

Fisheries Management Paper 1

Management Advisory
Committees

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Acronyms and abbreviations

For the purposes of this Fisheries Management Paper:

AFMA	Australian Fisheries Management Authority.
ARC	AFMA Research Committee which is a subcommittee of the AFMA Commission with responsibility for scientific and research processes.
CEO	AFMA Chief Executive Officer who is responsible for foreign compliance and for assisting the AFMA Commission and giving effect to its decisions. The CEO is responsible for the agency that supports these functions. The CEO is also an AFMA Commissioner.
CFHSP	Commonwealth Fisheries Harvest Strategy Policy. The policy provides guidance on how to manage fish stocks sustainably and profitably through harvest strategies.
ComRAC	Commonwealth Research Advisory Committee administered by FRDC. ComRAC provides the primary planning and entry point for proposals for Commonwealth fisheries research funding for potential FRDC funding.
COMMISSION	The AFMA Commission which is responsible for domestic fisheries management.
EO	The Executive Officer provides secretariat services to the MAC and is generally an AFMA staff member.
FAP No. 7	Fisheries Administration Paper Number 7- for use by generic AFMA committees and groups.
FAP No. 12	Fisheries Administration Paper Number 12 - Resource Assessment Groups.
FAP No. 16	Research and Science Quality Assurance Policy.
FRDC	Fisheries Research and Development Corporation. The FRDC's role is to plan and invest in fisheries research, development and extension (RD&E) activities in Australia.
HS	Harvest Strategy. A harvest strategy sets out the management actions that are needed to achieve defined biological and economic objectives for a single fish stock or group of fish stocks.
MAC	Management Advisory Committee.
RAG	Resource Assessment Group or other scientific group constituted.
TOR	Terms of Reference.

1 Purpose

This paper seeks to clarify how Management Advisory Committees (MACs) should operate in the pursuit of AFMA’s legislative objectives. This includes the interactive processes, respective roles and responsibilities between the AFMA Commission, MACs and Resource Assessment Groups (RAGs) (see Figure 1). This paper also provides operational guidelines for MACs covering procedures, reporting, membership arrangements and remuneration.

MACs are statutory committees established by AFMA under section 56 of the *Fisheries Administration Act 1991* (the FA Act). Section 57 of the FA Act stipulates that a MAC has such functions as AFMA determines and that those functions include: providing advice on the operation of management plans and monitoring and reporting in relation to scientific, economic and other fishery related information.

This Management Paper should be read in conjunction with two other AFMA policy papers: Fisheries Administration Paper (FAP) No.7 - for use by generic AFMA committees and groups, FAP No.12 - Resource Assessment Groups and FAP No. 16 – AFMA Research and Science Quality Assurance Policy.

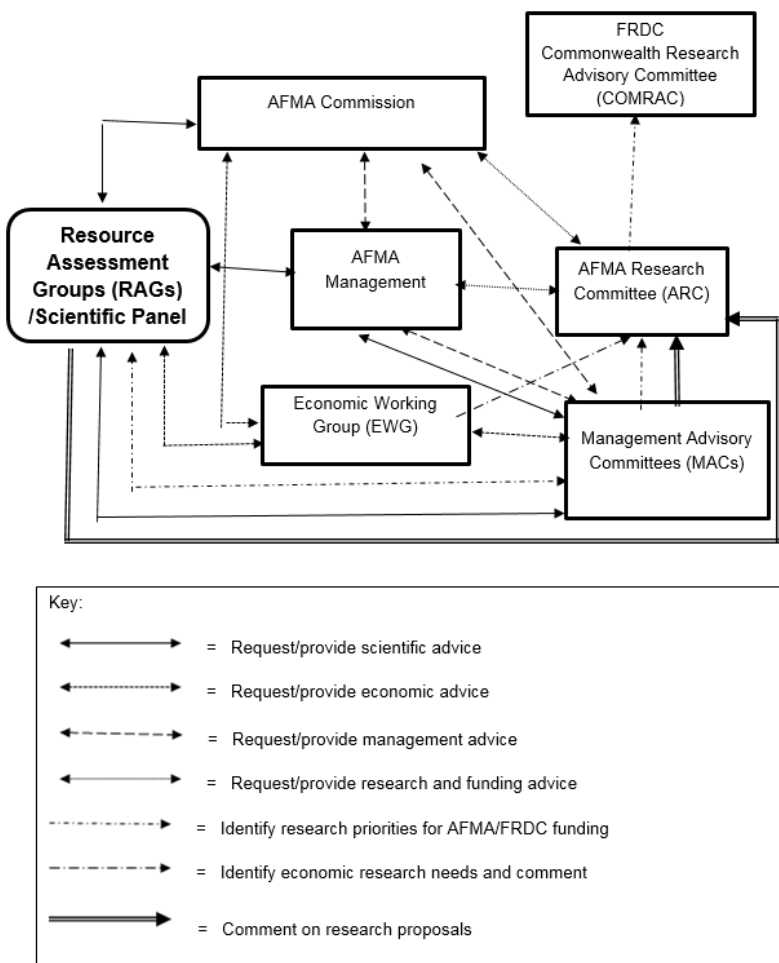


Figure 1: Diagrammatic representation of committees addressed in this paper. Arrows represent the flow of information and interactions. The main focus of the paper is the flow of advice from MACs and RAGs.

2 Principles

AFMA seeks, through its committees/groups and scientific processes, to obtain best quality information and advice. Committees/groups will have defined roles and there should be minimum overlap in responsibilities. Key principles that will be observed in relation to the respective committees/groups within AFMA's decision-making framework are:

- unless delegated by the AFMA Commission, all committees/groups will be advisory rather than decision-making
- committees/groups will provide expert advice that pursues AFMA's legislative objectives and identified organisational outcomes
- advice will be evidence-based and use the best available scientific information
- advisory and reporting processes will be transparent to all interested parties.

3 Functional guidelines

3.1 MACs

3.1.1 Main Role

The main function of MACs is to provide advice to AFMA on the preparation of management arrangements, the operation of the relevant fishery and reporting to AFMA on scientific, economic and other information on the status of fish stocks, sub-stocks, species (target and non-target species) 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 MACs should be evidence-based and address biological, economic and wider ecological factors affecting the performance of the fishery and explain how their recommendations assist AFMA pursue its legislative objectives. Figure 1 depicts the flow of information between MACs, RAGs and other committees.

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

In considering the issues facing any fishery, MACs 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 MACs of international requirements that are relevant to the issues being considered by the MAC.

In order to meet responsibilities, MACs may seek information from RAGs, and other sources, on which to form evidence-based recommendations to AFMA management and the AFMA Commission.

3.1.2 Terms-of-Reference for Management Advisory Committees

This section outlines the Terms-of-Reference (TOR) for MACs, as follows:

- to provide a forum for the discussion of strategic management and policy matters relevant to Commonwealth fisheries to assist the flow of information between stakeholder groups
- to provide advice and make recommendations to the AFMA Commission with respect to:
 - management policy settings
 - management plan amendment and implementation oversight
 - harvest strategy review and implementation oversight
 - policy direction and approach for ecological risk assessment, bycatch and discard work plans and species recovery, rebuilding strategies and threat abatement plans
 - research strategy priorities and advice on research proposals
 - standards for compliance and data collection
 - strategic protected species and export approval assessments
 - international fisheries management issues
 - broader government policies relating to resource sharing, regional marine planning, legislative and regulatory proposals
 - Commonwealth and AFMA policy proposals
 - establishment of sub-committees as required to ensure the range of issues requiring consideration are given proper attention
 - undertaking additional functions on behalf of AFMA as determined by the AFMA Commission, in accordance with policies determined by, and any directions given by AFMA, including consideration of operational fishery management issues
 - the interests of commercial, recreational and indigenous fishers in regards to the management of Commonwealth commercial fisheries.

3.1.3 Dual Advisory Model

AFMA has established a dual advisory model that distinguishes between strategic advice that reflects broader community interest in fisheries and operational advice which industry is able to take responsibility for.

Where a strong and well supported industry representative body exists, the AFMA Commission supports their role as the main liaison body between AFMA and industry as the primary source of advice on operational matters for the fishery. This contributes to the development of a broader co-management environment while achieving efficiencies in the management process.

Current examples of this are in the Great Australian Bight Trawl Fishery and Northern Prawn Fishery where the responsibility for various activities has been allocated to the MAC, AFMA Management, the industry association and/or the RAG. The activities range from very high level activities such as consideration of changes to harvest strategy rules and catch setting decisions to reviewing fishery budgets and levies and monitoring of expenditure.

3.1.4 Research Planning

MACs are actively involved in AFMA's three-stage research planning process which is applied to all AFMA fisheries. MACs, in close liaison with the relevant RAG, contribute to 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 MAC/RAG process, that translate the broad requirements of the SRP into fishery-specific plans
- fishery-specific annual research statements, developed in the MAC/RAG process, which implement the fishery-specific research plan for each fishery.

RAGs and MACs need to ensure that this process is undertaken within the timeframes specified by the AFMA Research Committee (ARC) namely, with the RAGs and 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 following consultation with AFMA management, relevant MACs and RAGs, 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 the FRDC, annually identifies and agrees on Commonwealth research priorities for potential FRDC funding. The ARC provides advice to FRDC on priorities for ComRAC consideration as part of that process, for inclusion in FRDC's 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 and FRDC funding, the MACs and RAGs need to apply the risk-catch-cost framework as outlined in *AFMA's 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 and resourced?

3.2 MAC / AFMA Commission Interactions

AFMA's objectives are set out in both Section 6 of the FA Act and Section 3 of the *Fisheries Management Act 1991* (FM Act). MACs provide advice to the Commission for use when making decisions about fisheries management. To assist the AFMA Commission in making informed decisions, advice should always be related to the pursuit of AFMA's legislative objectives.

There is broad stakeholder membership of MACs. Their primary role is to provide sound advice on an issue, not an outcome based on a majority or unanimous vote. The Commission considers MAC and RAG advice to be paramount when making decisions but is not required to make a decision consistent with the advice of the MAC (or RAG or AFMA Management).

3.3 MAC and RAG Interactions

While MACs and RAGs both provide advice to AFMA, generally MACs provide management advice while RAGs provide scientific advice.

MACs are statutory bodies established under the FA Act. MACs are a principal source of advice to the AFMA 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 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 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 AFMA 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 as directed, and the MAC, 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 but can comment on it. MACs and RAGs often have some common membership, therefore it is essential that their roles be recognised and differentiated by the respective chairs.

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

Another important area of MAC/RAG 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. It is necessary to ensure rigour in the methodology applied to stock assessments to engender confidence in the subsequent management decisions. MACs and RAGs should view independent reviews as a facility available to them for validating the science, consistent with FAP No. 16 – AFMA Research and Science Quality Assurance Policy.

3.4 MAC Member Responsibilities

MAC 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 must:

- be able to put views clearly and concisely and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary
- be respectful towards other members
- 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
- 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 MAC
- during the course of a MAC meeting, disclose all interests, pecuniary or otherwise, in matters being considered or about to be considered by the MAC before those matters are discussed and abide by the decisions of a MAC in relation to their participation in discussions relating to those matters
- have confidence and authority of their stakeholder group to undertake their functions as a MAC member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to MAC discussions.

3.4.1 Confidentiality and non-disclosure

In general MAC members are able to consult with their constituents before and after MAC meetings. However, MAC members must not disclose confidential AFMA information to constituents without permission from the MAC Chair and/or AFMA Management as outlined below.

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

MAC members receive confidential information and are 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.

MAC 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.

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

3.4.2 Public comment

MAC members, as members of the community, have the right to make public comment¹ 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 MAC. MAC members should avoid making public statements about matters relating to the MAC unless it is made clear that they are speaking as a private citizen. Further, MAC members are required to maintain confidentiality of MAC discussions and deliberations unless otherwise agreed to in advance with the Chair (see Section 4.1.1 Confidentiality and non-disclosure).

3.4.3 Conflict of interest

MAC 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 MAC member must declare it so that any potential conflicts can be considered. MACs 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.

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 direct family member or close associate having such an interest.

Any of these interests may or might reasonably appear to be thought to impair the ability of the member to perform their duties properly and objectively in relation to the matter being considered.

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.

Determining if a conflict of interest exists should be undertaken by the MAC 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.

3.4.3.1 Managing conflicts of interest

Management of the disclosure of interests to MACs is provided under section 64C of the FA Act. It states that conflicts of interest should be disclosed as soon as they become known and that any disclosures are to be recorded in meeting minutes. Regardless of 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
- how the interest relates to the issues under discussion.

As per section 64C (4) of the FA Act, unless the MAC decides otherwise, the member making the disclosure must leave the meeting while deliberations and decisions are made about the matter where a conflict exists. This includes any discussions about decisions to allow the member to be present during deliberations on the matter in conflict. The decision that is made about them remaining in any deliberations or recommendation making is made without them present. This should then be recorded in the meeting minutes.

If the MAC decides at any time that a conflict of interest exists and that this conflict is likely to interfere with the MAC's consideration of a particular issue(s), the MAC may:

- decide that the member who has disclosed the 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.

Where a MAC member considers that another MAC member may have a conflict of interest which has not been previously declared, that member who raised the matter should alert the Chair of the MAC and seek to have it clarified.

Papers and agendas are typically circulated prior to any meeting and members are responsible for making a decision as to the need to disclose any relevant interest and its nature prior to the meeting. Once disclosed other MAC 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.

It is important to recognise that conflicts may also arise during the course of discussions and if a member becomes aware of a relevant interest during the course of a discussion, they must immediately disclose the interest and the MAC must consider how the disclosure is to be dealt with at that point. Again the member making the disclosure must not be present during that discussion.

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 MAC 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 MAC declared interests of members, invited participants and observers reflect the MAC decision(s) in regard to any conflict(s) of interest, and confirm that these are put into effect at the appropriate point(s) in the meeting.

These conditions apply regardless of whether or not the meeting is face to face, a teleconference or any other medium (e.g. video conference).

3.4.4 Audio and video recordings of meetings

Minutes of all MAC 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. MAC members, including the Chair are taken to consent to the recording of their participation in each MAC meeting for that purpose or for any other lawful purpose. Other MAC members must not make audio or video recordings at MAC 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.

3.5 MAC Membership – Roles, criteria and appointment process

Legislation limits the member composition for MACs. Each MAC will have an independent Chair, an AFMA member and a maximum of ten other members. Generally, membership is drawn from industry, policy, research, conservation, state and territory governments, recreational fishing, Indigenous fishing and research fields. Where appropriate, it can also include broader community members who have relevant skills and expertise including Indigenous fishers.

AFMA is responsible for ensuring that MACs are adequately supported to carry out their functions. AFMA has responsibility for ensuring that MACs comprise a range of sectors (i.e. industry, fishery managers and other stakeholders with relevant skills and knowledge).

Appointments are expertise based, usually by selecting from nominations provided through a public expression of interest process. The Chairperson is appointed first by the AFMA Commission with members subsequently appointed by the AFMA Commission and in consultation with the MAC 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.

Appointments are for a maximum of three years with no restriction on further re-appointments. Shorter terms of appointment may be considered to allow for development

opportunities, giving less experienced candidates a probation period in which to develop and demonstrate their capabilities. Similarly, suitable but inexperienced candidates may be invited by the Chair to attend MAC meetings in an observer capacity to gain an understanding of the role and responsibilities of a MAC member. This could sometimes be paired with an outgoing MAC member providing development support.

3.5.1 General considerations

Applicants should be fit and proper persons for the purposes of MAC membership who can act in accordance with the Australian Public Service (APS) Code of Conduct. MAC members must also comply with the *Public Interest Disclosures Act 2013* (PID Act).

The APS Code of Conduct requires that an employee must:

- behave honestly and with integrity in connection with APS employment
- act with care and diligence in connection with APS employment
- when acting in connection with APS employment, treat everyone with respect and courtesy, and without harassment
- when acting in connection with APS employment, comply with all applicable Australian laws
- comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction
- maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff
- take reasonable steps to avoid any conflict of interest (real or apparent) and disclose details of any material personal interest of the employee in connection with the employee's APS employment
- use Commonwealth resources in a proper manner and for a proper purpose
- not provide false or misleading information in response to a request for information that is made for official purposes in connection with the employee's APS employment
- not improperly use inside information or the employee's duties, status, power or authority:
 - to gain, or seek to gain, a benefit or an advantage for the employee or any other person; or
 - to cause, or to seek to cause, detriment to the employee's Agency, the Commonwealth or any other person
- at all times behave in a way that upholds the APS Values and Employment Principles, and the integrity and good reputation of the employee's Agency and the APS
- while on duty overseas, at all times behave in a way that upholds the good reputation of Australia
- comply with any other conduct requirement that is prescribed by the regulations.

Public Interest Disclosures Act 2013 (PID Act)

The PID Act promotes the integrity and accountability of the Commonwealth public sector by creating a framework for reporting of suspected wrongdoing and ensuring timely and

effective investigation of reports. It removes barriers that prevent '*public officials*' from speaking up about serious problems that impact on public administration.

The provisions of the PID Act apply to MAC members who are defined as '*public officials*' under this legislation.

A public official can disclose information that they believe, on reasonable grounds, tends to show 'disclosable conduct'. Disclosable conduct is conduct by:

- an agency
- a public official in connection with their position
- an officer or employee of a contracted service provider, in connection with entering into or giving effect to the contract, if that conduct:
 - contravenes a Commonwealth, State or Territory law
 - occurred in a foreign country, contravenes a foreign law that applies to the agency, official or service provider
 - perverts the course of justice
 - is corrupt
 - constitutes maladministration, including conduct that is based on improper motives or is unreasonable, unjust, oppressive or negligent
 - is an abuse of public trust
 - involves fabrication, falsification, plagiarism or deception relating to scientific research, or other misconduct in relation to scientific research, analysis or advice
 - results in wastage of public money or public property
 - unreasonably endangers health and safety
 - endangers the environment
 - is prescribed by the PID rules (s 29(1)).

Disclosable conduct also includes conduct by a public official that:

- involves or is engaged in for the purposes of abusing their position as a public official, or
- could give reasonable grounds for disciplinary action² against the public official (s29(2)).

Further information on the application of the PID Act can be found on the Commonwealth Ombudsman's website <http://www.ombudsman.gov.au/pages/pid/>.

3.5.2 MAC Chairs

3.5.2.1 Role

The MAC Chair has a key role in ensuring thorough, effective discussion about the particular fishery consistent with the MAC's terms of reference. The Chair is the primary

² The term disciplinary action is not defined in the PID Act. It covers a range of actions taken by an employer intended to correct and/or punish an employee's wrongdoing (as opposed to underperformance). Disciplinary action does not include performance development and improvement activities for an employee, such as counselling, mediation or training.

communication link between the MAC and the AFMA Commission and the relevant fishery RAG/Scientific Panel.

The roles and responsibilities of the MAC Chair include:

- in conjunction with the EO, preparation of a draft agenda, ensuring the timely availability of agenda papers and other relevant documentation prior to meetings, and timely preparation and dissemination of records of discussion after meetings, consistent with this policy and the FA Act
- maintenance, with the assistance of the EO, of a register of the interests of participants at each MAC meeting that have the potential to be, or could be perceived to be, a conflict of interest in MAC matters
- promotion of constructive discussions, maintain a focus on relevant issues, and facilitate consensus where possible
- ensuring all members have the opportunity to put their views at meetings
- management of conflicts of interest to ensure that they do not jeopardise MAC deliberations and result in biased advice
- communication of MAC meeting outcomes, recommendations and matters for information to AFMA Management and the AFMA Commission
- ensuring MAC members remain aware of and consider AFMA's legislative objectives in MAC deliberations
- ensuring MAC members are aware of their responsibilities under this FMP
- ensuring discussion documents are not used for any purpose other than the business of the MAC
- summarising outcomes for each agenda item during the course and at the end of meetings
- ensuring that minutes and other material arising from MAC deliberations clearly and accurately describe MAC recommendations including dissenting views (where they are expressed) and are prepared, distributed and cleared and posted on the AFMA website within agreed timeframes
- advising the AFMA Commission on the suitability of candidates for appointment as members of the MAC.

3.5.2.2 Criteria

Appointments will be merit based and satisfy the following criteria:

- have good national standing, preferably in a field relevant to fisheries, including commercial, recreational, and Indigenous sectors.
- be independent of commercial or other interests with the particular fishery, including industry association(s)
- have a good understanding of industry and public policy
- be able to identify strategic goals and objectives, and facilitate their achievement through the MAC 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

- not be a member of the AFMA Commission.

3.5.2.3 Appointment process

Where a vacancy for a MAC 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 Commission appoints the MAC Chair.

3.5.3 MAC Research members

3.5.3.1 Role

The role of a Research member is to:

- contribute impartial scientific or economic expertise to MAC deliberations
- contribute to and conduct peer review of data, information and analyses tabled at MAC meetings as per FAP No. 16 – AFMA Research and Science Quality Assurance Policy.
- provide advice to the MAC on the latest scientific and economic issues of relevance to the fishery
- the relevant fishery RAG Chair may be the Research member.

3.5.3.2 Criteria

Appointments will be merit based with an emphasis placed on the candidate's expertise and will satisfy the following criteria:

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

3.5.3.3 Appointment process

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

3.5.4 State government/territory member

3.5.4.1 Role

The role of the State Government/Territory member is to:

- contribute impartial expertise to MAC deliberations
- provide advice to the MAC on the State Government/Territory fishery management issues and any issues or decisions of relevance to the fishery.

3.5.4.2 Criteria

- have seniority and good standing in fisheries management
- have the capacity to represent the views of other jurisdictions, where appropriate
- have responsibility for fisheries management related to the fishery for which the MAC provides advice.

3.5.4.3 Appointment process

Where a vacancy for a State Government/Territory member arises, expressions of interest will be targeted from nominees considered as having relevant expertise. State Government/Territory members will be appointed by the AFMA Commission, in consultation with the MAC Chair.

3.5.5 MAC AFMA member

3.5.5.1 Role

The role of the AFMA member is to:

- participate in general MAC discussions
- contribute fisheries management expertise to MAC deliberations
- provide advice as necessary on relevant Government policy, AFMA Commission policy and AFMA's obligations under its governing legislation as well as general Commonwealth legislation.

3.5.5.2 Criteria

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

3.5.5.3 Appointment process

The AFMA Commission will appoint the AFMA member to the MAC.

3.5.6 MAC Industry member

3.5.6.1 Role

The role of the Industry member is to:

- contribute to MAC 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
- regularly and impartially report to and liaise with other operators in the fishery on the MAC's activities.

3.5.6.2 Criteria

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

3.5.6.3 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 Commission, in consultation with the MAC Chair.

3.5.7 MAC Conservation member

3.5.7.1 Role

The role of the Conservation member is to:

- contribute ecological knowledge and expertise to MAC deliberations
- advise the MAC on environmental or conservation developments of relevance to the particular fishery
- advise on any implications that MAC deliberations and recommendations may have in relation to ecological considerations.

3.5.7.2 Criteria

- preferably have qualifications, ecological knowledge and experience of relevance to the fishery
- the ability to contribute independently their knowledge and expertise to MAC discussion
- have the confidence and authority of their stakeholder group to undertake their functions as a MAC member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to MAC discussions.

3.5.7.3 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 MAC Conservation members will be done by the AFMA Commission, in consultation with the MAC Chair

3.5.8 MAC Recreational/Charter Fishing member

3.5.8.1 Role

The role of the Recreational Fishing member is to:

- contribute recreational/charter fishing knowledge and expertise to MAC deliberations
- advise the MAC on recreational/charter fishing developments of relevance to the particular fishery
- advise on any implications that MAC deliberations and recommendations may have in relation to recreational/charter fishing considerations.

3.5.8.2 Criteria

- recreational/charter fishing knowledge relevant to the fishery
- the ability to contribute independently their knowledge and expertise to MAC discussion
- have the confidence and authority of their stakeholder group to undertake their functions as a MAC member and be prepared to consult with members of their stakeholder group as necessary to effectively contribute to MAC discussions.

3.5.8.3 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 MAC Recreational/Charter Fishing members will be done by the AFMA Commission in consultation with the MAC Chair.

3.5.9 MAC Indigenous Fishing member

3.5.9.1 Role

The role of the Indigenous Fishing member is to:

- contribute Indigenous fishing knowledge and expertise to MAC deliberations
- advise the MAC on Indigenous Fishing developments of relevance to the particular fishery
- advise on any implications that MAC deliberations and recommendations may have in relation to Indigenous fishing considerations.

3.5.9.2 Criteria

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

3.5.9.3 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 MAC Indigenous Fishing members will be done by the AFMA Commission in consultation with the MAC Chair.

3.6 Leave of absence

3.6.1 Chair

If a MAC Chair is unable to fulfil their duties for a period of time, to the extent that it impacts on the operation of the MAC, the AFMA Commission may appoint an experienced Acting Chair. Acting Chairs shall have full member status for the period of their appointment.

3.6.2 Members

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

3.7 Resignation of membership

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

3.8 Termination of membership

Membership of MACs may be terminated by the AFMA Commission for not carrying out their duties in a manner consistent with this policy and the FA Act, including for misconduct or non-performance.

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

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

The AFMA Commission may cancel a MAC membership upon receipt of written advice from the MAC 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 termination.

3.9 Invited participants

In circumstances where a MAC has identified the need for additional expert advice, the MAC Chair, in consultation with AFMA, may invite individuals with the relevant skills, knowledge and experience to participate on the MAC 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 MAC to seek their input (i.e. additional expertise needed in relation to a short-term issue, or longer-term participation where the MAC has an identified gap in knowledge or expertise relative to the scope of their responsibilities).

Invited Participants are not MAC 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 MAC sitting fees). Appointment is subject to AFMA approval.

3.10 Observers

Attendance by observers is to be on the basis that the presence of the observer does not inhibit or disrupt formal members from freely contributing to discussions and making recommendations. Observers must follow any directions made by the MAC Chair.

Persons wishing to attend the meeting as an observer may do so provided they clear their attendance with the Chair prior to a meeting being held. The number of observers should not become unwieldy or place unreasonable pressure on the members of the MAC or their discussion.

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 meetings.

3.11 Quorum

A quorum of the MAC is the Chair, plus one more than half of the appointed MAC members. If there is not a quorum present, an unofficial meeting may still be held with any outcomes clearly stating that an unofficial MAC meeting was held and on the understanding that the Commission and/or AFMA Management may decide to accept or not any advice given.

3.12 Reporting Arrangements

3.12.1 Development of MAC advice

MACs are expected to develop effective two way communication with AFMA and any individuals or organisations that have an interest in matters relevant to the fishery. Accordingly, it is important that MAC 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. Where dissenting views are stated, the reasons for such views should be properly recorded.

To ensure high levels of understanding of the issues facing individual fisheries, all MACs must hold at least two meetings per year, although one of these can be a teleconference. In particular circumstances, such as those for fisheries managed under RFMO arrangements, one meeting a year may be appropriate.

MACs 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 MACs 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.

MAC 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. A template for reporting MAC outcomes has been agreed for use and must be used to present meeting minutes, Chair's Summaries can be used as a supplement to the minutes, provided they clearly reflect the content of those minutes. MAC advice should 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, MAC Chairs are to ensure that EOs circulate draft minutes to MAC members within two weeks of the meeting and MAC members are to clear draft minutes within two weeks of receiving them from the EO. MAC minutes must be kept confidential and the final minutes may only be made public by AFMA after approval by the MAC Chair. Minutes must be finalised and placed on the AFMA website no more than twenty working days of when they were distributed to members or by the next MAC meeting, whichever is the shorter period.

Documents tabled at MAC 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 MAC records in accordance with AFMA's Records Management Policy and the *Archives Act 1983*.

3.12.2 MAC advice to the AFMA Commission

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

MAC advice is also taken into account in AFMA Commission papers on important fisheries management issues, such as the use of legislative instruments in the fishery and total allowable catch setting. It is up to the AFMA member on the MAC to ensure that such advice is accurately relayed to the AFMA Commission through Commission agenda papers. MAC recommendations must be accompanied by any supporting RAG advice or other relevant evidence. The AFMA Commission, having considered the MAC views, may give more weight to the views of RAG scientists or visa-versa. At times, the MAC Chair may be invited to attend AFMA Commission meetings or to provide advice out of session.

3.12.3 MAC advice to AFMA Management

The AFMA Commission and AFMA Management are the primary users of MAC advice. In most instances, MAC advice is channelled through AFMA Management to the AFMA Commission with MAC advice provided directly to AFMA Management and AFMA Management requesting advice from the MAC without AFMA Commission involvement.

In addition, the AFMA Commission may call on MACs, RAGs and AFMA Management for additional management or scientific advice on particular issues

3.12.4 RAG advice to MACs

In addition to providing advice to the AFMA Commission and AFMA Management, RAGs also provide scientific advice to the relevant MAC. This advice is usually in the form of a written report (such as RAG meeting minutes or 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. MACs may also ask RAGs for specific advice. This is done through a request to the RAG Chair.

3.12.5 Seeking advice from individual MAC members

If a MAC holds a meeting (whether in person, by teleconference or electronically) then the relevant provisions of FMP 1 apply. If a MAC does not hold a meeting then it cannot give advice as a MAC and the relevant provisions of FMP 1 do not apply.

However, under section 65A of the FA Act, MAC decisions can be made without a meeting if the majority of MAC members agree with the decision and the MAC has previously agreed to adopt this practice.

AFMA can seek individual MAC members' advice on issues outside a meeting but this is not considered MAC 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.

4 MAC performance assessment

4.1 MAC self-assessment

MACs are subject to performance assessment by the AFMA Commission, at least every two years, and the AFMA Commission may appoint an independent person to assist with the assessment.

Each MAC is required to complete an annual self-assessment against the following criteria, using the ranking scale provided.

1. The MAC's performance as a forum for the discussion of strategic management and policy matters relevant to the management of Commonwealth fisheries.
Unsatisfactory; needs improvement; satisfactory, well balanced; outstanding
2. Ability of the MAC to establish sub-committees to ensure the range of strategic management and policy issues are given proper attention.
Sub-committees dysfunctional; option underutilised; option used appropriately; option used appropriately and committees are productive; outstanding
3. Standard of liaison by the MAC with AFMA staff to ensure that the range of management issues is given attention.
Inadequate; links need to be improved; effective; liaison is effective in both directions; outstanding
4. Quality of meetings
Sub-standard; contain sufficient information but could be better; satisfactory; provide balanced and easy to understand account of most issues; concise, well written and comprehensive
5. Quality of Chair's performance
Inadequate and could prejudice outcomes; needs improvement; effective; effective and facilitates superior discussion; outstanding (fair and unbiased)
6. Quality of other MAC members performances
Ineffective; unsatisfactory in one or two areas; effective; effective with most MAC advice consistent with AFMA's obligations; highly effective
7. Quality of MAC Executive Officer's support services
Ineffective; unsatisfactory in one or two areas; effective; effective and responsive to needs of MAC and members; highly effective
8. Level of confidence the MAC views and recommendations are conveyed effectively to the AFMA Commission
Inadequate with insufficient clarity; room for improvement in regard to difficult issues; effectively; effective and timely in most cases; highly effective

9. Rating the dynamics of the MAC when in session over the last year
Dysfunctional; adversarial along sectional lines; reasonably effective; effective with most issues being resolved by weight of argument; highly effective

4.2 AFMA Commission assessment

The Commission will consider the MAC self-assessment report and make an overall assessment of each MAC performance according to the criteria and ranking scales provided.

1. Quality and effectiveness of MAC advice and recommendations on strategic management and policy matters relevant to the management of Commonwealth fisheries.
Ineffective; needs improvement; effective; effective and timely; outstanding
2. Ability of the MAC to focus strategically and provide advice that best pursues AFMA's legislative objectives.
Ineffective; needs improvement; effective; effective and proactive; outstanding
3. Quality and effectiveness of MAC advice and recommendations on research priorities and projects of the fishery.
Ineffective; needs improvement; effective; effective and timely; outstanding
4. Quality of MAC Chair's performance.
Inadequate and could prejudice outcomes; needs improvement; effective; effective and facilitates superior discussion; outstanding (fair and unbiased)

5 Remuneration and travelling allowances for MAC members

5.1 Travelling expenses

Members of MACs are paid travelling expenses reasonably incurred in connection with MAC 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 can advise on what constitutes MAC business.

In practice, airfares, accommodation and sometimes dinner are paid directly by AFMA. In relation to other expenses, initially incurred by MAC 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 MAC 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 MAC 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 14 business days of MAC 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 MAC members and invited participants to be paid/reimbursed promptly, claims for payment should be made within 14 business days of MAC meetings. Claims made outside the financial year in which they were incurred may be declined by AFMA.

5.2 Remuneration of MAC members

MAC members are paid a daily sitting fee as determined by the Remuneration Tribunal for part-time officers. This fee is a set amount that is determined and updated periodically to reflect the particular skills and public good part-time officers provide for the Commonwealth Government. Rates are paid at full or part days depending on meeting length. Attendance at MAC training sessions may attract an honorarium and the payment of travel expenses at AFMA's discretion.

To claim the sitting fee for MAC business, members must provide AFMA with a completed claim form. Note that this is separate from any claim for costs associated with travelling to and from meetings. The completed claim form must be sent to the AFMA member to approve the claim for processing. It is important to send in claims within 14 business days of MAC meetings so that they can be processed promptly as claims made outside the financial year in which they were incurred may be declined by AFMA.

Invited Participants are not MAC members and are therefore not eligible for remuneration, they can however claim for travel expenses incurred when attending meetings.

5.3 Remuneration of MAC Chairs

MAC Chairs are paid a daily sitting fee as determined by the Remuneration Tribunal for part-time officers. As with MAC members, the fee is a set amount that is determined and updated periodically to reflect the particular skills and public good part-time officers provide for the Commonwealth Government. Rates are paid at full or part days depending on meeting length.

To claim the sitting fee for MAC business, Chairs must provide AFMA with a completed claim form. Note that this is separate from any claim for costs associated with travelling to and from meetings. The completed claim form must be sent to the AFMA member to approve the claim for processing. It is important to send in claims within 14 business days of MAC meetings so that they can be processed promptly as claims made outside the financial year in which they were incurred may be declined by AFMA.

5.4 Consultancies

In order to accomplish work plans, MACs may from time to time require the specialist skills or services of people who may or may not already be members of the MAC. In these instances, and for specific defined tasks, the MAC Chair, in liaison with the AFMA member, may engage consultants. MAC work plans must anticipate these needs and fishery budgets need to provide for any consultancy fees to be paid. Depending on the nature of the work involved, the cost of the consultancy will be paid either from industry levies or government funds.

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

5.5 Insurance cover of members

For insurance purposes MAC members are considered AFMA officers and are therefore covered under some of AFMA's insurance policies. This includes coverage for such things as personal liability and workers compensation when engaged to undertake their MAC functions.

6 Appendices to this policy

From time to time the AFMA Commission may approve appendices to this policy to assist MACs in their duties or otherwise vary them.