

Acquiring scientific advice by the use of a Scientific Panel and Stakeholder Forums in the Small Pelagic Fishery

September 2015

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Purpose of this paper

This paper sets out the use of Scientific Panels and Stakeholder Forums as an alternative to Resource Assessment Groups (RAGs) for sourcing fishery specific scientific advice for Commonwealth managed fisheries.

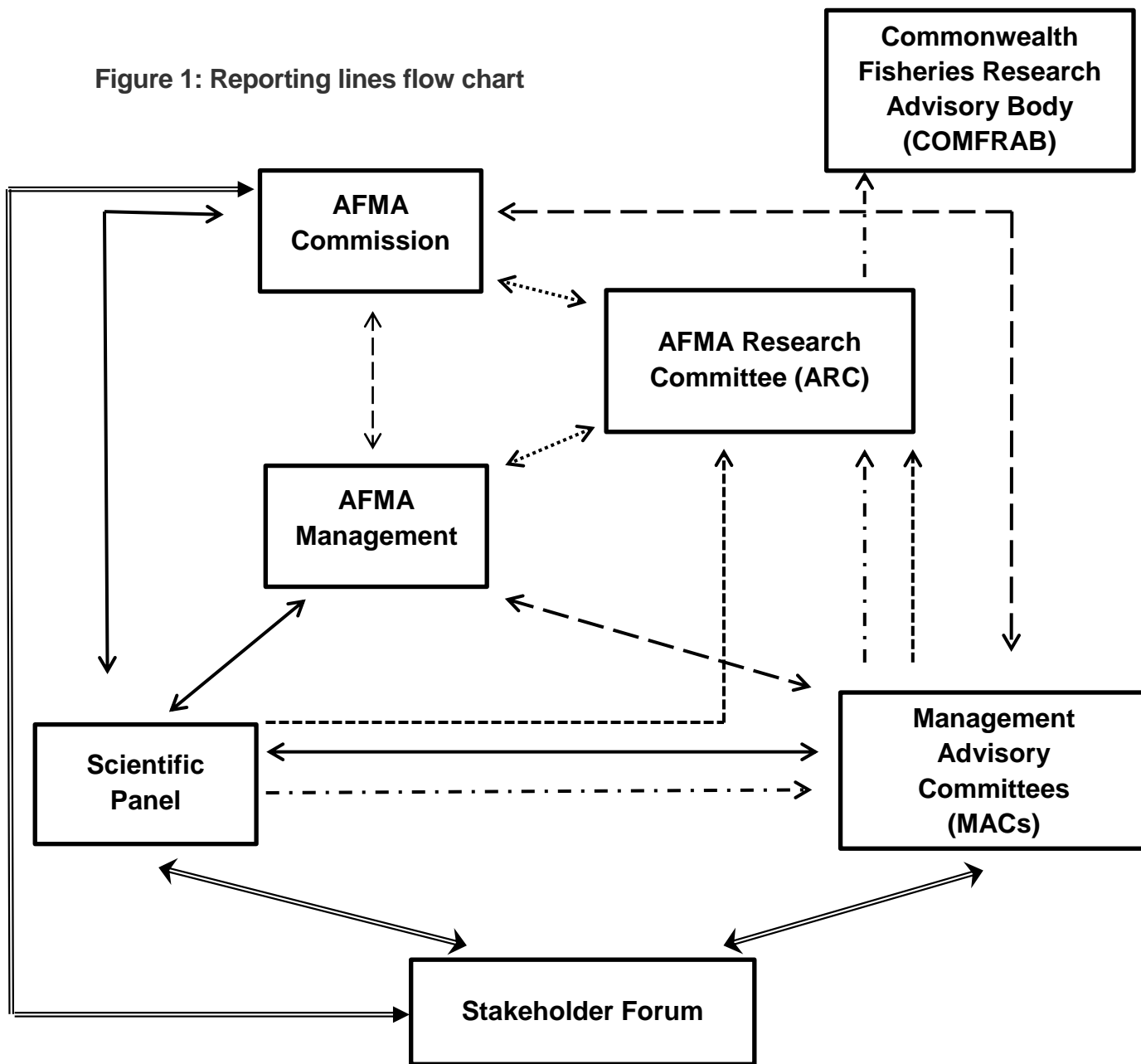
The Small Pelagic Fishery has been selected to trial this alternative for a two-year period. It is referred to throughout as the Small Pelagic Fishery Scientific Panel (Scientific Panel). This paper is separated into two major components; Part A which sets out the Scientific Panel's role, responsibilities, reporting lines, membership and terms of reference and Part B which sets out the role, administration and reporting arrangements for Stakeholder Forums.

Generally, Scientific Panels will report and provide advice and recommendations to the Commission. Their advice will also be provided to AFMA and the relevant Management Advisory Committee (or its equivalent). Note that this is the same as the reporting arrangements for Resource Assessment Groups. The Scientific Panel will meet "in session" the required number of times each year to consider and review relevant science and economics for the fishery; it will also meet with stakeholders at least twice a year to report its findings and gather relevant information from stakeholders.

Stakeholder Forums will be the main avenue to capture stakeholder views, in addition to the Scientific Panel itself, regarding science for the Small Pelagic Fishery. The forums will be open to members of peak recreational fishing bodies, environmental non-government organisations (e-NGOs), indigenous groups, individual community stakeholders and commercial fishing industry members. Discussion of fishery management issues will remain the purview of the South East Management Advisory Committee (SEMAC).

A review of the performance of the Small Pelagic Fishery Scientific Panel and Stakeholder Forums will begin after the trial has been in operation for 18 months and at least two Stakeholder Forums have been held.

Figure 1: Reporting lines flow chart



Key:

- ↔ = Request/provide scientific advice
- ⇄ = Request/provide management advice
- ↔ = Request/provide research and funding advice
- ⇄ = Identify research priorities for AFMA/FRDC funding
- ⇄ = Comment on research proposals
- ↔ = Reports/provide recommendations

PART A - Scientific Panel Administration

1 Scientific Panel Principles

The key principles observed by MACs and RAGs also apply in relation to the Scientific Panel, along with any other committees or groups within AFMA's decision-making framework. The principles are:

- i. All committees/groups will be advisory rather than decision-making.
- ii. Committees/groups will provide expert advice that best pursues AFMA's legislative objectives and identified organisational outcomes.
- iii. Advice will be evidence based and use the best available scientific information.
- iv. AFMA seeks, through its scientific processes and committees/groups, to obtain best quality information and advice. Committees/groups will have defined roles and there should be minimum overlap in responsibilities.
- v. Scientific advisory and reporting processes will be transparent and open.

2 Scientific Panel Functional guidelines

2.1.1 Main Role

The Scientific Panel will be comprised of at least four and no more than six appropriately experienced members including: an Independent Chair, at least one generalist fisheries scientist, a recreational fishery scientist and/or a marine ecologist and a natural resource management economist, with advice on management and policy setting from an AFMA management officer. AFMA will provide secretariat support.

The main function of the Scientific Panel is to peer review scientific and economic data and information and provide advice to AFMA on the status of fish stocks, substocks, species (target and non-target species), the impact of fishing on the marine environment and application of the harvest strategy and harvest control rules adopted by the Commission for this fishery. This advice assists AFMA in its role to regulate commercial fishing of Commonwealth fisheries.

Advice provided by the Scientific Panel must consider biological, economic and wider ecological factors affecting the performance of the fishery and the panel's recommendations must assist AFMA to pursue its legislative objectives. The diagram in Figure 1 depicts the flow of information between the Scientific Panel, Stakeholder Forums, Commission and other AFMA committees.

Key outputs of the Scientific Panel are the provision of recommended biological catches (RBCs), fishing effort levels and advice on ecosystem/trophic interactions in the fishery. When requested, it should evaluate alternative harvest options proposed by SEMAC. Evaluation could include advising on the impact over time of different harvest strategies (for example, the time required for a particular fish stock to reach a reference point), stock depletion or recovery rates, the confidence levels of the fishery assessments, identifying any trophic impacts of fishing and risks to the pursuit of fishery objectives.

The Scientific Panel may also be required to evaluate and report on economic factors affecting the performance of the fishery. Reporting may also include but should not be limited to:

- assessing the economic consequences of the biological state of the fishery;
- identifying mechanisms for evaluating the economic impacts of new management strategies;
- advising on maximising net economic return for the fishery;
- identifying when significant changes in industry practices may or do impact either positively or negatively on the status of fisheries resources or its supporting environment.

The Scientific Panel is required to provide advice that is consistent with Australian Government fisheries policy, including the Commonwealth Fisheries Harvest Strategy Policy (and associated guidelines) and the Commonwealth Policy on Fisheries Bycatch.

The Scientific Panel must identify information gaps that reduce its ability to conduct reliable assessments, and to advise on the relative priorities for filling those gaps.

Prior to publicly reporting and before Stakeholder Forums are held, the Scientific Panel must seek advice from stakeholders to ensure any scientific advice is sound and well founded; taking account of stakeholder's "on water" and operational experience. This should include: contacting stakeholder associations e.g. Small Pelagic Fishing Industry Association, Game Fishing Association of Australia and Australian Recreational Fishing Foundation.

2.1.2 Scientific Panel Terms-of-Reference

The Scientific Panel will:

- i. Assist SEMAC and AFMA to develop, test and refine fishery/stock reference points and performance indicators for the fishery;
- ii. Analyse, assess, report and advise on:
 - a. the fishery/stock status, including target and non-target stocks, impacts on the marine environment and ecosystem from fishing, and the economic efficiency with which stocks are fished,
 - b. recommended biological catches and/or recommended effort levels through application of the Harvest Strategy and Harvest Control Rules,
 - c. the fishery economic status, including, economic risks associated with the biological status of the fishery and current or proposed management strategies,
 - d. bycatch interactions and mitigation strategies;
 - e. annual reviews of relevant Data Collection Protocols, including Observer Program data collection, and their relationship with fishery research priorities and ultimately fishery management objectives;
 - f. annual reviews of the fishery strategic research plan and research priorities taking account of any high risk species identified under the Ecological Risk Assessment (ERA)/ Ecological Risk Management (ERM) process and/or any other identified fishery risks,
 - g. any Small Pelagic Fishery Vessel Management Plans, at AFMA's request;
- iii. Provide operational advice on stock assessments including the direct and indirect impacts of interacting fisheries (for example recreational fishing) i.e. estimates of fishing mortality rates where known;
- iv. Identify improvements and refinements to assessment (including fishery stock assessment and ecological risk assessment) methodology;
- v. Evaluate alternative harvest strategies or TAC settings. This includes providing advice on confidence limits or risk levels associated with particular management/harvest strategies and the possible use of multi-year TACs;

- vi. Conduct and facilitate peer review of stock assessments and other commissioned science;
- vii. In conjunction with SEMAC and AFMA, identify and document information gaps (such as in fishery assessment and monitoring) that significantly reduce the ability to conduct reliable assessments, and advise on research needs and priorities through strategic research plans and annual research statements;
- viii. Provide advice and recommendations to the AFMA Research Committee (ARC) either directly or through SEMAC, on issues such as research proposals for potential AFMA funding and/or Fisheries Research and Development Corporation (FRDC) funding;
- ix. Provide scientific advice and recommendations directly to the Commission, AFMA, SEMAC and Stakeholder Forums as required; and
- x. Maintain awareness of current issues by promoting close links with SEMAC, AFMA and any other RAGs. Liaise with other researchers, experts and key industry members.

AFMA will monitor the performance of the Scientific Panel against their TOR and any existing work-plans.

2.1.4 Scientific Panel input to Research Planning

The Scientific Panel will be the main source of input for the Small Pelagic Fishery in AFMA's three-stage research planning process across all AFMA fisheries. Specifically, in consultation with SEMAC, it will take the lead role in the preparation of the following two plans that underpin AFMA's five year Strategic Research Plan (SRP):

- The Small Pelagic Fishery research plans (five year) will be developed and costed; and
- The Small Pelagic Fishery annual research statements will be developed in consultation with SEMAC to implement the fishery-specific research plan.

The Scientific Panel and SEMAC must ensure that the research plan includes prioritised, cost-effective economic research and information required to support the management towards maximum economic yield (MEY) targets under the Commonwealth Harvest Strategy Policy (CHSP) and broader fisheries management.

This process must be completed within the timeframes specified by the ARC namely, with the identification of research needs in July/September and provision of these to the ARC/ComFRAB Secretariat by mid-October each year. These research scopes will then be prioritised by AFMA and any relevant research scopes developed in consultation with SEMAC for evaluation by the ARC in late November each year. The FRDC ComFRAB process is a separate 18 month process commencing in March each year with ComFRAB identifying priorities and scopes for potential funding and calling for initial expressions of interest (EOIs) in May.

The Scientific Panel and SEMAC should apply the risk-catch-cost framework when developing and prioritising research needs for the fishery. There are trade-offs to be made between the risks of not achieving objectives, fishery management costs and the conservativeness of management arrangements. This is outlined in AFMA Framework for Delivering Cost Effective Research Information for AFMA's Fisheries which requires the following questions to be answered:

- What decisions will AFMA need to make about a fishery?
- What management options are available to address risks to the pursuit of AFMA's objectives?
- Is purchasing research the most cost-effective option to make management decisions? How should the research be obtained and resourced?

3.1 Scientific Panel member responsibilities

Scientific Panel members must perform all duties associated with their positions diligently, impartially, conscientiously, in a civil manner and to the best of their ability. In the performance of their duties they should:

- act in the best interests of the fishery as a whole, rather than as an advocate for any particular organisation, interest group or regional concern
- act impartially, consider and base their advice on the best available scientific information
- provide advice consistent with the objectives of relevant policies and management strategies
- observe confidentiality as required on identified confidential information and exercise tact and discretion when dealing with sensitive issues
- contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest
- be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration
- have the confidence and authority to undertake their functions as a Scientific Panel member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to Scientific Panel discussions;
- behave honestly and with integrity
- act with care and diligence
- treat everyone with respect and courtesy, and without harassment
- act in such a way, at Scientific Panel meetings, in the field and at official functions that they will be held in high regard by the community
- not take, or seek to take, improper advantage of official information gained in the course of their membership
- be aware of specific responsibilities under AFMA's Equal Employment Opportunity policies and by administrative and employment law
- not discriminate against or harass any colleague or member of the public
- keep confidential information gained in the course of their membership confidential until that information is made public in accordance with agreed procedures or, depending on the information, release is authorised by the appropriate person (see 3.1.1)
- refrain from public comment on Scientific Panel discussions and deliberations unless otherwise agreed to in advance with the Chair.
- disclose all interests, pecuniary or otherwise, in matters considered or about to be considered by the Scientific Panel before those matters are discussed and abide by the decisions of the Scientific Panel in relation to their participation in discussion relating to those matters (see 3.1.3)
- not use electronic video or audio recording of Scientific Panel meetings without the written consent of the Scientific Panel meeting (see 3.1.4).

3.1.1 Scientific Panel member's confidentiality and non-disclosure

All information received from AFMA, and not otherwise publicly available, is confidential. Scientific Panel members receive confidential information as agents of AFMA and are therefore also required to follow AFMA's instructions as to its use. These instructions include taking measures for the prevention of loss, theft, corruption and unapproved copying or other duplication of documents. Scientific Panel members must seek from and be provided with authorisation by AFMA's appropriate delegate before information can be released. AFMA information includes, but is not limited to, catch and effort data, research, and personal information in original or aggregated form.

Scientific Panel members must keep discussions and deliberations confidential unless otherwise agreed with the Chair.

3.1.2 Public comment by Scientific Panel members

Scientific Panel members, as members of the community, have the right to make public comment¹ and to enter into public debate. However, there are some circumstances in which public comment is inappropriate, in particular where there is an implication that the public comment, although made in a private capacity, is in some way an official comment of the Scientific Panel. Scientific Panel members should avoid making public statements about matters relating to the Scientific Panel unless it is made clear that they are speaking as a private citizen. Further, Scientific Panel members are required to maintain confidentiality of Scientific Panel discussions and deliberations unless otherwise agreed to in advance with the Chair (see Section 3.1 Scientific Panel member responsibilities).

3.1.3 Managing Scientific Panel member's conflicts of interest

Scientific Panel members may have conflicts of interest (actual or perceived) during the course of their duties. All interests in the matter being considered, not limited to pecuniary gain, must be declared. If there is any doubt as to the relevance of an interest, a Scientific Panel member must declare it so that any potential conflicts can be considered. The Scientific Panel is made up of relevant experts, so there is an expectation that members, in maintaining their expertise, may have some interest relevant to the fishery. Having knowledge or a point of view about the fishery or the applicable science does not of itself create a conflict.

Examples of interests that members must declare include **but are not limited to**:

- A financial or economic interest such as the ownership or control of concessions, businesses or assets related to the fishery
- Any employment by a business or organisation relevant to the fishery
- Any membership of a group or organisation relevant to the fishery
- Projects or campaigns that the member or the member's organisation/group has or has planned that are relevant to the fishery
- A family or close associate having such an interest
- Applications for or in receipt of research funds and grants.

Any of which, may or might reasonably appear to be thought by an observer to impair the ability of the member to perform their duties properly in relation to the matter being considered.

Scientific Panel members should determine on a case by case basis whether a conflict of interest exists. Such conflicts may evolve or become evident during a discussion. The process for declaring and dealing with a conflict of interest is outlined in the section below.

3.1.3.1. Disclosure of conflicts of interest

To ensure the smooth operation of a meeting, it is suggested that the Scientific Panel deal with interests and conflicts of interest prior to or at the start of each meeting. Whether it is done prior to or at the start of a meeting, it must be done for every meeting.

The disclosure must include:

- The nature and extent of the interest, and
- How the interest relates to the issues under discussion.

¹ Public comment includes public speaking engagements, comments on radio, television, any social media and expressing views in letters to newspapers or in books, journals, webpages or notices or where it might be expected that the publication or circulation of the comment would spread to the community at large.

Papers and agendas are typically circulated prior to any meeting and members should be able to make a decision as to the need to disclose any relevant interest and its nature prior to the meeting. This can be done by the use of a standing register of interest that is confirmed at the start of every meeting. Regardless any interests should be disclosed by the panel member prior to the item relevant to the interest being discussed. The other Scientific Panel members should then discuss the nature of the interest, decide if there is any conflict of interest, and what action should be taken when that item is discussed. However, common sense should be used for determining if any conflict of interest exists.

It is important to recognise that conflicts may also arise during the course of discussions and if a member subsequently becomes aware of a relevant interest during the course of a discussion they must immediately disclose the interest and the Scientific Panel must consider how the disclosure is to be dealt with at that point.

If the Scientific Panel decides at any time that a conflict of interest exists and that this conflict is likely to interfere with the Scientific Panel's consideration of a particular issue/s, it may:

- decide that the member who has disclosed his/her conflict of interest should participate in the discussions concerning the issue but not in formalising the advice/recommendations (in such cases, the member should be asked to retire from the meeting while the decision about their participation is made); or
- ask to hear the member's views on the issue and then require him/her to retire from the meeting while it is discussed by the other members and the advice/recommendation is formalised.

If the Scientific Panel decides that a conflict of interest exists, it may, in terms of making use of the expertise of members, allow the members to participate in the discussion and recommendation. As a guide, it is suggested that members with a conflict of interest should be excluded from participating in the discussion and recommendation only if the matter being considered can have a direct benefit to the individual member or member's business/ organisation/ group rather than all people/ businesses/ organisations/ groups equally. If the Scientific Panel cannot agree as to whether a conflict of interest exists or on the appropriate action to be taken, it is the responsibility of the Chair to decide on the appropriate course of action.

The Chair must ensure that the minutes/report of the meeting record the declared interests of members and reflects the decision(s) in regard to any conflict(s) of interest, and that these are put into effect at the appropriate point(s) in the meeting.

3.1.4 Audio and video recordings of meetings

Recordings (audio and video) of meetings or teleconferences may be made only by AFMA for the purposes of producing Scientific Panel meeting minutes and transcripts of Stakeholder Forums. Scientific Panel members and attendees at Stakeholder Forums will be taken to have given consent to the recording of their participation in each meeting for that purpose or for any other lawful purpose. Other Scientific Panel members or Stakeholder Forum attendees must not make audio or video recordings at meetings without the clear consent of all members present.

3.2 Scientific Panel membership – roles, criteria and the appointment process

Appointments to the Scientific Panel will be expertise based, usually by selecting from nominations provided through a public expression of interest process or by direct invitation of suitable candidates. The Chair is appointed by the AFMA Chief Executive Officer. The Chair will be appointed before other members who will be subsequently appointed by the AFMA Chief Executive

Officer in consultation with the Scientific Panel Chair. Secretariat support will generally be provided by AFMA, although external contractors may be used. Appointments will be made for a maximum of two years, consistent with the agreed trial period.

3.2.1 General considerations

Applicants should be fit and proper persons for the purposes of Scientific Panel membership. Considerations which may make a nominee inappropriate for appointment to a Scientific Panel could include:

- (a) their inability to perform their role as a Scientific Panel member
- (b) their potential to impact negatively on AFMA's credibility
- (c) their credibility within their scientific or recognised expert field
- (d) whether they have been convicted of a fisheries offence or other offence and the conviction may compromise either AFMA, or the applicant's credibility, or ability to perform their duties as a member of the Scientific Panel.

3.2.2 Scientific Panel Chair

3.2.2.1 Role

The Scientific Panel Chair has a key role in ensuring thorough, effective discussion about the Small Pelagic Fishery consistent with the Scientific Panel's TOR. The Chair is the primary communication link between the Scientific Panel, AFMA, the Commission, the Stakeholder Forum and with SEMAC.

The roles and responsibilities of the Scientific Panel Chair include:

- In conjunction with the AFMA secretariat support, prepare a draft agenda, ensure the timely availability of agenda papers and other relevant documentation prior to a meeting, and prepare and disseminate records of discussion after a meeting, as required by this policy;
- Maintain, with the assistance of the AFMA secretariat support, a register of the interests of participants at each Scientific Panel meeting that have the potential to be, or to be perceived to be, a conflict of interest in Scientific Panel matters;
- Promote constructive discussions, maintain a focus on relevant issues, and facilitate consensus where possible;
- Ensure all members have the opportunity to put their views at meetings;
- Manage conflicts of interest to ensure that they do not jeopardise Scientific Panel deliberations and result in biased advice;
- Communicate Scientific Panel meeting outcomes, recommendations, consideration of Stakeholder Forum outcomes and matters for information to AFMA, the Commission and SEMAC;
- Ensure Scientific Panel members remain aware of and consider AFMA's legislative objectives in the deliberations of the Scientific Panel;
- Ensure Scientific Panel members are aware of their responsibilities under this policy;
- Ensure that discussion documents are not used for any purpose other than the business of the Scientific Panel;
- Summarise outcomes for each agenda item during the course and at the end of the meeting;
- Ensure that minutes and other material arising from the Scientific Panel deliberations clearly and accurately describe Scientific Panel recommendations, including dissenting views where they are expressed; and
- Advise the AFMA Chief Executive Officer on the suitability of candidates for appointment as members of the Scientific Panel.

3.2.2.2 Criteria for Panel Chair

Appointments will be merit based and address the following criteria:

- Have good national standing, preferably in a field relevant to fisheries/or marine science;
- Be independent of commercial, recreational or conservation interests with the particular fishery, including industry association(s);
- Be able to identify strategic goals and objectives, and facilitate their achievement through the Scientific Panel process;
- Have a demonstrated capacity to chair meetings, including a sound understanding of the meeting procedures and practices necessary for the efficient conduct of meetings; and
- Not be a member of the AFMA Commission.

3.2.2.3 Appointment process

The position may be advertised and/or a shortlist of nominees considered to have relevant expertise and attributes may be drawn up by AFMA. The AFMA Chief Executive Officer appoints the Scientific Panel Chair.

3.2.3 Scientific Members

3.2.3.1 Role

The role of a scientific member is to:

- Contribute impartial scientific expertise to Scientific Panel deliberations;
- Contribute to and conduct peer review of data, information and analyses tabled at Scientific Panel meetings; and
- Provide advice to the Scientific Panel on the latest scientific issues of relevance to the fishery.

3.2.3.2 Criteria for Scientific Members

Appointments will be expertise based and address the following criteria:

- Have seniority and good standing in a relevant scientific discipline (e.g. ecological, biological, fisheries science; economics) and
- Have experience in liaison with major Commonwealth and/or State research organisations at a high level.

3.2.3.3 Appointment process

Expressions of interest will be sought publically and/or targeted from nominees considered to have relevant expertise. Scientific Panel members will be appointed by the AFMA Chief Executive Officer in consultation with the Scientific Panel Chair.

3.3 Leave of absence

3.3.1 Chair

If the Scientific Panel Chair is unable to fulfil his/her duties for a period of time, to the extent that it impacts on the operation of the Scientific Panel, the AFMA Chief Executive Officer may appoint an interim and acting Chair for a specified period. Interim Chairs shall have full member and Chair status for the period of their appointment.

3.3.2 Members

If a Scientific Panel member is unable to fulfil their duties for a period of time, to the extent that it impacts on the operation of the Scientific Panel, the AFMA Chief Executive Officer in consultation with the Scientific Panel Chair may appoint an interim and acting member for a specified period. Interim members shall have full member status for the period of their appointment.

3.4 Resignation of membership

Scientific Panel members may resign at any time by giving a signed written notice of resignation to the AFMA Chief Executive Officer (an email is acceptable). Upon receipt of such a written resignation, AFMA will, unless otherwise agreed, initiate action to fill the vacancy left by the resigning member.

3.5 Cancellation of Scientific Panel membership

Membership of the Scientific Panel may be cancelled at any time for not carrying out their duties in a manner consistent with this policy, including for misconduct or non-performance.

Misconduct includes but is not limited to, non-observance of confidentiality (e.g. disclosure of recommendations to the Commission, data, results or other materials prior to an agreement to circulate or otherwise make public), failure to disclose a relevant interest, misleading or misinforming the Scientific Panel, making fraudulent travel or expense claims and making public comment as a private citizen that may be construed as an official comment of the Scientific Panel.

Non-performance includes but is not limited to, excessive absences from meetings, repeated non-performance of assigned tasks or failure to participate in discussions in an objective, impartial and constructive manner.

The AFMA Chief Executive Officer may cancel a Scientific Panel membership upon receipt of written advice from the Scientific Panel Chair and/or the Executive Manager Fisheries setting out reasons and the response provided by that member (or if no response is received, that fact) to an invitation to comment on those reasons. The AFMA Commission will consider any appeals against cancellation. Appeals must be addressed to the AFMA Commission Chair and lodged, in writing, within 21 days after receiving notice of cancellation.

3.6 Invited Experts to the Scientific Panel

In circumstances where the Scientific Panel has identified the need for additional expert advice, the Scientific Panel Chair, in consultation with AFMA, may invite individuals with the relevant skills, knowledge and experience to participate on the Scientific Panel as an *Invited Expert*.

The number and duration of appointment of Invited Experts is not limited by this policy but should be guided by the nature of the issue/s that prompted the Scientific Panel to seek their input (i.e. additional expertise needed in relation to a short-term issue, or longer-term participation where the Scientific Panel has an identified gap in knowledge or expertise relative to the scope of their responsibilities).

Invited Experts are not Scientific Panel members but are bound by the same confidentiality and non-disclosure requirements as outlined under section 4.1.1. Invited Experts are entitled to claim as provided under their terms of appointment (usually for expenses and sitting fees). Appointment is subject to AFMA approval and contractual engagement processes (contracts must include confidentiality obligations).

3.7 Scientific Panel quorum

A quorum of the Scientific Panel is the Chair, plus half the number of the appointed Scientific Panel members.

3.8 Scientific Panel reporting arrangements

3.8.1 Development of Scientific Panel advice

The Scientific Panel has an important role in developing technical advice on the biological, economic and wider ecological factors impacting on the Small Pelagic Fishery. Accordingly, it is important that the Scientific Panel Chair ensures all members have the opportunity to put their views at meetings and that the meeting minutes record the diversity of members' views, including dissenting opinions.

The preference is for the Scientific Panel to provide a consensus view, but if that is not possible then the different views should be recorded in the absence of consensus. All advice presented by the Scientific Panel should be given with recognition of any conflicts or bias that may be inherent and may be provided in the form of evidence based hypotheses or options.

Scientific Panel minutes should be concise and focused on outcomes and actions arising, be prepared and circulated promptly after meetings and finalised out of session soon after the meeting. Scientific Panel advice needs to be framed in terms of how it assists in the pursuit of AFMA's legislative objectives.

To capture the benefits of timely and concise advice, the Scientific Panel Chair should ensure that draft minutes are circulated to Scientific Panel members within two weeks of the meeting and Scientific Panel members should clear draft minutes within two weeks of receiving them. Where there is an absence of consensus on any item discussed, this must be recorded in the minutes. Draft minutes must be kept confidential and the final minutes may only be made public by AFMA after approval by the Scientific Panel Chair.

Documents tabled at the Scientific Panel meetings (e.g. stock assessment reports) may be made public by AFMA once they have been finalised and after consent of the document author.

AFMA will maintain Scientific Panel records in accordance with AFMA's Records Management Policy and the *Archives Act 1983*.

3.8.2 Scientific Panel advice to the Commission

The latest available minutes of Scientific Panel meetings are provided to meetings of the AFMA Commission.

Scientific Panel advice is also taken into account in Commission papers on important fisheries management issues, such as fisheries management plans and TAC setting. Scientific Panel recommendations must be accompanied by supporting science or other relevant evidence.

The Scientific Panel must also report to the Commission on how it has considered outcomes from Stakeholder Forums. In addition, the Commission can call on the Scientific Panel for additional scientific advice on particular issues.

3.8.3 Scientific Panel advice to AFMA

The AFMA Commission and AFMA are the primary users of Scientific Panel advice. Scientific Panel advice can be provided directly to AFMA and AFMA may request advice from the Scientific Panel without Commission or SEMAC involvement.

3.8.4 Scientific Panel advice to SEMAC

In addition to providing advice to the Commission and AFMA, the Scientific Panel will also provide scientific advice to SEMAC. This advice will usually be in the form of a written report (Scientific Panel meeting minutes, species summaries etc.) to a SEMAC meeting on the outcomes of the last Scientific Panel meeting.

The Scientific Panel Chair may be asked to attend specific SEMAC meetings. SEMAC may also ask the Scientific Panel for specific advice. This will be done through a request to the Scientific Panel Chair.

3.8.5 Scientific Panel advice to Stakeholder Forums

The Scientific Panel will report to the Stakeholder Forums on the Scientific Panel's forward work-plans, report on the fishery's latest scientific advice, report on revised annual research priorities and/or the outcomes of any commissioned science and economic advice. The Scientific Panel Chair will contribute to the development of Stakeholder Forum agendas, in conjunction with AFMA and the Stakeholder Forum facilitator.

3.8.6 Seeking advice from individual Scientific Panel members

If a Scientific Panel meeting (whether in person, by teleconference or electronically) is held then the relevant provisions of this policy apply. If the Scientific Panel does not hold a meeting then it cannot give advice as the Scientific Panel and the relevant provisions of this policy do not apply.

AFMA can seek individual Scientific Panel members' advice on issues outside a meeting but this is not considered Scientific Panel advice. In these instances, individuals will be asked to state any known conflicts of interest regarding the matter on which advice is being sought. Any conflicts must be recorded with the advice.

It should be noted that a Scientific Panel meeting must be held if Scientific Panel advice is required by the *Fisheries Management Act 1991* or any subordinate legislation.

4.1 Scientific Panel member's travelling expenses

Members of the Scientific Panel travelling on Scientific Panel business will be paid travel expenses reasonably incurred. Normally, this involves reimbursement of airfares at the economy class rate and reimbursement of receipted expenditure for reasonable accommodation costs, meals and incidentals, as prescribed for AFMA staff. AFMA can advise on what constitutes Scientific Panel business.

In practice, airfares, accommodation and sometimes dinner are paid directly by AFMA. In relation to other expenses, initially incurred by Scientific Panel members, the underlying principle is that members undertaking official travel will not be out of pocket for reasonable expenses incurred on meals, incidentals and other travel related expenses.

The Australian Tax Office Taxation Determination for travel allowances travelling to capital cities (Australian Tax Office) should serve as an indication of what is considered a reasonable level of expenditure. These benchmarks apply even if AFMA covers the cost of a member's meal on his or her credit card.

To claim reimbursement for expenses incurred while on Scientific Panel business, members must provide AFMA with a completed claim form with supporting documentation such as tax invoices for accommodation, meals, taxis and parking. The completed claim form must be sent to AFMA to approve the claim for processing. Members will be asked to resubmit any claims that do not meet the test of reasonable expense or do not provide the required supporting documentation. It is important to send in claims within 14 business days of Scientific Panel meetings so that they can

be processed promptly to ensure the efficient and cost effective use of public money, sourced in this case from both the Commonwealth Government and from fishery-based levies.

Please note that in order for AFMA to manage its finances in an orderly manner and for Scientific Panel members and invited participants to be reimbursed promptly, claims for payment should be made as soon as possible after a meeting.

4.2 Remuneration of Scientific Panel members

AFMA accepts that the duties of Scientific Panel members require skills and carry a significant degree of obligation and responsibility. In order to attract and retain suitable members for the Scientific Panel, AFMA remunerates member for their duties. The level of remuneration is generally fixed but may be negotiated between the AFMA Chief Executive Officer and the member. Approved Scientific Panel member remuneration will be specified in contracts at the time of appointment.

4.3 Remuneration of Scientific Panel Chairs

AFMA accepts that the duties of the Scientific Panel Chair requires high-level skills and carry a significant degree of obligation and responsibility. In order to attract and retain a suitable Chair for the Scientific Panel, AFMA offers remuneration for those duties. The level of remuneration is generally fixed but may be negotiated between the AFMA Chief Executive Officer and the Chairperson. Approved Scientific Panel Chair remuneration will be specified in contracts at the time of appointment.

4.4 Scientific Panel consultancies

In order to accomplish work-plans, the Scientific Panel may from time to time require the specialist skills or services of people who may or may not already be members of the Scientific Panel. In these instances, and for specific defined tasks, the Scientific Panel Chair, in liaison with AFMA may engage consultants. Scientific Panel work-plans must anticipate these needs and budgets need to provide for any consultancy fees to be paid.

Consultants should be engaged under an AFMA contract. Preparation of such a contract is the responsibility of AFMA in consultation with the Scientific Panel Chair.

4.5 Insurance cover of Scientific Panel members

Due to the different way Scientific Panel members are appointed, unlike SEMAC members and AFMA employees, Scientific Panel members are not considered AFMA officers and their arrangements are contractual. Consequently, Scientific Panel members are not covered by any of AFMA's insurance policies. This means AFMA's insurance cover does not automatically cover such things as personal liability or workers compensation for Scientific Panel members. AFMA recognises that there are costs associated with Scientific Panel members obtaining their own insurance and provides adequate remuneration for Scientific Panel members.

PART B - Stakeholder Forum Administration

5.1 Stakeholder Forum Principles

The key principles to be observed by all attendees at the stakeholder forum, with the exception of the Scientific Panel, are:

- i. Advice provided, statements made and presentations will be evidence based.
- ii. Questions asked will be about the science of the Small Pelagic Fishery, including the AFMA processes for receiving and considering such scientific advice.
- iii. Scientific advisory and reporting processes will be a transparent and open process.
- iv. Proceedings will be conducted in a courteous and respectful manner at all times.

5.2 Stakeholder Forum functional guidelines

Stakeholder Forums will be the main avenue to capture stakeholder views in addition to the Scientific Panel regarding SPF scientific advice. The main function of Stakeholder Forums is to provide interested stakeholders with the opportunity to consider and discuss outcomes of the Scientific Panel. The advice gathered will be reported to the Scientific Panel, SEMAC and on some occasions to the Commission. Discussion of management issues will remain the purview of SEMAC.

Stakeholder Forums are expected to be held over four hours or so, up to twice per calendar year. A forward calendar of upcoming Stakeholder Forum dates will be published on the AFMA website. They will be chaired by an Independent Facilitator.

Attendance at Stakeholder Forums will be by invitation only after registration with AFMA and is expected to be of interest to members of commercial fishing industry associations, indigenous groups, individual community members, peak recreational fishing bodies and e-NGOs.

Stakeholder Forum attendees may, after giving previous notice to AFMA and within the advice provided under (5.2.3 Stakeholder Forum participation in research advice and planning), deliver presentations on their views or topics relevant to the Small Pelagic Fishery at Stakeholder Forums.

Outcomes from Stakeholder Forums will be provided to the Commission, the Scientific Panel and SEMAC by the forum facilitator, who will submit a report on the key issues raised and any outcomes to AFMA. The reports will not be consensus based and will cover key discussions and outcomes of the Stakeholder Forum.

5.2.1 Stakeholder Forum interactions with the Scientific Panel

The Scientific Panel will report to the Stakeholder Forums on the Scientific Panel's forward work-plans, report on the fishery's latest scientific advice, report on revised annual research priorities and/or the outcomes of any commissioned science and economic advice. The Scientific Panel Chair will contribute to the development of Stakeholder Forum agendas, in conjunction with AFMA and the Stakeholder Forum facilitator.

The Scientific Panel will also report on any undertakings given at past Stakeholder Forums and what progress has been made towards these. This advice will also be reported to the Commission,

AFMA and to SEMAC. In response, any advice sought by the Commission from the Scientific Panel will be posted on the AFMA website – see Figure 1: Reporting lines flow chart.

5.2.2 Stakeholder Forum participation arrangements

All interested persons who wish to attend Stakeholder Forums will need to register with AFMA. This will be done through a standing Stakeholder Forum Register of Interest which will be posted on the AFMA website. Prior to each Stakeholder Forum AFMA will review the standing Stakeholder Forum Register of Interest and issue invitations to persons to confirm their attendance. AFMA reserves the right not to invite all persons on the Stakeholder Forum Register of Interest.

The Stakeholder Forum Register of Interest will be opened to potential attendees once membership of the Scientific Panel has been settled and the Stakeholder Forum facilitator has been appointed. As well as being posted on the AFMA website, advice that the Stakeholder Forum Register of Interest has been opened will be provided directly to SPF SFR holders and those people known by AFMA to have an interest in the Small Pelagic Fishery.

5.2.3 Stakeholder Forum participation in research advice and planning

Any meeting attendees wishing to give presentations will need to advise the Scientific Panel Chair at least ten days before the meeting date that they wish to do so and presentations will be limited to two, of no more than 20 minutes, from each group i.e. commercial fishing industry, recreational fishing, indigenous groups and conservation.

6.1 Stakeholder Forum attendees' responsibilities

Attendees at all stakeholder forums are expected to treat all other attendees with courtesy and respect, and follow the directions of the Stakeholder Forum facilitator (see section 5.1) and/or Chair of the Scientific Panel.

AFMA will provide funding to host the forums but travel costs and expenses will be the responsibility of attendees.

6.1.1 Stakeholder Forum attendees' confidentiality and non-disclosure

Stakeholder forum participants are not bound by confidentiality and non-disclosure arrangements. They can speak publicly about matters discussed at the forum.

6.1.2 Audio and video recordings of meetings

Recordings (audio and/or video) of meetings or teleconferences will be made only by AFMA for the purposes of producing transcripts of Stakeholder Forum. These will be retained by AFMA and made available to the Commission.

Attendees at Stakeholder Workshops will be taken to have given consent to the recording of their participation in each meeting for that purpose, or for any other lawful purpose.

Stakeholder Forum attendees must not make audio or video recordings at meetings without the clear consent of all attendees present.

7.1 Independent Facilitator for Stakeholder Forum

7.1.1 General considerations

Applicants or those short listed should be fit and proper persons for the purposes of the role of independent facilitator. Considerations which may make a nominee inappropriate for appointment to the facilitator's role could include:

- (a) their inability to perform their role as an independent facilitator
- (b) their potential to impact negatively on AFMA's credibility
- (c) their credibility within their recognised expert field
- (d) whether they have been convicted of a fisheries offence or other offence and the conviction may compromise either AFMA, or the applicant's credibility, or ability to perform their duties as an independent facilitator.

7.1.2 Role

The Independent Facilitator, along with the Scientific Panel Chair, will report on the Scientific Panel's annual work-plan, any Scientific Panel recommendations and decisions made as well as reporting on any research outcomes to the Stakeholder Forums.

The independent facilitator will:

- Lead the forum through the meeting agenda
- Sum key points of the discussion and any outcomes at the forum and provide a written report of this advice to AFMA (noting that these are not consensus documents); and
- Encourage broad participation from all attendees and, where possible, elucidate attendees' reasoning for the views they present at the forum.

The Scientific Panel Chair in consultation with AFMA and the Stakeholder Forum facilitator will develop Stakeholder Forum agendas and these will be sent out to registered persons, who have been invited to attend, no less than one week before the forum date.

The Independent Facilitator may, in consultation with the Scientific Panel chair, call a halt to any forum that is in progress either temporarily or permanently on the basis that the Principles (at 5.1) are not being observed by one or more attendees.

AFMA will provide secretariat support to the Stakeholder Forum facilitator and Scientific Panel.

7.1.3 Criteria for Stakeholder Forum Facilitator

Appointments will be merit based and address the following criteria:

- Have good standing as an independent facilitator, preferably in an NRM field including fisheries;
- Be independent of commercial, recreational or conservation interests with the particular fishery, including industry association(s);
- Be able to facilitate the achievement of meeting objectives through the Stakeholder Forum process;
- Have a demonstrated understanding of the meeting procedures and practices necessary for the efficient conduct of meetings; and
- Not be a member of the AFMA Commission.

7.1.4 Appointment process

The position may be advertised and/or a shortlist of nominees considered to have relevant expertise and attributes may be drawn up by AFMA. The AFMA Chief Executive Officer appoints the Stakeholder Forum facilitator.

7.1.5 Remuneration of Independent Facilitators

AFMA accepts that the duties of Independent Facilitators requires high-level skills and carry a significant degree of obligation and responsibility. In order to attract suitable candidates the level of remuneration will be negotiated between the AFMA Chief Executive Officer and the Independent Facilitator. Approved remuneration will be specified in contracts at the time of appointment.

8.1 Invited Experts

In circumstances where the Independent Facilitator and Chair of the Scientific Panel have agreed for the need for additional expert advice AFMA may invite individuals with the relevant skills, knowledge and experience to participate at Stakeholder Forums as an *Invited Expert*.

The number and duration of appointment of Invited Experts is not limited by this policy but should be guided by the nature of the issue/s that prompted the Independent Facilitator and Panel Chair to seek their input (i.e. additional expertise needed in relation to a short-term issue).

Invited Experts are entitled to claim as provided under their terms of appointment (usually for expenses and sitting fees). Appointment is subject to AFMA approval and contractual engagement processes (contracts must include confidentiality obligations).

9 Quorum

A quorum is not required for Stakeholder Forums.

10 Reporting arrangements

During the trial period, transcripts (detailed in 6.1.2) will be made and kept of all Stakeholder Forums held but detailed minutes will not be kept. The transcripts will be retained by AFMA and made available to the AFMA Commission. Key outcomes of the Stakeholder Forums will be prepared by the Independent Facilitator and these along with any stakeholder presentations will be provided to the Commission and AFMA.