

## **Division 5—Committees**

### **54 Committees**

The Authority may establish committees to assist it in the performance of its functions and the exercise of its powers, and may abolish any such committee.

### **55 Committees other than management advisory committees**

- (1) A committee (other than a management advisory committee) may be constituted wholly by commissioners or partly by commissioners and partly by other persons.
- (2) The Authority may determine:
  - (a) the manner in which the committee is to perform its functions; and
  - (b) the procedure to be followed at or in relation to meetings of the committee, including matters with respect to:
    - (i) the convening of meetings of the committee; and
    - (ii) the number of members of the committee who are to constitute a quorum; and
    - (iii) the selection of a member of the committee to preside at meetings of the committee; and
    - (iv) the manner in which questions arising at a meeting of the committee are to be decided.
- (3) Where:
  - (a) a member of such a committee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the committee; and
  - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter;the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the committee.
- (4) A disclosure under subsection (3) must be recorded in the minutes of the meeting.

### **56 Management advisory committees**

- (1) Without limiting the power of the Authority to establish committees under section 54, the Authority may, under that section, establish management advisory committees to assist it in the performance of its functions and the exercise of its powers in relation to a fishery.
- (2) Where a plan of management makes provision for the performance of functions, or the exercise of powers, by a management advisory committee, the Authority is to establish such a committee for the purposes of that plan.
- (3) The Authority may, after consultation with the members of a management advisory committee, vary the committee's functions and powers.

### **57 Functions of management advisory committees**

- (1) A management advisory committee has such functions as the Authority from time to time determines.
- (2) Without limiting the generality of subsection (1), the Authority may determine any of the following functions in relation to a management advisory committee:

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- (a) the function of being a liaison body between the Authority and persons engaged in a fishery;
- (b) the function of providing advice to the Authority in relation to the preparation and operation of a plan of management;
- (c) the function of monitoring, and reporting to the Authority in relation to, scientific, economic and other information relating to a fishery.

### **58 Powers of management advisory committee etc.**

- (1) Subject to section 59, a management advisory committee has power to do, on behalf of the Authority, all things necessary or convenient to be done for, or in connection with, the performance of its functions.
- (1A) Without limiting subsection (1), a management advisory committee:
  - (a) may establish sub-committees, consisting of such persons (whether members of the management advisory committee or not) as the management advisory committee determines, to advise it in the performance of its functions and the exercise of its powers; and
  - (b) may abolish any such sub-committee.
- (1B) A management advisory committee may determine:
  - (a) the manner in which a sub-committee established by the management advisory committee is to perform its functions; and
  - (b) the procedure to be followed at or in relation to meetings of the sub-committee, including matters with respect to:
    - (i) the convening of meetings of the sub-committee; and
    - (ii) the number of members of the sub-committee who are to constitute a quorum; and
    - (iii) the selection of a member of the sub-committee to preside at meetings of the sub-committee; and
    - (iv) the manner in which questions arising at a meeting of the sub-committee are to be decided.
- (2) All acts and things properly done in the name of, or on behalf of, the Authority by a management advisory committee are taken to have been done by the Authority.

### **59 Management advisory committee to act in accordance with policies etc. of Authority**

A management advisory committee must act in accordance with any policies determined by, and any directions given by, the Authority.

### **60 Constitution of management advisory committees**

- (1) A management advisory committee consists of the following members:
  - (a) the Chairperson of the committee;
  - (b) the AFMA staff member who is responsible for the management of the fishery in relation to which the committee has been established;
  - (c) such number of other members (not exceeding 7) as the Authority determines from time to time after consultation with the industry, the States and Territories and persons engaged in research who, in the opinion of the Authority, have an interest in matters in relation to which the committee is established.

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- (2) The performance of the functions, and the exercise of the powers, of a management advisory committee are not affected by reason only of vacancies in the membership of the committee.

### **61 Acting Chairperson**

The Authority may appoint a person to act as the Chairperson of a management advisory committee:

- (a) during a vacancy in the office of Chairperson of the committee (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Chairperson of the committee is absent from duty or from Australia or is, for any other reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

### **62 Appointment of members**

- (1) The members of a management advisory committee are to be appointed by the Authority.
- (2) The appointment of a person as a member of a management advisory committee is not invalid because of a defect or irregularity in connection with the person's appointment.
- (3) The Authority must try, as far as practicable, to ensure that the membership of a management advisory committee includes an appropriate number of members engaged in, or with experience in, the industry in the fishery in relation to which the management advisory committee is established.
- (4) Nothing in this Division requires the Authority to appoint a particular person or a representative of a particular group of persons, or of a State or Territory, to be a member of a management advisory committee referred to in paragraph 60(1)(c).

### **63 Term of office**

- (1) A member of a management advisory committee holds office, subject to this Division, for such term (not exceeding 3 years) as is specified in the instrument of appointment but is eligible for reappointment in accordance with this Act.
- (2) If a member of a management advisory committee (other than the Chairperson) ceases to hold office before the end of the term of appointment, another person may, in accordance with this Act, be appointed in the member's place until the end of the term.

### **64 Leave of absence**

- (1) The Authority may grant leave of absence to the Chairperson of a management advisory committee on such terms and conditions as the Authority considers appropriate.
- (2) The Chairperson of a management advisory committee may grant leave of absence to another member of the committee on such terms and conditions as the Chairperson considers appropriate.

### **64A Resignation**

A member of a management advisory committee may resign his or her appointment by giving the Authority a written resignation.

**64B Termination of appointment**

- (1) The Authority may terminate the appointment of a member of a management advisory committee for:
  - (a) misbehaviour or physical or mental incapacity; or
  - (b) inefficiency or incompetence.
- (2) The Authority may terminate the appointment of a member of a management advisory committee if:
  - (a) the member:
    - (i) becomes bankrupt; or
    - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
    - (iii) compounds with his or her creditors; or
    - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
  - (b) the member is absent, except on leave of absence, from 3 consecutive meetings of the Commission; or
  - (c) the member fails, without reasonable excuse, to comply with section 64C or 64D.

**64C Disclosure of interests to management advisory committee**

- (1) A member of a management advisory committee who has an interest, whether pecuniary or otherwise, in a matter being considered or about to be considered by the committee must disclose the nature of the interest to a meeting of the committee.
- (2) The disclosure must be made as soon as possible after the relevant facts have come to the member's knowledge.
- (3) The disclosure must be recorded in the minutes of the meeting of the committee.
- (4) Unless the committee otherwise determines, the member:
  - (a) must not be present during any deliberation by the committee on the matter; and
  - (b) must not take part in any decision of the committee with respect to the matter.
- (5) For the purposes of the committee making a determination under subsection (4), the member:
  - (a) must not be present during any deliberation of the committee for the purpose of making the determination; and
  - (b) must not take part in making the determination.
- (6) A determination made by the committee under subsection (4) must be recorded in the minutes of the meeting of the committee.

**64D Disclosure of interests to Authority**

A member of a management advisory committee must give written notice to the Authority of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of his or her functions.

**65 Meetings**

- (1) The Authority may from time to time determine the procedure to be followed at or in relation to meetings of a management advisory committee, including matters with respect to:

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- (a) the convening of meetings of the committee; and
  - (b) the quorum for meetings of the committee (including requirements that particular members be present); and
  - (c) the member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present; and
  - (d) the manner in which questions arising at meetings are to be determined; and
  - (e) the keeping of minutes; and
  - (f) the inviting of persons to attend meetings of the committee for the purpose of advising or informing the committee on any matter.
- (2) Except in relation to matters determined by the Authority under subsection (1), the committee may determine the procedure to be followed at or in relation to its meetings.

### **65A Decisions without meetings**

- (1) A management advisory committee is taken to have made a decision at a meeting if:
- (a) without meeting, a majority of the members of the committee entitled to vote on the proposed decision indicate agreement with the decision; and
  - (b) that agreement is indicated in accordance with the method determined by the committee under subsection (2); and
  - (c) all the members of the committee were informed of the proposed decision, or reasonable efforts were made to inform all the members of the proposed decision.
- (2) Subsection (1) applies if the management advisory committee:
- (a) has determined that it may make decisions of that kind without a meeting; and
  - (b) has determined the method by which members of the committee are to indicate agreement with proposed decisions.
- (3) For the purposes of paragraph (1)(a), a member of a management advisory committee is not entitled to vote on a proposed decision if the member would not have been entitled to vote on that proposal if the matter had been considered at a meeting of the committee.
- (4) A management advisory committee must keep a record of decisions made in accordance with this section.

### **66 Arrangements relating to staff etc.**

The Chairperson of a management advisory committee is to arrange with the CEO for the services of AFMA staff members and consultants to the Authority, and facilities, to be made available to the committee.

### **67 Remuneration and allowances**

- (1) The Chairperson and other members of a management advisory committee are to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination is in operation, they are to be paid such remuneration as is prescribed.
- (2) The Chairperson and other members of a management advisory committee are to be paid such allowances as are prescribed.
- (3) Subsections (1), (2) and (4) have effect subject to the *Remuneration Tribunal Act 1973*.
- (4) A member of:
  - (a) a committee established under section 54; or
  - (b) a sub-committee established under subsection 58(1A);

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(other than the Chairperson or other member of a management advisory committee or a member who is a commissioner or AFMA staff member) is to be paid such travelling allowance as is determined by the Remuneration Tribunal in relation to the performance of his or her duties as a member of the committee or sub-committee.

- (5) The following offices are not public offices within the meaning of the *Remuneration Tribunal Act 1973*:
- (a) member of any committee established under section 54 other than a management advisory committee.
  - (c) member of a sub-committee established under subsection 58(1A).