contracted to sector association or government provider</p> <p>Industry representation – Sector / Fishery Associations</p>
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A Guide to Structuring Industry Consultation and Engagement Processes for NSW Fisheries

Foreword

*I had six honest serving men who taught me all I know.
Their names are: Why, what, when, where, how, and who.'*

Rudyard Kipling

Guide to consultation

This guide is based on six questions:

1. Why consult?
2. What is consultation?
3. Where consultation should be conducted?
4. When should consultation be conducted?
5. How should consultation be conducted?
6. With whom should consultation be conducted?

Addressing these questions one at a time

1. Why consult?

Consultation is a process of engaging with people and organisations that have a material interest in what is being considered. Consultation should be conducted since it provides a means of obtaining all of the necessary knowledge and political support to ensure a successful project.

So, in this case, the 'Why' question's response may be self evident. The government wants a mechanism by which it can confidently engage with its constituents.

The second question, 'What' can be expanded to ask two subsidiary questions: (i) 'What does consultation mean in the minds of the relevant parties?'. Since the government is the project client, it is up to them to answer that question first. More on this below. (ii) 'About what does the government expect to consult?' Answers to both are necessary to provide some scoping boundary.

The remaining four questions are less for the government to answer and more for the industry to answer, hence the project.

So, first, this project must engage with government to determine what 'consultation' means to them. Without a contractually agreed definition on 'consultation' beforehand, none of this project should even commence. It will only lead to disappointment and anger. Then get some assurance, contractually if possible, as to what matters they will consult on, and what matters they will not.

Then, with clear definition in hand, the process now has something to 'sell' when it goes to small regional groups for their views on the 'how', 'who', 'when' and 'where'.

2. What is consultation?

The term 'consultation' has the potential to mean different things to different people, or even different things to the same people in a different context. And because the diverse meanings have the potential to impact substantially on (a) people's livelihoods, (b) people's need to understand the boundaries and have confidence in commonality of meaning, and (c) trust between the parties, it is vital to start from an agreed definitional base.

'Consultation' is a slippery term indeed. The nature of its slipperiness can be illustrated as follows:

Social researchers depict consultation along a number of continua. The first ranges from 'telling' to

‘asking’. The second ranges from ‘no external input’ to ‘only external input’. The third ranges from ‘needs assessment’ to ‘design’ to ‘progress reporting’ to ‘monitoring and evaluation’. It is possible to create a three-dimensional matrix to cover these continua. Fourth is consultation which is participative (where those who are affected speak for themselves) to one which is representative (where the few speak for the many). And fifth, the consultation philosophy differentiates between a process which is collaborative (strives for a win-win outcome) as distinct from one which is adversarial (one that assumes for every winner there must be a loser).

For example, at the needs assessment phase, some possible forms of consultation might include:

1. Government perceives a need; government decides, then government tells the seafood community after the decision what is going to happen. There is no local input.
2. Government approaches the seafood community during the needs assessment phase, letting them know what government intends to decide. Government does not ask for local input.
3. Government approaches the seafood community, during the needs assessment, seeking their input. Yet government doesn't let that input influence its decision.
4. Government approaches the seafood community during the needs assessment phase seeking their input. Government then make the decision with some regard to that input. Yet most of the influence on the decision is internal to government.
5. Government approaches the seafood community early in the needs assessment phase to ask their perceived needs. The seafood community become equal partners in the assessment decision.
6. Government approaches the seafood community early in the needs assessment phase to ask their perceived needs. The seafood community become the major partner in the assessment decision.
7. The seafood community approach government in the needs assessment phase, and they contract government's role. The seafood community become the sole decision-making partner. The ‘consultation’ involves government listening to their needs and responding as requested.
8. The seafood community identifies the need and addresses it from their own resources with no reference to Government.

It is fairly clear that it is quite possible for the Government to adopt the first to fourth positions and thereby believe they have consulted. Yet, if the community perceives consultation being the fifth to the last of these examples, then, in their minds, no consultation has actually occurred - and anger will result. The degree of outrage by the community is inverse to the degree of power or control exercised by that community. Hence the provision of power and influence through consultative processes will serve to diminish that outrage.

Hence it is recommended that, whenever consultation is being considered, it be made explicit which of these 8 levels of consultation is being considered here. This then defines boundaries and responsibilities.

An additional element of consultation pertains to the duration of the relationship. Long-term consultative relationships need to be grown. What may have begun as a dependency relationship can be gradually shaped into a more mature partnership of equals. This requires Government to build capacity within community to take on increasing responsibilities and building capacity of Government to let go of matters that should be more appropriately be dealt with locally by the community. More specifically, government might enter the relationship with the seafood community at level 3; with the specific intention of helping them more gradually to level 7, say over a five-year time frame.

3. Where consultation should be conducted?

The location of the consultation is determined by two factors; (a) the location of the project or issue, and (b) the location of those with whom consultation is being conducted. Ideally, consultation is to be conducted as close as possible to both (a) and (b).

4. When should consultation be conducted?

Consultation has at least six time points when effective consultation is appropriate. They are (a) needs assessment phase; (b) idea generation phase, (c) idea selection phase, (d) design phase, (e) project construction phase – What’s happening? What are the hold-ups? When is completion expected? (f) monitoring and evaluation phase.

5. How should consultation be conducted?

Since we want to have confidence in the findings of our consultation process, a guiding principle of consultation is to use (a) multiple methods, (b) asking multiple sources, (c) multiple times.

The circumstances that underpin robust consultation are:

- People are independent,
- Have diversity of opinion,
- Are decentralised,
- Are anonymous,
- Where ideas can be pooled,
- Where pooled ideas can be subject to peer review,
- Where selection is made individually and privately from that pool of ideas,
- Where results are aggregated,
- Where the process is completely transparent.

These circumstances are best met by one-on-one consultation, not by public meetings or focus groups.

Plan A involves one-on-one interviews (exactly as we did for our ‘healthy industry association research’). Use the ‘sociometric stars’ approach, as described below, within each fishery or geographic region, to identify those to be interviewed. This identification can be done by phone or Skype.

The best way to determine who should be consulted with is to ask the fishery community, using a process called ‘socio-metric stars’. Its works like this:

1. Identify a diverse group of individuals; say six, in the fishery.
2. Approach each one separately, by phone, and ask: ‘If we wanted to tap into a diverse and independent group of people to find out about how industry would prefer to be consulted with, and if we wanted to ensure we spoke with the less obvious people, as well as the more obvious, who would you suggest we ask? In inviting them to offer names, suggest the eight stakeholder groups below, to prompt their thinking.
3. Look at the lists of names provided by each of the original six. Seek out those names that are mentioned a number of times. These are the ‘socio-metric stars’.
4. If there are insufficient of those to form a consultation pool of say 30 people, choose the balance at random from the lists just gathered.

Interview each of these 30, ensuring a balance across the various fisheries, using “Skype”, then “Pamela³” for recording, the interview, then a cyber-secretary for transcribing the interviews. The resultant files can then be subject to discourse analysis to give a very accurate picture.

³ Pamela is a program developed to enable the recording of “Skype” conversations into an audio file format for future review, editing or transcription.

Because the issues you are exploring are not complex, 30 minutes will probably suffice for each interview.

I think you are only asking two questions:

1. How does the industry wish to be consulted with?
2. If the government could not talk with all of you, and could only talk with a panel of people, who would you recommend be on that panel? This needs to be someone who is across your issues, and is someone you trust to be fair and balanced in putting your case?

Plan B involves the regional workshops. Set up the room is small table groups of roughly six people. Use the masking-tape name-tags. Have individual note-pads and pens available for each person. Also have butchers paper and black felt pens available. Use the 'Co-operative Conversations' concepts without describing them. Conduct the session as follows:

- (i) Begin with the four focusing questions. My guess they are:
 - a. What are we here for? To seek the participants views on how the industry might wish to be consulted with. [Remember, you have already negotiated with government as to what they mean by 'consultation'. That needs to be shared with participants.
 - b. How long have we got? I suspect three hours will be plenty.
 - c. How will we work together? Give some simple guidelines of how the workshop will be conducted. Each step will be explained when needed.
 - d. Who are we? Use the 'Co-operative Conversations' format with the anchor phase of 'talking with government'
- (ii) Provide an overview or background on the project, and specify what will be done with the information that the workshop collects. I also recommend sending back to the participants, very soon after the workshop, an electronic copy of a report on the workshop, including the aggregated data collected. This helps to build trust and confidence in the project. Be as transparent and open as possible throughout.
- (iii) Pose the first of these two questions:
 1. How would you wish to be consulted with by government?
 2. If the government could not talk with all of you, and could only talk with a panel of people, who would you recommend to be on that panel? This needs to be someone who is across your issues, and is someone you trust to be fair and balanced in putting your case?
- (iv) Invite participants to think about the question. Invite them to individually write down their ideas, with no discussion at all. Invite them to choose their best three ideas to be offered, one at a time, to members of the table group.
- (v) Capture ideas on butcher's paper, on a numbered list. Do not encourage discussion on any topic; rather you want each person to freely offer their ideas without social sanction or praise.
- (vi) Use the two-vote, one-vote process, at the table group level, to choose the most preferred suggestions.
- (vii) Then repeat for question 2.
- (viii) Finish the workshop by asking the three evaluation questions: 1. What worked? 2. What didn't? 3. Suggestions for improvement? Capture this in writing, collect it, create an aggregated electronic document and email it to all participants, keep a copy as evidence of the quality of the first phase of the consultation process.

Repeat for each regional workshop. Use the data from the second question to put together a representative consultation group. If there are insufficient of those to form a consultation pool of say 12 people, choose the balance at random from the lists just gathered. Approach these people, inviting them to be a member of a consultative panel, for a two-year, non-renewable period, for which they will be trained, and for which they will be paid.

Then give that group the data from the first question. These are the instructions from industry; the rep group will then use that, in conversation with government, to design and set up the consultative framework for the whole industry.

This panel, with whom the authorities might consult, is paid and they hold that role for two years with an annual 50% renewal. The benefits of such a panel are that it will build a body of civic awareness and responsibility, as well as providing robust consultative advice. To increase the effectiveness of this panel, they could be trained in the principles of 'Co-operative Conversations'.

6. With whom should we consult?

It is not uncommon, in the realm of communication, for certain people to feel left out of the conversation. Or for those in the conversation to realize, part way through, that input from a particular party is required. Or for realization to occur, often after the event, that the opinions of certain people should have been sought earlier.

These common experiences can be circumvented by anticipating which stakeholders may need to be in the conversation. Though by no means exhausting all possible stakeholders, here is a generic list:

1. Patrons or those in authority. These are the stakeholders who authorize and fund what we do. These are the parties that have the capacity to endorse or disallow our efforts.
2. Professionals. People with professional expertise in the subject area.
3. Resource providers and implementers. Those who will bring resources to bear on the project and actually carry it out in the field. What might appear feasible to a professional might seem much more problematic for someone working in the dynamic and challenging field environment.
4. Those with local indigenous knowledge. This category of stakeholders might be more broadly referred to as 'the locals'. By virtue of their knowledge of local customs, of tides, of weather conditions, their voices very early in a project can avoid considerable embarrassment.
5. Beneficiaries or victims. People who are going to be materially or emotionally affected by the decisions and resultant actions. A health service that is deemed culturally inappropriate by its intended beneficiaries will be of little value.
6. Critical friends. People who are not immediately involved in the project, people who take a broader view of the world and yet have our interests at heart. Such people are often independent enough to offer what others may be unable or unwilling to say.
7. Elders or forebears. Decisions often need to be made with respect for our past. Therefore, it is sometimes useful to include in the conversation an elder or a person who acts as proxy for an elder or forebear to bring their voice to the conversation.
8. Our grandchildren's grandchildren. A voice often overlooked in conversations whose consequences are long-term are the voices of those not yet present, those future generations for which we are merely custodians. Since our actions can have permanent long term consequences, of which we are often unaware, it is valuable to have in the conversation a person whose sole purpose is to act as proxy for future generations.

This is a simple generic list. Almost every negative communication issue can be avoided if these eight sets of voices were included at the outset.

It is recommended that a panel of wise people be established with whom consultation might be conducted. The best way to determine who should be consulted with is to ask the seafood industry community, either using Plan A or Plan B.

Ian Plowman

November 2013.

