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**Australian Fisheries Management Authority**

# **Fisheries Administration Paper 12**

**Resource Assessment Groups**

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# Contents

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Contents.....	2
1 Purpose.....	4
2 Principles.....	5
3 Functional guidelines .....	5
3.1 RAGS .....	5
3.1.1 Main Role .....	5
3.1.2 Terms-of-Reference for Resource Assessment Groups .....	6
3.1.3 Research Planning .....	7
3.2 RAG / AFMA Commission interactions .....	8
3.3 RAG / MAC Interactions .....	9
3.4 RAG & Scientific Panel/ EWG Interactions .....	10
3.4 RAG / EWG Interactions .....	10
4 Operational Guidelines .....	10
4.1 RAG member responsibilities .....	10
4.1.1 Confidentiality and non-disclosure .....	11
4.1.2 Public comment.....	12
4.1.3 Conflict of Interest .....	12
4.1.4 Managing conflicts of interest.....	12
4.1.5 Audio and video recordings of meetings.....	13
4.2 RAG membership – Roles, criteria and appointment process.....	13
4.2.1 General considerations .....	14
4.2.2 RAG Chairs .....	14
4.2.2 RAG Scientific members .....	15
4.2.3 Economic member .....	16
4.2.4 RAG AFMA member .....	17
4.2.5 RAG Industry member .....	17
4.2.6 RAG Conservation member .....	17
4.2.7 RAG Recreational/Charter Fishing member .....	18
4.2.8 RAG Indigenous Fishing member .....	18

4.3	Leave of absence .....	19
4.3.1	Chair .....	19
4.3.2	Members.....	19
4.4	Resignation of membership.....	19
4.5	Cancellation of membership.....	19
4.6	Invited participants .....	20
4.7	Observers .....	20
4.8	Quorum.....	20
4.9	Reporting arrangements .....	20
4.9.1	Development of RAG advice .....	20
4.9.2	RAG advice to the AFMA Commission .....	21
4.9.3	RAG advice to AFMA Management .....	21
4.9.4	RAG advice to MACs.....	22
	MACs may also ask RAGs for specific advice. This is done through a request to the RAG Chair.	22
4.9.5	RAG advice to EWG .....	22
4.9.6	Seeking advice from individual RAG members .....	22
4.9.7	RAG and research funding .....	22
5	Remuneration and travelling allowances for RAG members.....	23
5.1	Travelling expenses .....	23
5.2	Remuneration of RAG members .....	23
5.3	Remuneration of RAG Chairs .....	23
5.4	Consultancies .....	24
5.5	Insurance cover of members .....	24

# 1 Purpose

This paper seeks to clarify key decision making processes associated with the delivery of scientific advice in the pursuit of AFMA’s legislative objectives. This includes the interactive processes, respective roles and responsibilities between the AFMA Commission, Resource Assessment Groups (RAGs)/ Scientific Panel, Management Advisory Committees (MACs) and other AFMA advisory groups (see Figure 1). This paper also provides operational guidelines for AFMA’s RAGs. These guidelines cover procedures, reporting, membership arrangements and remuneration.

This Administration Paper should be read in conjunction with three other AFMA policy papers: Fisheries Management Paper (FMP) No.1 - Management Advisory Committees; Fisheries Administration Paper (FAP) No.7 - Information and Advice for Industry members on AFMA Committees and FAP No. 16 – AFMA Research and Science Quality Assurance Policy.

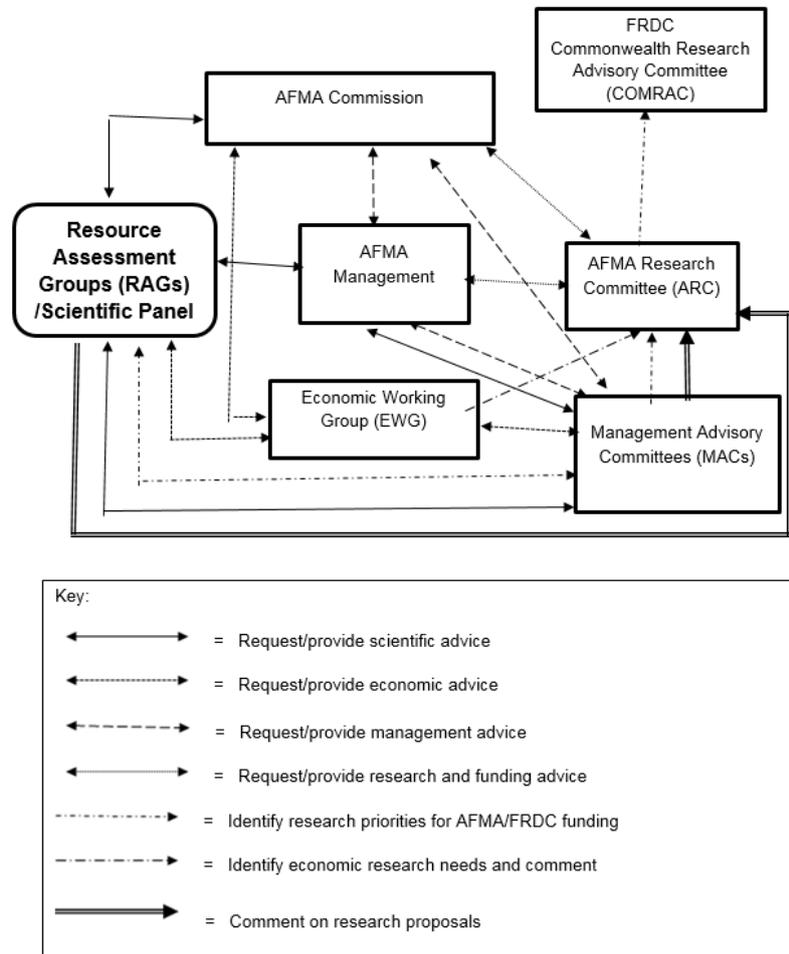


Figure 1: Diagrammatic representation of committees addressed in this paper. Arrows represent the flow of information and interactions. The main focus of the paper is on RAGs other AFMA advisory groups may not be shown.

## 2 Principles

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Key principles that will be observed in relation to the respective committees/groups within AFMA's decision-making framework are:

- i. Unless delegated by the Commission, 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.
- v. Committees/groups will have defined roles and there should be minimum overlap in responsibilities.
- vi. Scientific advisory and reporting processes will be a transparent and open process.

## 3 Functional guidelines

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### 3.1 RAGS

#### 3.1.1 Main Role

The main function of RAGs is to peer review scientific data and information and provide advice to AFMA on the status of fish stocks, sub-stocks, species (target and non-target species), economic status of the fishery and the impact of fishing on the marine environment. This advice assists AFMA in its role to regulate commercial fishing of Commonwealth fisheries.

Advice provided by the RAG should address biological, economic and wider ecological factors affecting the performance of the fishery and how their recommendations assist AFMA pursue its legislative objectives. The diagram in Figure 1 depicts the flow of information between RAGs and other committees.

A key output of RAGs is the provision of recommended biological catches (RBCs) and biological fishing effort levels. When requested, RAGs evaluate alternative harvest options proposed by MACs. 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 and risks to the pursuit of fishery objectives.

RAGs are also required, where relevant, to evaluate and report on economic and compliance factors affecting the performance of the fishery. Reporting may 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 adversely on the effectiveness of the management regime; and
- identifying real or potential areas for criminal activity (e.g. black markets) or other risks of non-compliance with the management regime.

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

In considering the issues facing any fishery, RAGs must bear in mind that fisheries management is conducted within an over-arching international context established by the United Nations Convention on the Law of the Sea (UNCLOS) and its implementing agreements. UNCLOS provides the international basis for fisheries management in Australia. In addition, individual fisheries can be influenced by the decisions taken by Regional Fishery Management Organisations (RFMOs), or by separate Treaties between Australia and other nations (e.g. the Torres Strait Treaty and Convention on Migratory Species). As a result, there is a hierarchy of fisheries management obligations, with international and Treaty obligations sometimes affecting domestic arrangements. Where required, the AFMA member can inform RAGs of international requirements that are relevant to the issues being considered by the RAG.

In order to meet responsibilities, RAGs require information on which to conduct assessments and report on status and trends. An important role of RAGs is to identify information gaps that reduce the ability of the RAGs to conduct reliable assessments, and to advise on the relative priorities for filling those gaps.

### **3.1.2 Terms-of-Reference for Resource Assessment Groups**

This section outlines the standard Terms-of-Reference (TOR) for all RAGs. Where the standard TOR needs to be tailored for specific requirements, RAGs must seek the AFMA Commission's approval prior to making such amendments. Periodically, RAGs should review their TOR and, if necessary, make recommendations to the AFMA Commission for changes to the TOR. The standard TOR for RAGs are:

- i. Assist the MAC(s) 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 against agreed reference points and indicators, including target and non-target stocks, impacts on the marine environment from fishing, and the economic efficiency with which stocks are fished,
  - b. recommend biological catches and/or recommend biological effort levels,

- c. the fishery economic status, including, economic and compliance risks associated with the biological status of the fishery and current or proposed management strategies, and
  - d. bycatch interactions and provide advice on bycatch mitigation strategies;
- iii. Provide operational advice on stock assessments;
  - iv. Identify improvements and refinements to assessment (including fishery stock assessment and ecological risk assessment) methodology;
  - v. Evaluate alternative harvest strategies or Total Allowable Catch (TAC) settings. This includes providing advice on confidence limits or risk levels associated with particular management/harvest strategies;
  - vi. Conduct and facilitate peer review of stock assessments and other RAG outputs, consistent with FAP No. 16 – AFMA Research and Science Quality Assurance Policy;
  - vii. In conjunction with the relevant MAC(s), identify and document information gaps (such as in fishery assessment and monitoring) that significantly reduce the ability of the RAGs 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 the relevant MAC, on issues such as research proposals for potential AFMA funding and/or Fisheries Research and Development Corporation (FRDC) funding;
  - ix. Provide scientific and economic advice and recommendations directly to the Commission, AFMA Management, Economic Working Group (EWG) and MACs as required;
  - x. Maintain awareness of current issues by promoting close links with relevant MACs, AFMA Management and other RAGs; and
  - xi. Liaise with other researchers, experts and key industry members.

RAGs are required to consider the interests of commercial, recreational and Indigenous fishers with respect to the management of Commonwealth commercial fisheries in their implementation of the above TOR.

AFMA Management will monitor the performance of RAGs against the TOR and any existing work plans.

### **3.1.3 Research Planning**

RAGs are actively involved in AFMA's three-stage research planning process across all AFMA fisheries. Specifically, each RAG, in close liaison with the relevant MAC, should take a leading role in the preparation of the following two plans that underpin AFMA's five year Strategic Research Plan (SRP):

- fishery-specific research plans (5 year) developed and costed in the RAG/MAC

process, that translate the broad requirements of the SRP into fishery-specific plans; and

- fishery-specific annual research statements, developed in the RAG/MAC process, which implement the fishery-specific research plan for each fishery.

RAGs/MACs need to ensure that research plans include prioritised, cost-effective scientific research and information required to support the management towards maximum economic yield (MEY) targets under the CFHSP and broader fisheries management.

RAGs/MACs need to ensure this process is undertaken within the timeframes specified by the ARC namely, with the RAGs/MACs identifying their research needs over the period July-September and submitting their fishery's annual research statement, 5 year plan and RAG/MAC Fishery Specific Research Gap Identification Form for each priority to the ARC Secretariat by mid- September. These research needs are evaluated by the ARC in mid-October with agreed priorities included in the ARC's November call with a request for full research proposals only. These are evaluated by the ARC in March after consultation with AFMA management, the EWG and relevant MACs and RAGs on full proposals, with the ARC endorsing proposals and recommending the final research budget for funding in the following financial year. The AFMA CEO approves the final AFMA research budget.

The Commonwealth Research Advisory Committee (ComRAC), which is one of a number of RACs set up by FRDC annually identifies and agrees on Commonwealth research priorities for potential FRDC funding. The ARC provides advice to FRDC on research priorities for ComRAC consideration as part of that process for inclusion in FRDC's research call in November, May and August with proposals evaluated by ComRAC at its October, March and July meetings.

In identifying research needs for both AFMA funding and FRDC funding, the RAGs/MACs need to apply the risk-catch-cost framework as outlined in *AFMA Framework for Delivering Cost Effective Research Information* for AFMA's Fisheries. At the simplest level, this framework requires the following questions to be answered:

- What decisions will AFMA need to make about a fishery?
- What management options are available to ensure that risks to the pursuit of AFMA's objectives are within "acceptable" levels? (this undoubtedly involves trade-offs between the risks of not achieving objectives, fishery management costs and the conservativeness of management arrangements)
- Is purchasing research the most cost-effective option to make a management decision?
- How should the research be obtained?

### **3.2 RAG / AFMA Commission interactions**

AFMA's objectives are set out in both Section 6 of the *Fisheries Administration Act 1991* (FA Act) and Section 3 of the *Fisheries Management Act 1991* (FM Act). All of AFMA's management plans are centred on the pursuit of these objectives.

RAGs provide advice to the Commission for use when making decisions about fisheries management. To assist the Commission in making informed decisions, RAG advice should

detail how it relates to the pursuit of AFMA's legislative objectives.

While RAGs have broad stakeholder membership, their primary role is to provide sound technical advice on an issue, not an outcome based on a majority or unanimous vote. The Commission considers scientific advice to be paramount when making such decisions. However, the Commission is not required to make a decision consistent with the advice of the RAG (or MAC or AFMA Management for that matter).

In addition to RAG advice being framed against AFMA's legislative objectives, if advice relates to a TAC it is to be accompanied by clear economic and scientific statements regarding how the advice pursues the objectives of the CFHSP.

### **3.3 RAG / MAC Interactions**

While RAGs and MACs both provide advice to AFMA, RAGs provide scientific and economic advice whereas MACs provide management advice.

MACs are statutory bodies established under the FA Act. MACs are the principal source of advice to the Commission and AFMA Management on efficient and cost effective fisheries management, consistent with the principle of ecologically sustainable development and the exercise of the precautionary principle.

MACs advise AFMA on fishery objectives, strategies, reference points, risk profiles and management arrangements for achieving fishery-specific goals. MACs can seek scientific and economic advice from RAGs to inform management advice, for example to inform harvest strategies. MACs, like RAGs, also provide advice to the Commission and AFMA Management on research priorities and research proposals affecting their fisheries.

Under the existing Australian Government cost-recovery policy, the costs of MACs are recovered largely through industry levies as their functions are attributable to industry as the principal beneficiary.

RAGs are non-statutory bodies established to provide scientific advice to the Commission, AFMA management and the relevant MAC, on the biological, economic and wider ecological factors relevant to the fishery, including recommended biological catches (or effort levels).

RAGs report to the Commission and AFMA Management and the MAC as directed but are not controlled by the MAC. This is to ensure that the MACs do not influence the advice provided by the RAGs to the AFMA Commission. MACs and RAGs often have some common membership, therefore it is essential that their roles be recognised and differentiated by the respective chairs.

Although RAGs and MACs have different functions and their advisory roles are distinct, there are occasions on which the two bodies interact. In particular, the RAG may have expertise that can assist a MAC in the development of reference points for consideration by the Commission. The scientific members of RAGs should be involved in advising on whether it is feasible to set and report against reference points for specific fishery parameters, taking into account the levels of available knowledge.

RAGs and MACs also interact in the development of performance indicators for fisheries.

The validity and measurability of performance indicators is a matter that requires considerable expertise.

Another important area of RAG/MAC interaction is the securing of independent reviews of fishery assessments and other outputs. Such reviews may cover the range and quality of data collected; the methodology of analysis and modelling; and the conclusions drawn and reported. The Commission has determined that external peer review is an essential element in the management process. External peer review is necessary to ensure rigour in the methodology applied to stock assessments and to engender confidence in the subsequent management decisions. RAGs and MACs should view independent reviews as a facility available to them for validating science.

### **3.4 RAG & Scientific Panel/ EWG Interactions**

RAG economic members are also required to fulfil the role of RAG economic member on the EWG for the same term of the respective RAG appointment.

RAG economic members will contribute to EWG deliberations and communicate to and from their respective RAGs and associated MACs.

The AFMA EWG member will communicate the outcomes of the EWG meetings to RAGs that do not have an economic member or where no RAG EWG member is in attendance.

**The diagram in Figure 1 (p 4) depicts the flow of information between MACs and RAGs and other committees.**

### **3.4 RAG / EWG Interactions**

The RAG economic members will contribute to EWG deliberations and communicate to and from their respective RAGs and associated MACs.

The AFMA EWG member will communicate the outcomes of the EWG meetings to RAGs that do not have an economic member or where no RAG EWG member is in attendance.

## **4 Operational Guidelines**

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### **4.1 RAG member responsibilities**

RAG members should 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;
- be prepared to observe confidentiality 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 at a RAG;
- have the confidence and authority of their stakeholder group to undertake their functions as a RAG member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to RAG 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 RAG 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 4.1.1);
- maintain confidentiality of and refrain from public comment on RAG 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 RAG before those matters are discussed and abide by the decisions of the RAG in relation to their participation in discussion relating to those matters (see 4.1.3); and
- not use electronic video or audio recording of RAG meetings without the written consent of the RAG meeting (see 4.14).

#### **4.1.1 Confidentiality and non-disclosure**

All information received from AFMA, and not otherwise publicly available, is confidential. RAG 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. RAG 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.

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

### 4.1.2 Public comment

RAG members, as members of the community, have the right to make public comment<sup>1</sup> and to enter into public debate on political issues. 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 RAG. RAG members should avoid making public statements about matters relating to the RAG unless it is made clear that they are speaking as a private citizen. Further, RAG members are required to maintain confidentiality of RAG discussions and deliberations unless otherwise agreed to in advance with the Chair (see Section 4.1 RAG member Responsibilities).

### 4.1.3 Conflict of Interest

RAG 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 RAG member must declare it so that any potential conflicts can be considered. RAGs are 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.

Types 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; and/or
- a family or close associate having such an interest 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.

Determining if a conflict of interest exists should be undertaken by the RAG on a case by case basis and 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.

### 4.1.4 Managing conflicts of interest

To ensure the smooth operation of a meeting, it is suggested that RAGs 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. 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. Any interests should be disclosed prior to the item relevant to the interest being discussed. The other RAG members should then discuss the nature of the interest, decide if there is any

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<sup>1</sup> 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.

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 RAG must consider how the disclosure is to be dealt with at that point.

If the RAG decides at any time that a conflict of interest exists and that this conflict is likely to interfere with the RAG's consideration of a particular issue/s, the RAG 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 RAG decides that a general conflict of interest exists, the RAG should take a more inclusive approach in view of the role and function of RAGs in terms of making use of the expertise of members and 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 RAG 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 should 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.

#### **4.1.5 Audio and video recordings of meetings**

Minutes of all RAG meetings must be kept accurately. Recordings (audio and video) of meetings or teleconferences may be made only by the Executive Officer (EO) and/or by AFMA for the purposes of finalising the minutes of meetings. RAG members are taken to consent to the recording of their participation in each RAG meeting for that purpose or for any other lawful purpose. Other RAG members must not make audio or video recordings at RAG meetings without the minuted consent of all members present. If required, further details of the protocol surrounding recordings will be provided as an attachment to this policy.

## **4.2 RAG membership – Roles, criteria and appointment process**

A RAG should be composed of sufficient members who possess a balance of the skills and expertise required to fulfil the RAGs scientific, economic and technical functions. In

addition to scientific members, a RAG must have an AFMA management member and industry membership to ensure that different perspectives and knowledge sources are recognised. Normally, a minimum number of members would be a Chair, an AFMA member, an industry member, an economic member, and at least two scientific members, covering relevant scientific disciplines (including biological, ecological, and related sciences). Where relevant to the fishery, RAGs may also include a conservation member, a recreational/charter fishing member and an Indigenous fishing member.

AFMA is responsible for ensuring that RAGs are adequately supported to carry out their functions. AFMA has responsibility for ensuring that RAGs comprise the best available team of experts (i.e. fishery scientists of varying disciplines and other stakeholders with relevant skills and knowledge).

Appointments to RAGs will be expertise based, usually by selecting from nominations provided through a public expression of interest process. The Chairperson is appointed first by the AFMA Chief Executive Officer (CEO); members are subsequently appointed by the AFMA CEO in consultation with the RAG Chair. EO services are generally provided by AFMA although external contractors may be used. External EOs will be engaged in accordance with Government procurement processes. EOs are not members.

The normal appointment period will be three years but the AFMA CEO may vary this period. Subsequent re-appointments will be considered.

#### **4.2.1 General considerations**

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

- their inability to perform their role as a RAG member;
- their potential to impact negatively on AFMA's credibility;
- their lack of credibility with their stakeholder group; and
- 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 RAG.

#### **4.2.2 RAG Chairs**

##### **4.2.1.1 Role**

The RAG Chair has a key role in ensuring thorough, effective discussion about the particular fishery consistent with the RAG's TOR. The Chair is the primary communication link between the RAG and the AFMA Commission and the relevant fishery MAC.

The roles and responsibilities of the RAG Chair include:

- In conjunction with the EO, 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 EO, a register of the interests of participants at each RAG meeting that have the potential to be, or to be perceived to be, a conflict of

interest in RAG 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 RAG deliberations and result in biased advice;
- Communicate RAG meeting outcomes, recommendations and matters for information to the AFMA Commission and MAC;
- Ensure RAG members remain aware of and consider AFMA's legislative objectives in the deliberations of the RAG;
- Ensure RAG members are aware of their responsibilities under this FAP, FAP No. 7 and FAP No. 16;
- Ensure that discussion documents are not used for any purpose other than the business of the RAG;
- Ensure that a standard item on economic aspects (of the fishery) is included on each RAG meeting agenda and brief the meeting accordingly;
- Summarise outcomes for each agenda item during the course and at the end of the meeting;
- Ensure that minutes and other material arising from RAG deliberations clearly and accurately describe RAG recommendations including dissenting views where they are expressed; and
- Advise the AFMA CEO on the suitability of candidates for appointment as members of the RAG.

#### **4.2.1.2 Criteria**

Appointments will be merit based and address the following criteria:

- Have good national standing as a scientist, preferably in a field relevant to fisheries;
- Be independent of commercial or other interests with the particular fishery, including industry association(s);
- Be able to identify strategic goals and objectives, and facilitate their achievement through the RAG 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.

#### **4.2.1.3 Appointment process**

Where a vacancy for a RAG Chair arises, the position may be advertised and/or a shortlist of nominees considered to have relevant expertise and attributes may be drawn up by AFMA Management. The AFMA CEO appoints the RAG Chair.

## **4.2.2 RAG Scientific members**

### **4.2.2.1 4.2.3.1 Role**

The role of a scientific member is to:

- Contribute impartial scientific expertise to RAG deliberations;
- Contribute to and conduct peer review of data, information and analyses tabled at RAG meetings, consistent with FAP No. 16; and
- Provide advice to the RAG on the latest scientific issues of relevance to the fishery.

#### **4.2.2.2 Criteria**

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); and
- Have experience in liaison with major Commonwealth and/or State research and academic organisations at a high level.

#### **4.2.2.3 Appointment process**

Where a vacancy for a scientific member arises, expressions of interest will be sought publically and/or targeted from nominees considered to have relevant expertise. Scientific members will be appointed by the AFMA CEO in consultation with the RAG Chair.

### **4.2.3 Economic member**

#### **4.2.3.1 Role**

The role of the economic member is to:

- Contribute impartial Australian community and fishery level (not individual operator or enterprise level) economic expertise to RAG deliberations;
- Contribute to and conduct peer review of economic data, information and analyses tabled at RAG meetings, consistent with FAP No. 16;
- Provide advice to the RAG on the latest economic issues of relevance to the fishery;
- As the RAG's economic member, act as a member of the EWG and communicate important economic issues to and from EWG:
  - Update of the EWG meeting outcomes and actions;
  - On RAG's advice, communicate with the EWG to consider any important economic issue of the fishery at the next EWG meeting;
- Inform the RAG of any CFHSP or other relevant policy, economic objectives;
- Identify and advise research needs on economic issues relevant to the fishery;
- Comment on the economic aspects of any research proposal on the fishery.

#### **4.2.3.2 Criteria**

Appointments will be expertise based and address the following criteria:

- Have seniority and good standing in fisheries economics; and
- Have experience in liaison with major Commonwealth and/or State research or academic organisation at a high level.

#### **4.2.3.3 Appointment process**

Where a vacancy for an economic member arises, expressions of interest will be sought publically and/or targeted from nominees considered to have relevant expertise. Economic members will be appointed by the AFMA CEO in consultation with the RAG Chair.

## **4.2.4 RAG AFMA member**

### **4.2.4.1 Role**

The role of the AFMA member is to:

- Participate in general RAG discussions;
- Contribute fisheries management expertise to RAG deliberations; and
- Provide advice as necessary on relevant Government policy, AFMA Commission policy and AFMA's obligations under governing legislation.

### **4.2.4.2 Criteria**

The AFMA member is typically the Manager or Senior Manager of the fishery.

### **4.2.4.3 Appointment process**

The AFMA CEO will appoint the AFMA member to the RAG.

## **4.2.5 RAG Industry member**

### **4.2.5.1 Role**

The role of the industry member is to:

- Contribute to RAG deliberations knowledge and experience relevant to the particular fishery and the fishing industry generally;
- Contribute fisheries expertise to achieve the best resource assessment outcomes for the fishery; and
- Regularly and impartially report to and liaise with other operators in the fishery on the RAG's activities.

### **4.2.5.2 Criteria**

Appointments will be expertise based and address the following criteria:

- The ability to contribute to RAG discussions their knowledge and experience relevant to the fishery and fishing industry in general; and
- Have the confidence and authority of their stakeholder group to undertake their functions as a RAG member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to RAG discussions.

### **4.2.5.3 Appointment process**

Where a vacancy for an Industry member arises, expressions of interest will be sought from concession holders and industry associations and/or targeted from nominees considered to have relevant expertise. Industry members will be appointed by the AFMA CEO in consultation with the RAG Chair.

## **4.2.6 RAG Conservation member**

### **4.2.6.1 Role**

The role of the conservation member is to:

- Contribute ecological knowledge and expertise to RAG deliberations;
- Advise the RAG on environmental or conservation developments of relevance to the particular fishery; and
- Advise on any implications that RAG deliberations and recommendations may have in

relation to ecological considerations.

#### **4.2.6.2 Criteria**

Appointments will be expertise based and address the following criteria:

- Preferably qualifications, ecological knowledge and experience of relevance to the fishery;
- The ability to contribute their knowledge and expertise to RAG discussion; and
- Have the confidence and authority of their stakeholder group to undertake their functions as a RAG member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to RAG discussions.

#### **4.2.6.3 Appointment/selection process**

Where a vacancy for a Conservation member arises, expressions of interest will be sought publicly and/or targeted from nominees considered to have relevant expertise.

Appointment of RAG conservation members will be made by the AFMA CEO in consultation with the RAG Chair.

### **4.2.7 RAG Recreational/Charter Fishing member**

#### **4.2.7.1 Role**

The role of the recreational fishing member is to:

- Contribute recreational/charter fishing knowledge and expertise to RAG deliberations;
- Advise the RAG on recreational/charter fishing developments of relevance to the particular fishery; and
- Advise on any implications that RAG deliberations and recommendations may have in relation to recreational/charter fishing considerations.

#### **4.2.7.2 Criteria**

Appointments will be expertise based and address the following criteria:

- Recreational/charter fishing knowledge relevant to the fishery;
- The ability to contribute their knowledge and expertise to RAG discussion; and
- Have the confidence and authority of their stakeholder group to undertake their functions as a RAG member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to RAG discussions.

#### **4.2.7.3 Appointment process**

Where a vacancy for a recreational/charter fishing member arises, expressions of interest will be sought publicly and/or targeted from nominees considered to have relevant expertise. Appointment of RAG recreational/charter fishing members will be made by the AFMA CEO in consultation with the RAG Chair.

### **4.2.8 RAG Indigenous Fishing member**

#### **4.2.8.1 Role**

The role of the Indigenous fishing member is to:

- Contribute Indigenous fishing knowledge and expertise to RAG deliberations;
- Advise the RAG on Indigenous fishing developments of relevance to the particular

fishery; and

- Advise on any implications that RAG deliberations and recommendations may have in relation to Indigenous fishing considerations.

#### **4.2.8.2 Criteria**

Appointments will be expertise based and address the following criteria:

- Indigenous fishing knowledge relevant to the fishery;
- The ability to contribute their knowledge and expertise to RAG discussion; and
- The ability to consult relevant Land Councils and communities, where possible, to facilitate effective contributions from these groups to RAG discussions. Appointment Process

Where a vacancy for an Indigenous fishing member arises, expressions of interest will be sought publicly and/or targeted from relevant Land Councils or other Indigenous specialist groups considered to be able to nominate relevant nominees. Appointment of RAG Indigenous fishing members will be made by the AFMA CEO in consultation with the RAG Chair.

### **4.3 Leave of absence**

#### **4.3.1 Chair**

If a RAG Chair is unable to fulfil their duties for a period of time, to the extent that it impacts on the operation of the RAG, the AFMA CEO may appoint a relevant interim Chair. Interim Chairs shall have full member status for the period of their appointment.

#### **4.3.2 Members**

If a RAG member is unable to fulfil their duties for a period of time, to the extent that it impacts on the operation of the RAG, the AFMA CEO in consultation with the RAG Chair may appoint a relevant interim member. Interim members shall have full member status for the period of their appointment.

### **4.4 Resignation of membership**

Members of a RAG may resign at any time by giving a signed notice of resignation to the AFMA CEO (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.

### **4.5 Cancellation of membership**

Membership of RAGs 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 RAG, making fraudulent travel or expense claims and making public comment as a private citizen that may be construed as an official comment of the RAG.

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 CEO may cancel a RAG membership upon receipt of written advice from the RAG 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 CEO will consider any appeals against cancellation. Appeals must be addressed to the AFMA CEO and lodged, in writing, within 21 days after receiving notice of cancellation.

## **4.6 Invited participants**

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

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

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

## **4.7 Observers**

Non-members may wish to attend meetings from time to time as an observer. Their attendance at the meeting is at the discretion of the RAG Chair in consultation with AFMA. At a meeting where confidential material may be discussed, it is necessary for the Chair to require any observer to sign a deed of confidentiality (imposing the same obligations as in section 4.1.1) before attending that meeting or the observer will be asked to leave the room when that information is discussed. Observers are not entitled to claim sitting fees or expenses for attending the meeting.

## **4.8 Quorum**

Unless a RAG's TOR state otherwise, a quorum is the Chair, an AFMA member, an industry member and at least two scientific members, covering the relevant scientific disciplines.

## **4.9 Reporting arrangements**

### **4.9.1 Development of RAG advice**

RAGs have an important role in developing technical advice on the biological, economic and wider ecological factors impacting on a fishery. Accordingly, it is important that RAG

Chairs ensure 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.

RAGs are not expected to provide a single consensus view, and in particular if there are different views these should be recorded without the necessity for a negotiated consensus. All advice presented by RAGs 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.

RAG 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. RAG 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, RAG Chairs should ensure that EOs circulate draft minutes to RAG members within two weeks of the meeting and RAG members should clear draft minutes within two weeks of receiving them from the EO. Draft minutes must be kept confidential and the final minutes may only be made public by AFMA after approval by the RAG Chair.

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

The AFMA EO will maintain RAG records in accordance with AFMA's Records Management Policy and the *Archives Act 1983*.

#### **4.9.2 RAG advice to the AFMA Commission**

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

RAG advice is also taken into account in Commission papers on important fisheries management issues, such as fisheries management plans and TAC setting. It is up to the AFMA member on RAGs to ensure that such advice is accurately relayed to the Commission through Commission agenda papers. RAG recommendations must be accompanied by supporting science or other relevant evidence. The Commission, having considered other RAG members' views, will give more weight to the views of RAG scientists.

In addition, the Commission can call on the RAGs for additional scientific advice on particular issues.

#### **4.9.3 RAG advice to AFMA Management**

The AFMA Commission and AFMA Management are the primary users of RAG advice. In most instances, RAG advice is channelled through AFMA Management to the Commission. However, depending on the issues, RAG advice can be provided directly to AFMA Management and AFMA Management may request advice from the RAG without Commission or MAC involvement.

#### **4.9.4 RAG advice to MACs**

In addition to providing advice to the Commission and AFMA Management, RAGs also provide scientific and economic advice to the relevant MAC. This advice is usually in the form of a written report (such as RAG meeting minutes, species summaries) to a MAC meeting on the outcomes of the last RAG meeting. The RAG Chair or in some cases, another RAG scientist, is typically the scientific member on the MAC and they are responsible for communicating the RAG advice to the MAC.

RAG Chairs may be asked to attend specific MAC meetings. For example Southern and Eastern Scalefish and Shark Fishery RAG Chairs attend the South East MAC meeting to recommend TACs.

#### **4.9.5 MACs may also ask RAGs for specific advice. This is done through a request to the RAG Chair. RAG advice to EWG**

RAGs also communicate with the EWG, usually through the economic member, the RAG Chair or AFMA member, in relation to major and cross fishery economic issues of relevance to their fishery for expert consideration and advice.

#### **4.9.6 Seeking advice from individual RAG members**

If a RAG holds a meeting (whether in person, by teleconference or electronically) then the relevant provisions of FAP 12 apply. If a RAG does not hold a meeting then it cannot give advice as a RAG and the relevant provisions of FAP 12 do not apply.

AFMA can seek individual RAG members' advice on issues outside a meeting but this is not considered RAG 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 RAG meeting must be held if RAG advice is required by the *Fisheries Management Act 1991* or any subordinate legislation.

#### **4.9.7 RAG and research funding**

RAGs are partially government funded through the AFMA Research Fund and partially industry funded through levies. The mix of government and industry funding is based upon the relative extent to which industry benefits from the assessments undertaken. AFMA's Cost Recovery Implementation Statement (CRIS), states that RAGs will be 20% funded by government and 80% funded by industry.

Fisheries management research and collection of data will be funded by government and industry consistent with the CRIS. The CRIS states that fisheries management research will be 25% government funded and 75% industry funded. The CRIS is reviewed/updated annually and may result in changes to these arrangements.

## 5 Remuneration and travelling allowances for RAG members

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### 5.1 Travelling expenses

Members of RAGs travelling on RAG business will be paid travel expenses reasonably incurred in connection with RAG business. 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 under the AFMA Travel Policy. The AFMA member would advise on what constitutes RAG business.

In practice, airfares, accommodation and sometimes dinner are paid directly by AFMA. In relation to other expenses, initially incurred by RAG 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 should serve as an indication of what is considered a reasonable level of expenditure. These benchmarks apply even if the RAG EO or AFMA member covers the cost of a member's meal on his or her credit card.

To claim reimbursement for expenses incurred while on RAG 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 the AFMA member 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 a 14 business days of RAG meetings so that they can be processed promptly.

These processes are designed 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 RAG members and invited participants to be paid / reimbursed promptly, claims for payment should be made as soon as possible after a meeting.

### 5.2 Remuneration of RAG members

AFMA accepts that the duties of RAG members require skills and carry a significant degree of obligation and responsibility. In order to attract and retain suitable members for RAGs, AFMA does remunerate for RAG member duties. The level of remuneration is generally fixed but may be negotiated between the AFMA CEO and the member. Approved RAG member remuneration will be specified in contracts at the time of appointment.

### 5.3 Remuneration of RAG Chairs

AFMA accepts that the duties of a RAG Chair requires high-level skills and carry a significant degree of obligation and responsibility. In order to attract and retain suitable

chairpersons for RAGs, AFMA does offer remuneration for chairperson's duties. The level of remuneration is generally fixed but may be negotiated between the AFMA CEO and the chairperson. Approved RAG Chair remuneration will be specified in contracts at the time of appointment.

## **5.4 Consultancies**

In order to accomplish work plans, RAGs may from time to time require the specialist skills or services of people who may or may not already be members of the RAG. In these instances, and for specific defined tasks, the RAG Chair, in liaison with the AFMA member, may engage consultants. RAG 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 the AFMA member on the RAG in consultation with the RAG Chair.

## **5.5 Insurance cover of members**

Due to the different way RAG members are appointed, unlike MAC members and AFMA employees, RAG members are not considered AFMA officers and their arrangements are contractual. Consequently, RAG 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 RAG members. AFMA recognises that there are costs associated with RAG members obtaining their own insurance and provides adequate remuneration for RAG members.