
AUSTRALIAN FISHERIES MANAGEMENT AUTHORITY

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FAP NO. 7

INFORMATION AND ADVICE FOR INDUSTRY
MEMBERS ON AFMA COMMITTEES



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Australian Fisheries Management Authority

Fisheries Administration Paper Number 7

INFORMATION AND ADVICE FOR INDUSTRY MEMBERS ON AFMA COMMITTEES

1 PURPOSE

This Fisheries Administration Paper has been developed to provide Industry Members appointed to AFMA committees with specific information and advice on their obligations and responsibilities when attending meetings and on what is expected of them in their position as Industry Member.

This Administration Paper is designed to complement, not replace, AFMA's *Fisheries Management Paper (FMP) No. 1 - Management Advisory Committees* which sets out AFMA's policy in relation to the operation of Management Advisory Committees (MACs). This Administration Paper should be read in conjunction with FMP No. 1, copies of which are available from AFMA on telephone (02) 6272 5029.

2 DEFINITIONS

For the purposes of this Fisheries Administration Paper:

Committee	means a Management Advisory Committee, Consultative Committee, a sub-committee of a MAC or CC, a Fisheries Assessment Group or any committee or group that is constituted to provide advice and recommendations to AFMA ¹ .
Member	means a person who is appointed as an Industry Member on a committee.

3 INTRODUCTION

AFMA administers a variety of committees have Members who are drawn from the fishing industry. The primary function of these committees is to provide advice/recommendations to the MACs/CCs and/or the AFMA Board that are consistent with AFMA's legislative objectives (as set out at Attachment A).

¹ Under section 59 of the *Fisheries Administration Act 1991*, MACs must act in accordance with any policies determined by, and any directions given by, AFMA. It is AFMA's intent that this Paper will be applied by MACs in relation to sub-committees established by them.

In many cases, Members who are appointed to AFMA committees have either not been on a committee before or are uncertain about what to expect from meetings. This paper will introduce such Members to what they can expect from committee meetings and what is expected of them in their role as Members.

Although designed to provide advice and information specifically to Members drawn from industry, it should be noted that this Administration Paper draws on provisions (as set out in FMP No. 1 and legislation) which apply more generally to all Members of AFMA committees.

4 ROLE OF INDUSTRY MEMBERS

Industry Members on AFMA committees are appointed on the basis of their individual expertise, knowledge and experience. Importantly, Industry Members are not appointed as representatives of any particular interest group or sector.

The role of Industry Members on AFMA committees is to:

1. contribute knowledge of, and experience in, both the particular fishery and the fishing industry generally to committee deliberations;
2. contribute fisheries expertise to achieve the best management of the fishery; and
3. regularly report to other operators in the fishery on the committee's activities, including the issues being dealt with and the possible solutions being considered.

5 OBLIGATIONS AND RESPONSIBILITIES OF INDUSTRY MEMBERS

Being an Industry Member on an AFMA committee brings with it a number of important obligations and responsibilities. Specifically, in accepting their appointment to a committee, Industry Members must be prepared to:

1. attempt to communicate views clearly and concisely and to negotiate to achieve acceptable outcomes and compromises where necessary;
2. act in the best interests of the fishery as a whole rather than as an advocate for any particular individual, organisation, interest group or regional interest;
3. avoid pursuing personal agendas or self-interest, but participate in discussion in an objective and impartial manner;
4. observe confidentiality and exercise tact and discretion when dealing with sensitive issues. If an Industry Member is concerned about the disclosure to non-Members (eg observers) of an issue that they consider may be sensitive, the Member should seek advice from the committee's Chair;
5. at all times act honestly, exercise care and diligence in the discharge of their duties and not make improper use of inside information. Information is considered to be used improperly where, by using the information, a Member gains an advantage either directly or indirectly (financial or otherwise) over another person or causes detriment to the Authority or to another person;
6. not publish or communicate to any person, who they are not authorised to publish or communicate to, any fact or document which comes to their knowledge, or into their

possession because they are a committee Member and which (because of its confidential nature) it is their duty not to disclose;

7. make the necessary commitment of time to ensure that they are fully aware of matters which are the subject of consideration at a meeting. This particularly relates to important issues and general concerns held by operators across the industry. It is recognised that a Member is not expected to be familiar with technical issues that they have little or no training in, such as stock assessment techniques. However, it is important for Members to be familiar with the implications resulting from the discussion of such issues;
8. make the necessary commitment of time to attend meetings when they are scheduled; and
9. consult closely with industry peers through port-level associations, regional associations, peak industry bodies and other avenues as necessary.

6 PROCEDURAL MATTERS

6.1 Attendance at Meetings

The Executive Officer is responsible for advising Members of the scheduled meeting dates no less than 14 days before a meeting is due to be held. As far as possible, meetings will be scheduled to take account of the availability of Members, however, it may not always be possible to meet individual requirements. There is an expectation that, in accepting appointment to a committee, Members have made a commitment to be available for, and make time to attend, meetings. However, if exceptional circumstances (ie sudden illness or unforeseen work or personal circumstances) prevent a Member from attending a meeting, he/she must advise the Chairperson before the date of the meeting.

6.1.1 Alternate or Deputy Members

There is no provision in AFMA's legislation for alternate or deputy Members and AFMA does not support such a concept for the following reasons:

1. Members are appointed to particular committees on the basis of their skills and expertise, and because of their ability to complement the skills of other Members;
2. It is important to have consistency in membership to ensure continuity and consistency in discussion and decision making; and
3. In relation to MACs, appointments are statutory in nature, the same as Directors of the AFMA Board, and if a Member is unable to fulfil his/her responsibilities, he/she should resign from the MAC and allow for the appointment of a Member who can meet the responsibilities involved.

In exceptional circumstances, a Member may approach the Chairperson to seek agreement for a person to attend in their place as an adviser to the committee. However, this person will have Casual Observer status and will not be able to act as a Member of the committee.

6.2 Conduct in AFMA Committee Meetings

There are no formal rules that govern how Industry Members should conduct themselves in a meeting, or how debate should be conducted. The tone of interactions in a meeting is set by the Chair, who ‘manages’ a meeting to ensure that discussion takes place in a co-operative, orderly, mature and constructive manner.

AFMA considers that a co-operative rather than a ‘them and us’ approach to discussion in meetings is essential. This doesn’t mean that there won’t be disagreements from time to time on issues being considered by the committee. However, it does mean that, at the end of the day, agreement is reached through mature discussion, consultation and negotiation having regard to what is best for the fishery as a whole.

A general rule of debate adopted by AFMA is that, in addressing an agenda item, the Chair may ask a specific Member to ‘speak to’ (ie talk about) the item. The Chair then typically seeks comments from other Members of the committee. Members should address the committee by speaking to the Chair, rather than to specific Members. This ensures that all Members can concentrate on the comments. It also ensures that multiple ‘conversations’ between groups of Members do not happen at the same time.

The Chair will summarise views that emerge from the discussion of Members. If a recommendation/decision is made as a result of this discussion, the Chair will seek the Members’ approval of the wording for the recommendation/decision to be recorded in the minutes/report of the meeting. It is important that Members fully understand the recommendation/decision and seek clarification from the Chair if required. The Chair attempts to reach agreement on the wording of a recommendation/decision through consensus that emerges from discussion and negotiation. In these discussions it is important that Members consider what is best for the fishery as a whole. It is also important that Members express their comments as clearly as possible.

AFMA expects committees to reach agreement through consensus and does not support the use of voting as a mechanism for achieving outcomes. Where views are so different that agreement cannot be reached, Members are encouraged to reconsider the issue and/or seek further information before making their recommendation. On the occasions when Members can not reach consensus on an issue, the views of the Members and general discussion will be documented in the minutes/report of the meeting. It is important for Members to appreciate that the business of a meeting will flow more smoothly and quickly if they observe the general rules of debate described above and support order in the meeting.

6.2.1 Observers

Many committees allow persons who are not Members to attend committee meetings as observers. Persons wishing to attend a meeting should contact the committee Secretary/Executive Officer. The committee Chair is responsible for deciding whether observers may attend committee meetings, either for a particular item or items or for the whole meeting. However, as a general rule, this attendance should be limited to the extent necessary to provide for the effective management of the business before the committee. Where space is a constraint, priority for attendance is typically given to direct stakeholders over non-stakeholders.

Observers do not hold the same status at a meeting as a committee Member. However, like Members, observers are expected to conduct themselves in a way that ensures discussions take place in a mature and constructive manner. Observers may only address the meeting and/or

participate in discussions when invited to do so by a committee Member (through the Chair), and are expected to respond to instructions from the Chair. Observers are not permitted to directly negotiate as a Member would on issues discussed in a meeting or to influence the negotiations of Members. Observers are also required to observe confidentiality requirements in relation to any papers and/or discussions which are identified as, or known to be, confidential to the committee proceedings and such information must not be distributed outside the meeting. If an observer is unclear about the status of any particular matter, he/she should seek advice from the committee's Chair.

6.3 Developing the Meeting Agenda

Agendas for meetings of AFMA committees are usually prepared by the committee Secretary/Executive Officer in consultation with the Chair. Members may suggest topics for inclusion in the agenda or bring relevant issues to the attention of the Chair or the Secretary/Executive Officer.

6.4 Agenda Items

As a general rule, agenda items will be supported by background papers which are usually prepared by the Secretary/Executive Officer in consultation with AFMA. Papers may also be prepared by AFMA, external agencies, researchers or others depending on the committee's purpose. Members may be asked to contribute background papers on issues for which they have particular knowledge or expertise or they may elect to submit a paper on their own initiative. Members wishing to submit papers for committee consideration should first contact the Secretary/Executive Officer and/or the Chair to ensure that the paper will be accepted as part of the agenda.

Unless otherwise specified, agenda papers are public documents and Members may provide copies to non-Members as part of the information sharing and dissemination process. However, in accordance with section 5 of this Paper, agenda papers and other documents which are marked as, or known to be, confidential must not be provided to any person who is not authorised to see them. Similarly, Members must not discuss any confidential document or fact which comes to their attention as a result of being a committee Member.

In some instances, background papers may not be prepared for specific agenda items, in which case the Chair or another member/s will usually introduce the item before it is opened for discussion.

6.4.1 Consideration of Agenda Items

Once background papers have been tabled, or items have been introduced, at a committee meeting they become available for consideration by all committee Members. If an Industry Member is concerned about the disclosure to non-Members (eg observers) of an issue that they consider may be sensitive, the Member should seek advice from the committee's Chair, preferably before the meeting commences. Items, including papers, will generally not be withdrawn after they have been tabled. Deliberations and any formal recommendations arising from the committee's consideration of the agenda items papers will be recorded in the minutes/report of the meeting.

6.5 Responding to Draft Minutes/Reports

Minutes/reports of meetings are an official, permanent, written record of the business transacted at a committee meeting. The purpose of the minutes/report is to provide an accurate, objective account of the proceedings, outcomes and actions arising from that meeting.

Following a committee meeting, a draft of the minutes/report of the meeting will be provided to committee Members, usually by the committee Secretary/Executive Officer, to give Members an opportunity to satisfy themselves that the draft minutes/report are an accurate record or summary of the proceedings of the meeting. Members are required to comment on whether the draft minutes/report are an accurate reflection of the discussion and any recommendations made at the meeting. Comments should not include views that a Member may hold but which he/she did not make known during the meeting. Members should provide comments on draft minutes/reports in writing, or verbally, either via the committee Secretary/Executive Officer prior to the following meeting of the committee or at the following meeting of the committee. If considered necessary, the committee may determine a shorter timeframe for comments.

Once any comments received from Members have been considered and, where appropriate, included in the draft minutes/report, the committee adopts the final minutes/report as an accurate record of the meeting, generally at the following meeting of the committee.

7 REMUNERATION AND TRAVELLING ALLOWANCE

7.1 Remuneration

The Act makes no provision for the remuneration of committee Members with the exception of Chairs of MACs. Remuneration for MAC Chairs is determined by the Remuneration Tribunal.

7.2 Travelling Allowance

7.2.1 Members of MACs and MAC Sub-committees

In accordance with sub-section 67(4) of the Act, Members travelling on MAC and MAC sub-committee business are entitled to receive a travelling allowance (to cover accommodation, meals and incidentals) at a rate determined by the Remuneration Tribunal. Where a Member engaged on MAC business elects to use a higher class of air travel or to incur greater accommodation costs, these additional costs are to be met by that Member.

7.2.2 Members of FAGs

In accordance with section 9 of the Act, Members travelling on FAG business may be paid travel expenses reasonably incurred in connection with FAG business.

7.3 Airfares

Members engaged on committee business, other than MAC Chairs, are entitled to reimbursement of airfares at the economy airfare rate. A MAC Chair is entitled to reimbursement of airfares at the business class rate.

7.4 Claiming a Reimbursement

To claim reimbursement for expenses incurred while on committee business, Members must complete an AFMA *Claim for Expenses and Allowances for Official Attendance at AFMA Committee Meetings* form (see Attachment B) and return it to AFMA together with any relevant supporting documentation such as airline ticket, boarding pass, taxi and parking vouchers etc.

8 OTHER ISSUES

8.1 Conflict of Interest

It is inevitable that Members may, from time to time, face potential or direct conflicts of interest. It is recognised that there is often a level of general conflict which may result from the fact that a Member is a participant in a particular fishery. Of greater concern is the specific conflict created where a Member is in a position to derive direct benefit from a particular committee recommendation if it is subsequently implemented, particularly if the Member may derive a disproportionate benefit (or loss) compared to others. Members should recognise the potential for conflict to occur and be aware that, in cases of direct conflict, the operations of the committee will be affected by an undisclosed conflict of interest. Accordingly, a commonsense approach should be taken and, if there is any doubt, a conflict of interest should be declared and recognised in the committee's discussions. The processes for declaring and dealing with a conflict of interest are set out in Attachment C.

8.1.1 Obligations Under Other Legislation

Industry Members on MACs/CCs are appointed by AFMA under the Act and are concerned with, or participate in, AFMA's management of Commonwealth fisheries. Accordingly, MAC Members are subject to those provisions of both the *Commonwealth Authorities and Companies Act 1997* (the CAC Act) and the *Crimes Act 1914* (the Crimes Act) which relate to the behaviour of officers. Certain provisions under these Acts apply even after a person ceases to be a MAC Member.

Members of MAC Sub-committees and FAGs have an advisory function only and are not considered to be officers for the purposes of the CAC Act and the Crimes Act.

Although Members on some committees may not be directly subject to the provisions of the above Acts, AFMA expects that, while undertaking their duties, Members will act in accordance with the intent of those Acts. Accordingly, key provisions of those Acts have been reflected in the obligations and responsibilities of Members as set out in section 5 of this Paper.

8.2 Indemnity of Members

AFMA's Directors and Officers Liability Insurance extends to Chairs and other Members of MACs but does not cover Members of MAC Sub-committees or FAGs or personnel employed under contract, which includes Executive Officers of some MACs. Members who are not covered by Liability Insurance should be aware that they can be held liable for actions taken or statements made in their capacity as a committee Member.

Insurance coverage is only to the extent that acts which incur liability are taken by a Member in good faith. Members are not insured against acts or conduct involving lack of good faith.

8.3 Resigning from a Committee

Members may resign from a committee at any time by giving a signed notice of resignation to the AFMA Chairman. Upon receipt of a written resignation, AFMA will, unless otherwise agreed, initiate appropriate action to fill the vacancy left by the resigning member.

Australian Fisheries Management Authority

June 1999

ATTACHMENT A

AFMA'S LEGISLATIVE OBJECTIVES

AFMA's objectives are listed in the *Fisheries Administration Act 1991* and the *Fisheries Management Act 1991* which cover all AFMA's operations.

In the performance of its functions, AFMA must pursue the objectives of:

1. implementing efficient and cost-effective fisheries management on behalf of the Commonwealth; and
2. ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development and the exercise of the precautionary principle, in particular the need to have regard to the impact of fishing activities on non-target species and the long-term sustainability of the marine environment; and
3. maximising economic efficiency in the exploitation of fisheries resources; and
4. ensuring accountability to the fishing industry and the Australian community in the Authority's management of fisheries resources; and
5. achieving government targets in relation to the recovery of the costs of the Authority.

The *Fisheries Management Act 1991* also provides that the Minister, AFMA and Joint Authorities are to have regard to the objectives of:

1. ensuring, through proper conservation and management measures, that the living resources of the AFZ are not endangered by over-exploitation; and
2. achieving the optimum utilisation of the living resources of the AFZ;

but must ensure, as far as practicable, that measures adopted in pursuit of those objectives must not be inconsistent with the preservation, conservation and protection of all species of whales.

ATTACHMENT B



Australian Government
 Australian Fisheries Management Authority

CLAIM FOR EXPENSES AND ALLOWANCES FOR OFFICIAL ATTENDANCE AT AFMA COMMITTEE MEETINGS

DETAILS OF MEMBER

Name.....ABN..... Phone No.....
 Address..... Fax No.....

DETAILS OF MEETING

Name of Committee..... Meeting place.....
 Meeting date..... Meeting time.....

DETAILS OF TRAVEL

Start: Place.....Time.....Date.....
 End: Place.....Time.....Date.....
 Was this travel by the most direct route? Yes No
 If no, please provide comments*.....
 Method of travel: Plane (go to section A)
 Vehicle (go to section B)

(Office use only)

	No.	\$
Complete days		
Part days		
Less meals provided		
Travel allowance payable (6410)		_____

		\$
Cost of ticket		
Deductions		
Net cost (6420)		_____

Rate.....c/km		\$
(6430)		_____
Incidentals	\$	_____
TOTAL PAYABLE \$		_____

Section A - DETAILS OF FLIGHT (attach airline ticket)

Outward: Date.....Depart.....Arrive.....
 Return: Date.....Depart.....Arrive.....
 Are you claiming reimbursement for total cost of the airline ticket?
 Yes No Comments*.....

Section B - DETAILS OF VEHICLE

Distance travelled
 by direct routekm Engine size.....cc

Section C - DETAILS OF INCIDENTALS (attach receipts)

Taxi \$.....Parking \$.....Other \$.....

SIGNED BYDATE.....

ATTENDANCE VERIFIED BY...(NAME).....(SIGNATURE).....

COST CENTRETOTAL PAYABLE APPROVED BY (NAME).....(SIGNATURE).....

* Official MAC members do not need to provide an ABN. Costs should be entered including GST, where applicable. AFMA can recover GST on reimbursements where an original tax invoice is attached. If the member's business is paid then the member must provide the business' ABN. AFMA can recover the GST from payments to those members only if they have signed an RCTI agreement or provide their own tax invoice.

ATTACHMENT C

CONFLICT OF INTEREST

1 DISCLOSING A CONFLICT OF INTEREST

Where a Member:

1. has a direct or indirect financial interest in a matter being considered, or about to be considered, by the committee; and
2. the interest could conflict with the proper performance of the Member's duties in relation to the consideration of the matter

the Member must, as soon as practicable after the relevant facts have come to the Member's knowledge, advise the committee, at the meeting, of the nature of the interest. Such a disclosure must be recorded in the minutes/report of the meeting.

2 COMMITTEE PROCEDURES

2.1 Dealing with a Conflict of Interest

To ensure the smooth operation of the meeting, it is suggested that committees deal with conflict of interest at the start of each meeting. Members will have papers and the agenda prior to the meeting and should be able to make a disclosure of a potential conflict of interest and its nature at the start of the meeting. The committee should then decide the nature of the interest and what action should be taken.

If the committee decides that a direct conflict of interest exists, and that this conflict is likely to interfere with the committee's consideration of a particular issue or issues, there are a number of things the committee may do. Firstly, the committee may decide that the member who has disclosed his/her interest should participate in the discussions concerning the issue but not in formalising the decision (in such cases, the Member may be asked to retire from the meeting while the decision is made). Alternatively, the committee may ask to hear the Member's views on the issue and then ask him/her to retire from the meeting while it is discussed by the other members and a decision is formalised.

In deciding how to treat instances where a direct conflict of interest exists, the committee should take a more inclusive approach in view of the role and function of committees in terms of making use of the expertise of Members. As a guide, it is suggested that Members declaring a direct conflict of interest should only be excluded from decision making if the matter being considered only affects the individual Member rather than all persons involved in the fishery.

If Members subsequently become aware of a potential conflict of interest during the course of a meeting they must immediately disclose the conflict of interest and the committee must consider how the disclosure is to be dealt with at this point.

2.2 Recording a Conflict of Interest

At the start of the meeting, the committee should also decide how each interest is to be recognised in the committee outcomes aside from recording it in the minutes/report of the meeting. For example, it may be appropriate to refer to an interest in documenting the discussion on some items.

The Chair should then ensure that the minutes/report of the meeting reflect the committee's decision(s) in regard to the conflict of interest and that these are put into effect at the appropriate point(s) in the meeting.