



Queensland  
Government



TORRES STRAIT  
**PZJA**  
PROTECTED ZONE  
JOINT AUTHORITY

**PROTECTED ZONE JOINT AUTHORITY**  
**FISHERIES MANAGEMENT PAPER No. 1**  
**(PZJA FMP No.1)**

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**MANAGEMENT ADVISORY COMMITTEES,  
SCIENTIFIC ADVISORY COMMITTEES,  
WORKING GROUPS AND  
RESOURCE ASSESSMENT GROUPS**

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**MAY 2008**

Prepared by the Australian Fisheries Management Authority  
on behalf of the Protected Zone Joint Authority

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## 1. ACRONYMS/DEFINITIONS

For the purposes of this document:

AFMA	Australian Fisheries Management Authority
DAFF	Department of Agriculture, Fisheries and Forestry
EO	Executive Officer
FMP	Fisheries Management Paper
MAC	Management Advisory Committee
PNG	Papua New Guinea
PZJA	Protected Zone Joint Authority
QDPI&F	Queensland Department of Primary Industries and Fisheries
RAG	Resource Assessment Group (including Stock Assessment Group, species Assessment Group or any scientific group).
SAC	Scientific Advisory Committee
TSMAC	Torres Strait Fisheries Management Advisory Committee
TSPMAC	Torres Strait Prawn Management Advisory Committee
TSPZ	Torres Strait Protected Zone
TSRA	Torres Strait Regional Authority
WG	Working Group

## 2. PURPOSE

This Fisheries Management Paper sets out the Torres Strait Protected Zone Joint Authority's (PZJA) policy for the operation and administration of Management Advisory Committees (MACs), Scientific Advisory Committees (SACs), Working Groups (WGs) and Resource Assessment Groups (RAGs) or other associated consultative groups.

This paper also outlines key decision making processes associated with the delivery of advice in the pursuit of the Protected Zone Joint Authority's (PZJA) legislative objectives. This includes the interactive processes, respective roles and responsibilities between the PZJA, MACs, SACs, WGs and RAGs.

## 3. INTRODUCTION

Sections 40(7-8) of the *Torres Strait Fisheries Act 1984* (the Act) provide for the establishment of advisory committees "...to provide information and advice to the Protected Zone Joint Authority on scientific, economic and technical matters related to any fishery."

In the Australian area of jurisdiction, traditional fishing and the commercial fisheries are managed by the Torres Strait Protected Zone Joint Authority (PZJA). The PZJA, established under the *Torres Strait Fisheries Act 1984* (the Act), comprises the Federal and State (Queensland) Ministers responsible for fisheries, and the Chair of the Torres Strait Regional Authority (TSRA). The PZJA is responsible for managing fisheries in the Torres Strait Protected Zone (TSPZ). The PZJA has delegated day-to-day management of the fisheries to the Australian Fisheries Management Authority (AFMA) and compliance and licensing in the fisheries to the Queensland Department of Primary Industries and Fisheries (QDPI&F) under a cost sharing arrangement. Five of the fisheries currently being managed are known as Article 22 fisheries and are jointly

managed by PNG and Australia. The two countries share the catches of Article 22 commercial fisheries according to formulae set out in the Torres Strait Treaty.

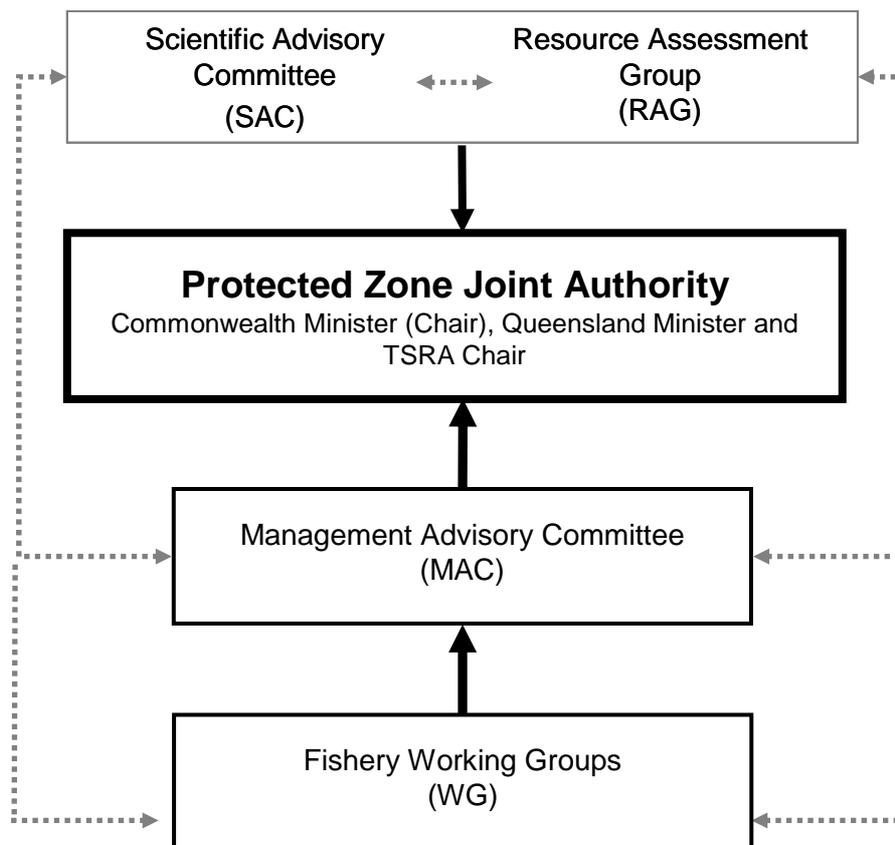
The PZJA agencies include AFMA, the Queensland Department of Primary Industries and Fisheries (QDPI&F), the Torres Strait Regional Authority (TSRA) and the Department of Agriculture, Fisheries and Forestry (DAFF). Recreational fishing is still managed under Queensland law.

The PZJA is responsible for monitoring the condition of the designated fisheries and for the formulation of policies and plans for their management. The PZJA has regard to the rights and obligations conferred on Australia by the Torres Strait Treaty, in particular the protection of the traditional way of life and livelihood of the traditional inhabitants, including their traditional fishing.

#### 4. CONSULTATIVE STRUCTURE

The consultative structure for Torres Strait fisheries incorporates Australian Traditional Inhabitant commercial and traditional fishers, non-Traditional Inhabitant commercial fishers, Australian and Queensland Government officials, and technical experts.

The PZJA may be advised by Management Advisory Committees (MAC), Scientific Advisory Committees (SAC), and Resource Assessment Groups (RAG) on issues associated with TSPZ fisheries (Figure 1).



**Figure 1.** The consultative structure of the Torres Strait Protected Zone Joint Authority (PZJA). Solid lines and dashed lines indicate primary and secondary lines of communication respectively.

Consultation and communication can be difficult across all islands of the Torres Strait, but are important elements in the effective management of the region's fisheries. The consultative committees are, therefore, complemented by meetings between fisheries officers and fishermen in communities around the Torres Strait. These meetings are occasionally supplemented by fisheries programs broadcast on Radio Torres Strait and articles/advertisements in the Torres News.

While the Committee's and Groups outlined in Figure 1 are the main means of the PZJA obtaining advice and information, it is not the only means. The PZJA may seek advice and views from others with relevant expertise or interest. This includes PZJA Agencies, other government agencies, independent consultants, operators in fisheries more broadly and representatives of the broader community.

Key principles that should be observed in relation to the respective committees/groups within the PZJAs decision-making framework are:

- i. All committees/groups are advisory rather than decision-making;
- ii. Committees/groups should provide expert advice that best pursues PZJAs legislative and policy objectives;
- iii. The PZJA seeks, through its consultative processes, to obtain best quality information and advice;
- iv. The PZJA will make decisions based on the best advice (and information) available at the time;
- v. Committees/groups should have defined roles and there should be minimum overlap in responsibilities; and
- vi. Advice and reporting should be a transparent and open process.

#### **4.1 Role and functions of a Management Advisory Committee (MAC)**

Management Advisory Committees (MAC) are the principal source of advice for the PZJA on fishery-specific management issues in all Torres Strait fisheries. A MAC and its working group/s have specific functions that support the decision making process.

A MAC advises the PZJA on fishery objectives, strategies, reference points, risk profiles and management arrangements for achieving fishery-specific goals. For the PZJA to be able to make decisions based upon MAC advice, the PZJA has to be confident that a MAC has put in place rigorous processes to determine the best package of measures in pursuit of the PZJA's objectives. Good governance and business efficiency demand that the PZJA is normally able to approve MAC advice without delving into MAC business details, or needing to seek clarification from a MAC.

The role of a MAC is to advise the PZJA on management issues for the fisheries managed under the Act. It provides the forum where issues relating to the fisheries are discussed, problems identified and possible solutions developed. The outcome of these deliberations determines the recommendations a MAC will make to the PZJA concerning the management of relevant fisheries.

All MAC members must be aware of the PZJAs legislative objectives and functions (as contained in Attachment A) and of the continuing need to take these into account in their deliberations.

#### **4.2 Role and functions of a Scientific Advisory Committee (SAC)**

A Scientific Advisory Committee's (SAC) main role is to advise the PZJA on the strategic directions, priorities and funding for research relevant to meeting information needs and objectives of the PZJA and its relevant consultative bodies.

The committee normally provides a review process for research conducted by research providers to ensure that milestones are met and that the research outcomes represent good value for money. The committee may also be called upon to make its own assessments of fisheries data and comment on stock assessment advice. The committee may also solicit external review when the questions asked fall outside the committee's area of expertise.

A SAC may also provide advice to the MACs, WGs, and RAGs on scientific and research issues in the Torres Strait Protected Zone (TSPZ).

#### **4.3 Role and functions of Working Groups (WG)**

To assist in the operations of a MAC, Working Groups (WG) have been established to provide advice on particular matters relevant to individual fisheries. The task of a WG is to discuss, negotiate and debate issues relevant to individual fisheries. In order to be manageable and cost effective, WGs will be no larger than is necessary to ensure the appropriate blend of knowledge and expertise is available to provide the required advice to a MAC.

Ordinarily the WGs deal with the fishery specific issues, including the specification of management objectives, research priorities for the particular fishery, management issues and strategies, and compliance issues. In addition to these tasks the WGs deal with a range of ad hoc issues. These are reported to a MAC and/or SAC as appropriate.

#### **4.4 Role and functions of a Resource Assessment Group (RAG)**

The main role of Resource Assessment Groups (RAG) is to provide advice on the status of fish stocks, sub-stocks, species (target and non-target species) and on the impact of fishing on the marine environment. Advice provided by a RAG should address biological, economic and wider ecological factors impacting on the fishery.

RAGs should also evaluate alternative harvest options proposed by the relevant fishery WG and/or MAC. This includes 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 attainment of approved fishery objectives.

A RAG reports to the PZJA. It also informs relevant SACs, MACs or WGs of work on stock assessments in progress or potential issues, but is not restricted by them. This ensures that the potential conflict of interest generated by the assessment roles of RAGs and the management advisory roles of other consultative bodies does not impact on the quality of advice provided to the PZJA. A MAC (including its WGs) and associated RAG are likely to have some common membership, therefore it is essential that members' roles be recognised and differentiated by the respective chairs.

## **5. TERMS OF REFERENCE**

### **5.1 Management Advisory Committees and Working Groups**

The following terms of reference are to be utilised by Management Advisory Committees (MAC) and Working Groups (WG) as operating guidelines.

1. To provide a forum for the discussion of matters relevant to the management of Torres Strait fisheries and to act as a medium for the flow of information between all stakeholders;
2. To provide advice and make recommendations to the PZJA (in the case of a MAC) or MAC (in the case of a WG) with respect to:
  - i. the management of the fishery;
  - ii. the development of fishery management plans;
  - iii. ongoing measures required to manage the fishery in accordance with the provisions of management plans; and
  - iv. amendments to management plans as required;
3. To provide advice and make recommendations to the PZJA (in the case of a MAC) or MAC (in the case of a WG) on research priorities and projects for the fishery. MACs and WGs are to ensure that processes are in place for industry and other interested stakeholders to receive advice from researchers in a form that will be easily understood by the audience;
4. To establish sub-committees as required ensuring that the range of management issues is given proper attention;
5. To liaise with PZJA Agency staff and provide assistance as necessary to ensure approved management measures are implemented; and
6. To undertake additional functions on behalf of the PZJA as determined by the Authority.

### **5.2 Scientific Advisory Committee (SAC)**

The following terms of reference are to be utilised by a Scientific Advisory Committee (SAC) as operating guidelines.

1. Identify and document research gaps, needs and priorities for fisheries in the Torres Strait;
2. Provide a forum for expert consideration of scientific issues referred to the SAC by a MAC;
3. Provide a forum for detailed consideration of scientific issues raised by WGs and relevant stakeholder representative bodies and advise WGs and relevant stakeholders on the feasibility and merits of suggested research;
4. Develop and update a strategic plan for Torres Strait Fisheries research;
5. Solicit and review research proposals in line with the strategic plan and recommend proposals for implementation to the AFMA Research Committee (ARC) and/or other relevant funding organisations;
6. Provide other advice to the MACs on matters consistent with SAC functions;
7. Review research / consultancies, stock assessments, and other reports and outputs relevant to Torres Strait fisheries and advise the appropriate MAC and WG, on their technical merit;
8. Advise the MACs and WGs on the management implications identified by the research projects or the SACs own assessment of fisheries data;
9. Convene Fisheries Assessment workshops as appropriate to review and address assessment needs for Torres Strait fisheries and recommend research priorities for future assessments;

10. Provide advice to research providers and the MACs on appropriate mechanisms and protocols for engaging research providers in the Torres Strait fisheries;
11. Provide advice on effective delivery of research results to stakeholders; and
12. Provide advice on a range of issues including stock assessment advice.

### **5.3 Resource Assessment Groups (RAG)**

A Resource Assessment Groups' (RAG) Terms-of-Reference (TOR) should be tailored according to their specific fishery requirements. However, general TOR for RAGs are:

1. Analyse, assess, and report on the fishery status against agreed reference points, including target and non-target stocks, impacts on the marine environment from fishing, and the economic efficiency with which stocks are fished;
2. Identify improvements and refinements to assessment methodology;
3. Evaluate alternative harvest strategies or TAC settings. This includes providing advice on confidence limits or risk levels associated with particular management/harvest strategies;
4. Assist the relevant MAC and/or the WG to develop, test, and refine sustainability reference points and performance indicators for the fishery. Advise on stock status and trends relative to these reference points and indicators;
5. Identify and document fishery assessment and monitoring gaps, needs and priorities. These should be communicated to the SAC so that they can be incorporated in the Torres Strait strategic research plan;
6. Provide advice and recommendations to the SAC on issues consistent with RAG functions;
7. Facilitate peer review of assessment outputs;
8. Facilitate/drive a collaborative stock assessment with adjacent jurisdictions;
9. Maintain awareness of current issues by promoting close links with the MACs, SACs and any other Torres Strait RAGs; and
10. Liaise with other researchers, experts and key industry members.

## **6. Cost Recovery**

Under the existing Australian Government cost-recovery policy, MACs and their subcommittees (WGs) are funded largely by industry levies as their functions are attributable to industry as the principal beneficiary.

In Torres Strait, only the costs of the prawn fishery are attributed to Industry and recovered at the present time. It should be noted however that the PZJA agreed in principle that cost recovery should extend to other Torres Strait fisheries in line with AFMAs Cost Recovery Impact Statement (CRIS). A policy on the cost recovery is being developed for the PZJAs consideration.

## **7. OPERATIONAL GUIDELINES**

### **7.1 Membership Composition**

The PZJA or delegate has final responsibility for determining the actual membership of MACs, SACs, WGs and RAGs and will consider membership in relation to the needs of the Torres Strait Fisheries.

### **7.1.1 Management Advisory Committee (MAC)**

The minimum requirements for MAC membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 2 x Staff members from AFMA;
- 2 x Staff members from QDPI&F;
- 1 x Scientific member;
- 6 x Traditional Inhabitant members\*;
- 5 x Non-Traditional Inhabitant Industry members#;
- 1 x TSRA support member.

\* The exact number of Traditional Inhabitant members may vary for each MAC as determined by the PZJA or delegate depending upon the needs of the fisheries (e.g. TSFMAC = 6 rotational from 24 communities; TSPMAC = 3).

# The composition of Non-Traditional Inhabitant Industry Members may vary for each MAC as determined by the PZJA or delegate depending upon the needs of the fisheries covered by the MAC (e.g. TSFMAC = 4 x Fishing licence holders, 1 x Industry processor; TSPMAC = 4 x Fishing licence holders, 1 x Industry processor).

### **7.1.2 Scientific Advisory Committee (SAC)**

In view of the special circumstances of the Torres Strait, especially in relation to the multiple jurisdictional arrangements for management and the provisions for economic development favouring Torres Strait Islanders in the Torres Strait Treaty (1985) and the Torres Strait Fisheries Act (1984), the Torres Strait Scientific Advisory Committee (SAC) should reflect a balance between stakeholder representation and research expertise. The SAC might be expected to have a greater representative function than other AFMA Scientific Committees. Accordingly, minimum requirements for a SAC membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;
- 4x Scientists\*;
- 1 x Independent industry member;
- 1 x Community Fisher Representative nominated by the TSRA;
- 1 x Papua New Guinea Representative.

\*The exact number of Scientific members may vary for each SAC as determined by the PZJA or delegate depending upon the needs of the committee.

Other experts included on a register of experts maintained by AFMA may be called to attend specific SAC meetings based on their specific areas of expertise as required.

### **7.1.3 Working Group (WG)**

The minimum requirements for WG membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;

- 1 x Scientific member;
- 6 x Traditional fishing members\*;
- 3 x Non-Traditional Inhabitant Industry members#;
- 1 x TSRA support member.

\* The exact number of Traditional Inhabitant members may vary for each WG as determined by the PZJA or delegate depending upon the needs of the fishery.

# The composition of Non-Traditional Inhabitant Industry Members may vary for each WG as determined by the PZJA or delegate depending upon the needs of the fishery.

#### **7.1.4 Resource Assessment Group (RAG)**

A stock assessment that engenders a strong management response may bring the RAG into conflict with sectors of industry or attract political attention. Therefore, members of the RAG must be credible, expert and impartial in undertaking their assessments.

The minimum requirements for RAG membership are as follows:

- 1 x Chair;
- 1 x Executive Officer;
- 1 x Staff member from AFMA;
- 1 x Staff member from QDPI&F;
- 1 x Traditional fishing member;
- 1 x Non-Traditional Inhabitant Industry member;
- 1 x Scientific member;
- 1 x Independent Scientific member;
- 1 x Conservation member;
- 1 x PNG NFA member;
- 1 x TSRA support member.

#### **7.2 Term of appointment**

The PZJA or delegate makes all appointments to MACs, SAC, WGs and RAGs, with Members generally appointed for terms of up to three years. In order to ensure continuity, Members will not normally be appointed for a period of less than two years. Subsequent re-appointment may be permitted.

## **8. Responsibilities and obligations of Members**

### **8.1 Responsibilities of Members**

Being appointed to a PZJA consultative committee or group brings with it a number of important responsibilities. Specifically, members must be prepared to meet the following requirements:

- they must be able to put views clearly and concisely and be prepared to negotiate to achieve acceptable outcomes and compromises where necessary;
- they must act in the best interests of the fisheries as a whole, rather than as an advocate for any particular organisation, interest group or regional concern;
- they must be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues;

- they must contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest;
- they must be prepared to make the necessary commitment of time to ensure that they are fully across matters which are the subject of consideration by the committee;
- Industry Members must not have commercial interests in the same company as other members on the same MAC, SAC, WG or RAG;
- Industry members must have the wider industry's confidence and authority to undertake their functions as a MAC, SAC, WG or RAG member. They must also be prepared to consult with members of industry through port-level associations, regional associations and peak industry bodies as necessary; and
- Traditional inhabitant members must have the community's confidence and authority to undertake their functions as a MAC, SAC, WG or RAG member. They must also be prepared to consult with members of community through local associations and meetings as necessary.

## **8.2 Reaching consensus**

A co-operative approach to MAC, SAC, WG and RAG discussions is essential. While this does not mean that there won't be disagreements from time to time, it does mean that agreement is ultimately to be reached through reasoned discussion, consultation and negotiation having regard to what is best for the fishery.

A MAC, SAC, WG or RAG should reach agreement through consensus and not use voting as a mechanism for achieving outcomes. Where agreement cannot be reached, members are encouraged to reconsider the issue and seek further information if necessary before making their recommendation. If a deadlock cannot be avoided, the views of members and general discussion should be well documented in the minutes of the meeting and highlighted in recommendations that are put before the PZJA (in the case of a MAC, RAG or the SAC) or MAC (in the case of a WG). MACs and WGs are the best means to achieve agreement on management issues. Ownership of the formal process by its members is vital to successful fisheries management.

## **8.3 Disclosure of interests**

### **8.3.1 Types of interests**

MAC, SAC, WG and RAG members are appointed to provide input based on their knowledge and expertise and as a consequence, it is inevitable that members may face potential or direct conflicts of interest. There may be a conflict of interest where a member:

- has a material personal interest, including a direct or indirect financial or economic interest, in a matter being considered, or about to be considered, by the MAC, SAC, WG or RAG; and
- the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter.

There may often be a level of general conflict simply because members come from areas of the industry that may be affected as a result of a recommendation. For example, industry members may be participants in the fishery, TSRA members may represent the geographical region under discussion or scientific members may face a conflict related to a research proposal. To assist in identifying areas of potential conflict, a MAC, SAC, WG or RAG may consider it appropriate to maintain registers of members' interests that could possibly lead to conflicts.

Of greater concern is the specific conflict created where a member is in a position to derive direct benefit from a MAC, SAC, WG or RAG recommendation if it is subsequently implemented. In either case, members should recognise the potential for conflict to occur and its possible impact on the operations of the Committee/Group.

### **8.3.2 Declaring an interest**

When a MAC, SAC, WG or RAG member recognises that a real or potential conflict of interest exists, the conflict must be disclosed as soon as possible to other members. Where this relates to an issue on the agenda of a meeting this disclosure can normally wait until that meeting, but where the conflict relates to decisions already made, members must be informed immediately. If there is any doubt, a specific conflict of interest and its nature should be declared and recognised in the discussions of the meeting and recorded in the minutes of the meeting.

### **8.3.3 Dealing with an interest**

To facilitate the smooth operation of meetings, it is suggested that conflicts of interest are dealt with at the start of each meeting. Members receive agenda and associated papers prior to the meeting and should be able to make disclosures of potential conflicts of interest and their nature (including, for example, the type and quantity of fishing concessions held by industry members) at the commencement of meetings.

Where it is determined that a direct conflict of interest exists, the MAC, SAC, WG or RAG may allow the member to continue to participate in the discussions relating to the matter but not in any decision making process. The member or the Committee/Group may also determine that, having made his/her contribution to the discussions, the member should retire from the meeting for the remainder of discussions on that issue. As a guide, members with 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.

Finally, the Chair must ensure that the minutes of the meeting show the disclosure of interest, reflect the meeting's subsequent decision(s) and demonstrate that these are put into effect at the appropriate point in the meeting. If members become aware of a potential conflict of interest during the course of the meeting, they must immediately disclose the conflict of interest and the members present must consider how best to deal with the disclosure at that point.

## **8.4 Other Obligations of Members**

Members must:

- act in good faith in the best interests of the PZJA;
- act honestly and exercise a reasonable degree of care and diligence in the discharge of their duties; and
- not make improper use of inside information to gain an advantage for themselves or someone else or cause harm to the Authority or to another person.

Members must not use their position, or information obtained as a member of a MAC, SAC, WG or RAG, dishonestly or with the intention of directly or indirectly gaining an advantage for themselves or someone else, or with the intention of causing harm to the PZJA or to another person.

## **8.5 Personal and professional behaviour**

MAC, SAC, WG or 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 such a way, at meetings, in the field and at official functions that will be held in a high regard by the community and by industry;
- treat other members and stakeholders with courtesy and sensitivity; and
- not take, or seek to take, improper advantage of official information gained in the course of their membership.

### **8.5.1 Fairness and equity**

MAC, SAC, WG and RAG members are not permitted to discriminate against or harass any colleague, client or member of the public, particularly on the basis of:

- Race;
- Religion;
- Gender;
- Political or union affiliation;
- Sexual preference;
- Political opinion;
- Marital status;
- Pregnancy;
- Social origin;
- Criminal record;
- Age; or
- Physical, intellectual or mental disability or impairment.

Behaviour, which is shown to be discriminatory, or which constitutes harassment will not be tolerated and may result in the members' appointment to MACs, SACs, WGs and/or RAGs being terminated by the PZJA or delegate.

### **8.5.2 Public comment**

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

Whilst MAC, SAC, WG and RAG members, as members of the community, have the right to make public comment and to enter into public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These circumstances would be where there is an implication that the public comment, although made in a private capacity, is in some way an official comment of a MAC, SAC, WG or RAG. Members should avoid making private statements about matters relating to a MAC, SAC, WG or RAG unless it is made clear that they are speaking as a private citizen.

## **9. Confidentiality and Non-Disclosure**

### **9.1 General**

Material made available to Members is generally public information. In some instances, members will have access to information that is confidential; however members will be advised accordingly. Members must not publish or communicate to any unauthorised person any fact or document which comes to their knowledge, or possession by virtue of being a MAC, SAC, WG or RAG member.

### **9.2 Resource Assessment Groups (RAG)**

Members of RAGs may sometimes require access to confidential fishery catch and effort data and will have access to draft reports, materials or working papers that are unready or not intended for wider circulation.

The Chair should warn members when matters of a confidential nature are tabled, and ensure that discussion documents are not used for any purpose not related to the business of the RAG. Exceptions should only occur with the written consent of the RAG Chair. However, all members are obliged to maintain standards of confidentiality and non-disclosure relating to data. Note that industry members, non-government organisation personnel (NGO), and other fishery stakeholders may not be given access to confidential data.

Scientific members who are custodians of data for the purposes of analyses must apply best practice to ensure security, confidentiality, and non-disclosure of the data. This includes prevention of loss, theft, corruption and unapproved duplication. Data received from AFMA for the purposes analyses will be subject to the conditions set forth in the contract between the research provider and AFMA. Similar arrangements may exist between other data providers and research providers using data provided by the other party.

It is the responsibility of the Chair to ensure that data contained in all public documents, assessment reports or other publications is aggregated sufficiently to preserve commercial confidentiality and privacy.

## **10. Role and appointment procedures for Members**

On behalf of the PZJA, AFMA administers the overall appointment process. The PZJA or delegate, however, makes the appointments. Nominations for Members are sought from both individuals and associations.

### **10.1 The Chair**

#### **10.1.1 Role**

The Chair of a MAC, SAC, WG or RAG plays a key role in ensuring effective and thorough discussion of factors affecting the performance of a particular fishery (e.g. implementation of ecological sustainable development factors, and impacts of management strategies on, the particular fishery) and is the primary communication link between the MAC/SAC/WG/RAG and the PZJA. Accordingly, the Chair must:

- Be independent of commercial or other interests with the particular fishery/fisheries, including industry association(s);

- Have a demonstrated capacity to chair meetings, including a sound understanding of the meeting procedures and practices necessary for the efficient conduct of meetings (including the rules of debate);
- Have an ability to identify strategic goals and objectives and facilitate their achievement through the MAC, SAC, WG or RAG process;
- Have a demonstrated capacity to communicate clearly and concisely to a wide cross-section of people, particularly with respect to acting as the MAC, SAC, WG or RAG spokesperson and representing MAC, SAC, WG or RAG views to the PZJA, industry, Government, the media and the general community in a balanced and rational manner;
- have an understanding of industry and public policy;
- preferably, have some fisheries (or resource management) experience; and
- not be a staff member of the PZJA Agencies, although this is allowed for SACs, WGs and RAGs.

An explanation of the procedural matters relating to the conduct of MAC, SAC, WG and RAG meetings, including the requirement to give notice of a meeting and to circulate papers, is provided at Attachment C.

The roles and responsibilities of a Chair include:

- Ensuring members are aware of their responsibilities under this PZJA FMP No. 1;
- Ensuring members remain aware of and consider the PZJAs legislative objectives in the deliberations of the MAC, SAC, WG or RAG;
- Ensure the timely availability of agenda papers before meetings and the preparation and circulation of minutes and Chair's Summaries after meetings;
- Formally communicating meeting outcomes, recommendations and matters for information to the PZJA (in the case of a MAC, RAG or SAC Chair) or to a MAC (in the case of the WG Chairs) for consideration and to the industry for information. In undertaking this function, the Chair will be assisted by the Executive Officer;
- Summarising outcomes for each agenda item at the end of the discussion for each item and at the end of the meeting. This will assist in the reporting of the outcomes after each meeting;
- Ensuring that meeting minutes, letters and other correspondence to the PZJA Chair (in the case of a MAC, RAG or SAC) or a MAC Chair (in the case of a WG) clearly and accurately describe MAC, SAC, WG or RAG recommendations and alternative options when an agreed position has not been reached; and
- Ensuring that minutes and other material arising from meeting deliberations clearly and accurately describe MAC, SAC, WG or RAG recommendations, including dissenting views where they are expressed.

Chairs are not to allow members who are absent from meetings to have separate notes or views attached to minutes. Absentee members may convey views in writing to the MAC, SAC, WG or RAG prior to the meeting.

#### **10.1.2 Selection/Appointment Procedure**

Whenever there is a vacancy in the office of MAC, SAC, WG or RAG Chair, whether created by the resignation of an existing Chair or the expiration of the term of appointment of an existing Chair, a shortlist of nominees considered to have the necessary attributes to fill the vacant position may be drawn from applications for the position or from a *Register of Interest maintained by AFMA*. A selection panel including representatives from the PZJA Agencies will review the nominee's relevant skills and experience and may interview nominees before candidates are submitted to the PZJA or delegate for consideration and approval.

On behalf of the PZJA, AFMA maintains a *Register of Interest* of suitably qualified persons interested in being appointed to the position of Chair of a MAC, SAC, WG or RAG. From time to time AFMA may advertise nationally for nominations to this Register.

### **10.1.3 Acting Chair**

The PZJA or delegate may appoint a person to act as the Chair of a MAC, SAC, WG or RAG during:

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

A person appointed to act during a vacancy must not continue to do so for more than 12 months.

## **10.2 Protected Zone Joint Authority (PZJA) Agency Members**

### **10.2.1 Roles**

The role of an AFMA and QDPI&F member of a MAC, SAC, WG or RAG is to:

- participate in general discussion;
- contribute fisheries management expertise to deliberations;
- provide advice on relevant Government policy and the process required for policy development and change;
- ensure that the MAC, SAC, WG or RAG is aware of, and fully understands, PZJA policy and obligations under its governing legislation; and
- seek and provide additional information on Government policy as necessary.

The views expressed and the policies advocated by AFMA and QDPI&F members are to be considered those of their relevant organisations.

The role of the TSRA member of a MAC, SAC, WG or RAG is to:

- assist and support the traditional inhabitant members and provide fisheries expertise.

### **10.2.2 Selection/Appointment Procedure**

AFMA, QDPI&F and TSRA will nominate officers to a MAC, SAC, RAG and WG at the organisations' discretion.

## **10.3 Industry Members**

### **10.3.1 Role**

The role of an industry member of a MAC, SAC, WG or RAG is to:

- contribute knowledge and experience relevant to the particular fishery and the fishing industry generally;
- contribute fisheries expertise to achieve the best management of the fishery; and
- regularly report to and liaise with other operators in the fishery on the MAC, SAC, WG or RAG activities, including the issues being dealt with and the possible solutions being considered.

### **10.3.2 Selection/Appointment Procedure**

The PZJA considers the selection of the industry members to a MAC, SAC, WG or RAG to be critical to the success of the Committee/Group. These individuals must have

the capacity to put views clearly and concisely and be prepared to negotiate to achieve acceptable compromises when necessary. Industry members should not have commercial interests in the same company as another member/s of the same committee or group. Above all, they must have credibility within the industry and the ability to address issues with the best interests of the fisheries in mind.

Industry members will normally be appointed through the following process:

- all operators in the fishery will be invited to nominate for consideration for appointment as a MAC, SAC, WG or RAG industry member. Relevant industry organisations will also be informed to allow them to canvass within their membership for nominations;
- interested operators will be required to complete a nomination form which is included with the invitation to nominate. This form sets out the nominee's personal details and provides space for nominees to outline the particular skills and expertise they can bring to the MAC, SAC, WG or RAG. Industry organisations can provide statements of support to individuals who nominate themselves; and
- an Assessment and Ranking Panel (the Panel) will be formed to consider nominations and make recommendations to the PZJA or delegate. The Panel will usually comprise the MAC, SAC, WG or RAG Chair, PZJA agency representatives and an industry member of standing in the fishery. The Executive Officer of the MAC, SAC, WG or RAG will act as secretariat to the Panel.

To facilitate the short listing process, the Panel may interview potential appointees, either in person or by telephone. Where candidates are well known to agencies and in the interests of cost-effectiveness, the requirement to conduct interviews may be waived.

The PZJA or delegate will determine industry member appointments on the advice of the Panel.

In considering each nomination, the Panel assesses whether the applicant is a fit and proper person for the purposes of MAC, SAC, WG or RAG membership. If the Panel identifies any issue that is likely to adversely affect:

- the applicant's ability to perform his/her role as an industry member;
- the PZJA's credibility; or
- the applicant's credibility with industry or other stakeholders.

The Panel may advise the PZJA or delegate that the applicant is unsuitable for appointment to the MAC, SAC, WG or RAG. The Panel may also consider that an applicant is not a fit and proper person if the applicant has been convicted of a fisheries offence and if the Panel believes that the conviction may compromise either the PZJA, or the applicant's credibility, or the applicant's ability to perform his/her duties as a member of a MAC, SAC, WG or RAG.

While the PZJA or delegate may consult with industry organisations in the selection of industry members, once appointed, industry members are required to act in accordance with the duties and obligations of MAC, SAC, WG and RAG members as set out in this paper. This means their contribution must be in the best interests of the fishery, rather than as an advocate of the industry sector that nominated them. Industry members are not representatives of particular sectors or interest groups.

## **10.4 Scientific Member**

### **10.4.1 Role**

A Scientific member of a MAC, SAC, WG or RAG should be independent of commercial interests in the fishery. The role of the scientific member is to:

- contribute impartial scientific and/or economic expertise to MAC, SAC, WG or RAG deliberations; and
- provide advice to the MAC, SAC, WG or RAG on the latest scientific or economic developments of relevance to the fishery.

### **10.4.2 Selection/Appointment Procedure**

The scientific member will be appointed on the basis of his/her scientific or economic qualifications, experience and expertise, knowledge of the fishery and the species being managed and therefore must:

- be a person of seniority and standing in the scientific community;
- have experience in liaising with the major Commonwealth and State fisheries research organisations at the highest level; and
- not have, or be employed by an entity with or representing entities with, commercial interests in the fishery.

Scientific members will normally be appointed through the following process:

- relevant research agencies will be invited to submit nominations for membership on a MAC, SAC, WG or RAG. Nominations may also be sought from appropriate individuals; or
- Calls for applications for the position as scientific members on the TSSAC will be advertise nationally by AFMA.

A selection panel that may include the MAC or Working Group Chair will review and may interview applicants from a shortlist of candidates prior to submission of a preferred candidate to the PZJA Board for consideration and approval.

The PZJA or delegate will determine scientific member appointments after considering nominations and any other information sought or obtained in relation to the nomination.

## **10.5 Traditional Inhabitant Members**

### **10.5.1 Role**

The role of the Traditional Inhabitant Members and traditional fishing representatives is to:

- contribute knowledge of fisheries and communities to a MAC, SAC, WG or RAG;
- contribute fisheries expertise to achieve the best management of the fishery;
- regularly report to and liaise with other traditional inhabitants in the community on MAC, SAC, WG or RAG activities, including the issues being dealt with and the possible solutions being considered; and
- consult with members of community through local associations and meetings as necessary.

### **10.5.2 Selection/Appointment Procedure**

The TSRA runs an open process to seek members for their community fishers group. Accordingly nomination traditional inhabitant members and the TSRA support member will be sought from the TSRA. AFMA as the agency administering the MACs, SACs, WGs and RAGs appointment process will liaise with the TSRA when member appointments are required.

## **10.6 Conservation Member - Optional**

The PZJA or delegate may appoint a conservation member to a MAC, SAC, WG or RAG if appropriate.

### **10.6.1 Role**

The role of the conservation member is to:

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

### **10.6.2 Selection/Appointment procedure**

Appointment of conservation members will be done by the PZJA or delegate. Conservation members will be selected on the basis of their ability to fulfill the role outlined above.

Conservation members are not appointed as representatives of a particular sector/s or interest group/s and, once appointed, must act in the best interest of the fishery.

## **10.7 Other Members**

According to the changing needs of the Torres Strait Fisheries, the PZJA or delegate may appoint other persons to a MAC, SAC, WG or RAG as a member, including persons from the general community. On appointment, these members will have the same rights, and be subject to the same obligations and responsibilities, as other members as set out in this FMP.

## **11. Termination or resignation – Chair and Members**

### **11.1 Termination of appointment**

The PZJA or delegate may terminate the appointment of the Chair or any other MAC, SAC, WG or RAG member for:

- misbehaviour or physical or mental incapacity;
- misconduct or non-performance; or
- inefficiency or incompetence.

Misconduct includes, non-observance of confidentiality (e.g. disclosure of data, results or other materials prior to an agreement to circulate, conflict of interest, misleading or misinforming, and making fraudulent travel or expense claims).

Non-performance includes excessive unexplained absences from meetings, repeated non-performance of assigned tasks or failure to participate in discussions in an objective, impartial and constructive manner.

The PZJA has determined that any action by a Chair or member that demonstrates unwillingness or inability to comply with their obligations and responsibilities may constitute misbehaviour and/or inefficiency. As such, non-compliance with the obligations and responsibilities as outlined in this FMP are grounds for termination of appointment.

In addition, any action by a member which results in his/her conviction for a fisheries or related offence during the term of his/her appointment may be considered as misbehaviour and could constitute grounds for termination of appointment.

Appointment may also be terminated if:

- the Chair or member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his/her creditors or makes an assignment of his or her remuneration for their benefit; or
- the Chair or member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, and the interest could conflict with the proper performance of the member's duties in relation to consideration of the matter, and he/she fails to disclose the nature of the interest at a meeting of a MAC SAC, WG or RAG; or
- the Chair is absent, except with the leave of the PZJA, from two consecutive meetings of a MAC, SAC, WG or RAG; or
- a Member is absent, except with the leave of the Chair, from two consecutive meetings of a MAC, SAC, WG or RAG.

Termination of appointment under this section will take effect when:

- the member has been warned by the MAC, SAC, WG or RAG Chair, or the PZJA Chair in a case of MAC, SAC, WG or RAG Chair non-compliance, that:
  - they have not complied with one or more of their obligations or responsibilities, and
  - the non-compliance is unacceptable, and
- the PZJA Chair or delegate is satisfied the member has a case to answer of non-compliance with their obligations or responsibilities warranting termination of appointment; and
- the PZJA Chair or delegate has asked the member in writing to show cause why their appointment should not be terminated; and
- after at least 14 days have elapsed, the PZJA or delegate has considered the matter, including any response by the member, and made a decision on the member's continuation in their position.

Cancellation of membership may be appealed. The PZJA or delegate will consider any appeals. These appeals must be addressed to the PZJA Chair and lodged, in writing, within 21 days after receiving notice to stand down.

## **11.2 Resignation**

### **11.2.1 Chair**

A Chair may resign from a MAC, SAC, WG or RAG before the term of his/her appointment has expired by forwarding a signed notice of resignation to the PZJA Chair or delegate with a copy to the relevant Executive Officer (EO).

### **11.2.2 Members**

A member may resign from the MAC, SAC, WG or RAG before the term of his/her appointment has expired by forwarding a signed notice of resignation to the MAC, SAC, WG or RAG Chair with a copy to the relevant EO.

## **12. Other participants**

### **12.1 Permanent Observers**

The PZJA or delegate may also appoint other persons who can be expected to make a meaningful contribution to a MAC, SAC, WG or RAG as a permanent observer. Permanent observers are required to participate in discussions in accordance with the obligations and responsibilities set out under this FMP.

Appointment of permanent observers is generally viewed as a transitional phase which might be prompted by a requirement for additional expertise and balance which cannot be accommodated within the existing MAC, SAC, WG or RAG due to limitations on the number of members. Accordingly, the PZJAs preferred approach is that there be a general move towards appointing permanent observers as full members where appropriate.

As with members, the contribution of permanent observers to the MAC, SAC, WG or RAG discussions and deliberations will be recorded in the minutes of the meeting. While permanent observer contributions will be recorded in the minutes, in the unlikely event that consensus in the MAC, SAC, WG or RAG cannot be reached, only members' views will be included in recommendations put before the PZJA.

The appointment processes for permanent observers will generally mirror those undertaken for MAC, SAC, WG or RAG members – nominations will be sought in the same way as for members and proposed permanent observers will be required to complete a declaration form before being appointed to the MAC, SAC, WG or RAG. There is nothing to prevent the appointment of a permanent observer covering an area of interest for which a member has been appointed.

As for MAC, SAC, WG and RAG members, a permanent observer may resign from the MAC, SAC, WG or RAG before the term of his/her appointment has expired. A resigning permanent observer must give signed notice of resignation to the PZJA Chair or delegate with a copy to the MAC, SAC, WG or RAG Chair. The appointment of a permanent observer may be terminated on the same grounds as any other member.

### **12.2 Casual Observers**

Casual observers are generally welcome to attend MAC, SAC, WG and RAG meetings. Individuals should seek the agreement of the MAC, SAC, WG or RAG Chair to attend a meeting as a casual observer for a particular agenda item or items – either to provide additional advice and expertise which may be required for that meeting or to observe the proceedings of the MAC, SAC, WG or RAG. This is done via contacting the MAC, SAC, WG or RAG Executive Officer.

Attendance by casual observers is to be on the basis that the presence of the casual observer does not inhibit or disrupt formal members from freely contributing to discussions and decisions. Casual observers must follow any directions made by the MAC, SAC, WG or RAG Chair.

Casual Observers are not formally appointed to a MAC, SAC, WG or RAG and do not participate in the decision-making processes.

Papua New Guinea representatives may be granted observer status on any Torres Strait MAC, SAC, WG or RAG. This is an important opportunity to engage PNG in the management of these stocks.

## **13. Executive Officers (EO)**

### **13.1 Role of Executive Officers**

The role of the Executive Officer (EO) is to provide all the necessary secretariat services to ensure smooth operation of a MAC, SAC, WG or RAG. In performing this role, the EO liaises with, and reports to the MAC, SAC, WG or RAG Chair.

### **13.2 Duties of Executive Officers**

While there may be some variation in the duties undertaken by external and internal Executive Officers (EO), in consultation with the Chair they are generally responsible for:

- making arrangements (including booking venues and catering) for meetings of the MAC, SAC, WG or RAG;
- preparing and circulating meeting notices, agendas and agenda papers to members, ensuring a final agenda and papers are provided to the Chair and members at least **10 working days** prior to all meetings of the MAC, SAC, WG or RAG;
- ensuring a Chair's Summary of the MAC, SAC, WG or RAG meeting is prepared and cleared within **five working days** following the meeting;
- ensuring the Chair's Summary is made available to all operators and others with an interest in Torres Strait fisheries (or in the case of a WG or RAG the relevant individual Torres Strait fishery) as soon as practicable following the MAC, SAC, WG or RAG meeting but no later than **10 working days** after the meeting;
- preparing the draft minutes and action sheets from each meeting and submitting them to the Chair for comment and approval within **14 working days** and distributing them to members within **21 working days** after the meeting;
- maintaining files, correspondence lists and follow-up action arising lists relating to the MAC, SAC, WG or RAG business; and
- ensuring that there is positive two way communication between the MAC, SAC, WG or RAG and the participants in the fishery/fisheries and that decisions or recommendations made by the MAC, SAC, WG or RAG and the reasons for them, are well publicised.

In addition, the EO is available to the MAC, SAC, WG or RAG as a resource to conduct research and investigations into matters affecting Torres Strait fisheries. These may, or may not, be directly related to the management of the fisheries. The EO may also be required to undertake surveys of operators in the fishery so that the MAC, SAC, WG or RAG has a better understanding of industry views on major issues under consideration.

The duties of the EO will be determined in consultation with the MAC, SAC, WG or RAG Chair and in the case of an external EO, will be specified in the relevant employment contract or letter of appointment.

### **13.3 Selection/Appointment Procedure**

The Executive Officer (EO) is appointed by AFMA on behalf of the PZJA, not by the MAC, SAC, WG or RAG. An EO may be either internal or external to the PZJA Agencies.

An EO will generally be a person who is involved in the management of the particular fishery and who will undertake the EO role as part of his/her normal duties as a PZJA Agency employee.

## **14. Meetings**

The procedures to be followed for MAC, SAC, WG and RAG meetings are set out in Attachment C.

## **15. Communication**

### **15.1 General Communication and Liaison Issues**

The Chair and members of a MAC, SAC, WG or RAG are expected to develop effective two way communication with the PZJA and any individuals or organisations that have an interest or are engaged in Torres Strait Fisheries, including PZJA Agencies.

The MAC, SAC, WG and RAG Chair and EO carry the major responsibility for communicating with industry and ensuring the flow of information between industry and the PZJA. However the PZJA and Agencies also have a role to play in the communication process.

### **15.2 Publication and distribution of MAC, SAC, WG and RAG papers**

All MAC, SAC, WG and RAG papers are considered to be public documents unless they contain items of specific commercial confidentiality. As such, the PZJA has agreed that MAC, SAC, WG and RAG agendas, agenda papers (other than commercial-in-confidence) and Chair's Summaries should be made available to all stakeholders to facilitate the flow of information between the PZJA, MACs, SACs, WGs and RAGs and those with an interest in Torres Strait Fisheries.

The preferred means for making such information available is via the PZJA website, rather than providing printed copies of papers to individual fishing concession holders or other stakeholders. In accordance with the Government's Online Strategy, it is the PZJAs intention to publish MAC, SAC, WG and RAG papers on the website at the same time they are printed and made available in hard copy. This will mean that papers will be available on the website before they are considered at the MAC, SAC, WG or RAG meeting.

### **15.3 Reporting**

All MAC, SAC, WG and RAG members are responsible for regularly reporting to their stakeholders on MAC, SAC, WG and RAG activities, the issues and possible solutions

under consideration. The MAC, SAC, WG and RAG Chair's Summary report of meetings is available to assist in this process.

The PZJA expects the MACs, SACs and RAGs to keep it informed about what is happening in Torres Strait fisheries, to develop views on issues affecting the fishery and to recommend changes to make management of the fishery more effective. In making recommendations directly to the PZJA, multiple recommendations from MACs, RAGs and SACs are acceptable for particular issues if considered necessary.

In turn, MACs, RAGs and SACs can expect the PZJA to communicate its decisions and the reasons for them to a MAC, RAG or SAC through the PZJA and MAC, RAG and SAC Chairs.

It is expected that each consultative committee or group report discussions through meeting reports, technical working papers and/or fishery assessment reports. The reporting process should not become onerous and should attempt to balance the reporting costs with the benefits achieved through the process.

- i. Meeting reports are minutes or the record of a meeting;
- ii. Technical working papers are reports tabled and considered during meetings. These are important resources that underpin an overall assessment of the fishery. Technical working papers may not become public documents, but do need to be retained and archived. These documents should be series numbered identifying the Committee or Assessment Group involved, the year produced and the meeting when they were considered. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library; and
- iii. Assessment reports are PZJA publications that are produced annually or periodically, and provide an assessment of the fishery. These assessment reports should generally adopt a standard reporting format for fishery assessment reports. The reports should carry an AFMA and PZJA logo, be series numbered and be made available for public circulation to stakeholders. Copies must be provided to the relevant Committee Secretariat for lodgement in the AFMA research library.

### **15.3.1 Chair's summary**

The PZJA expects the Chair's of a MAC, RAG and SAC to provide it with a formal report (MAC, RAG or SAC Chair's Summary) after each MAC, RAG and SAC meeting. The Chairs of WGs are required to submit a similar report to the relevant MAC Chair.

It is important that the Chair summarises outcomes for each agenda item after the discussion on that item has concluded and at the end of the meeting to aid in reporting outcomes after meetings. The Chair is to be diligent in ensuring that meeting minutes, letters and other correspondence to the PZJA, MAC, RAG or SAC Chair, clearly and accurately describe MAC, SAC, WG or RAG recommendations and alternative options when an agreed position has not been reached.

### **15.3.2 Self Assessment**

All MACs, SACs, WGs and RAGs are to conduct a self-assessment of their performance at least once a year against the following performance indicators set by the PZJA, reporting the outcome to the PZJA:

1. The performance of the MAC, SAC, WG or RAG as a forum for the discussion of matters relevant to the management of the fishery;

2. Ability of the MAC, SAC, WG or RAG to provide advice and make recommendations to the PZJA (or MAC) as appropriate with respect to the management of the fishery;
3. Ability of the MAC, SAC, WG or RAG to provide advice and make recommendations to the PZJA (or MAC) as appropriate on research priorities and projects for Torres Strait fisheries;
4. Standard of liaison by MACs, RAGs or SACs with the PZJA, or by WGs with MACs to ensure that the range of management issues is given the proper attention;
5. Quality of meeting papers;
6. Quality of Chair's performance;
7. Quality of Executive Officer's support services;
8. Quality of PZJA Agency Members' performance;
9. Level of confidence that the MACs, RAGs or SACs views and recommendations are conveyed effectively to the PZJA, or that WGs views are conveyed to MACs; and
10. Rating the dynamics of the MAC, SAC, WG or RAG when in session over the last year.

## **16. Financial Management**

### **16.1 Fishery Budgets**

All MACs and WGs will be asked to provide comment on the draft annual budget for the fishery for consideration by the PZJA.

The draft budget will show the cost of managing Torres Strait fisheries, including surveillance, logbook collection and processing and general administration costs. It will also include the cost of MAC meetings and other specific activities or projects that have been commissioned by MACs.

Comments received from MACs and WGs will be considered by the PZJA Agencies. Once approved by the Agencies, the budget will be used by the PZJA as the basis for determining levies payable by those in the fisheries.

### **16.2 Annual work planning and budget preparation for RAGs**

RAG members may be required to assist in developing an annual, costed work plan for the RAG. The relevant WG and MAC should be consulted and provide comment on whether the budgeted work plan best meets the assessment needs for the fishery. The PZJA may be required to approve the annual work plans and accompanying budgets. The Chair of a RAG may obtain advice on this from the relevant line agency members and if required obtain an application proforma from AFMAs research administrator.

It is the responsibility of a RAG chair to ensure that annual work plans are developed and that applications for funding, where required, are submitted in an accurate and timely fashion.

### **16.3 Travel Expenses of Members**

The policy concerning the travel allowances to MAC and SAC meetings for members and other participants, and to WG and RAG meetings for members is contained in Attachment D.

#### **16.4 Remuneration for inter-sessional work**

It is expected that a significant amount of MAC, SAC, WG or RAG work will be conducted between formal meetings. The PZJA will consider claims for reimbursement of such inter-sessional work where it can be demonstrated that a member's contribution to MAC, SAC, WG or RAG inter-sessional work is outside the normal business of the member's agency providing the services. This is a matter for consideration by the PZJA when determining budgets. Remuneration provision for inter-sessional work will be specified in member contracts at the time of appointment where appropriate.

Claims for inter-sessional work benefiting a MAC, SAC, WG or RAG should be budgeted, and reasonable. Remuneration can be claimed by lodgment of a tax invoice with AFMA and should be supported by a documentary record of the actual staff time inputs to MAC, SAC, WG or RAG work. AFMA, on behalf of the PZJA, reserves the right to inspect such records, before approving payment of claims for inter-sessional work.

#### **16.5 Remuneration for Chairs and SAC/RAG Scientific Members**

The PZJA accepts that the duties of Chairs and SAC/RAG scientific members require high-level skills and carry obligation and responsibility. In order to attract and retain suitable people, remuneration for these duties may be considered. The level of remuneration is not fixed, but may be negotiated between AFMA and the chairperson/scientific members. Approved Chair/scientific member remuneration will be specified in the relevant contract at the time of appointment.

#### **16.6 Consultancies**

In order to accomplish work plans MACs, SACs, WGs or RAGs may, from time to time, require the specialist skills or services of people not already members of the MAC, SAC, WG or RAG. In these instances and for specific defined tasks, the chairperson may engage consultants. 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 Research Manager in consultation with the MAC, SAC, WG or RAG chairperson. (For further information on contracts refer to the AFMA Research Manager).

### **17. Consultative Committees**

The PZJA may establish committees, other than a MAC, SAC, WG or RAG to assist it in the performance of its functions.

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## **Legislative Objectives and Functions**

Governing and guiding the PZJAs fisheries related activities are the legislative objectives contained under the provisions of sections 8 and 34 of the *Torres Strait Fisheries Act 1984*.

### **8 Objectives to be pursued**

In the administration of this Act, regard shall be had to the rights and obligations conferred on Australia by the Torres Strait Treaty and in particular to the following management priorities:

- (a) to acknowledge and protect the traditional way of life and livelihood of traditional inhabitants, including their rights in relation to traditional fishing;
- (b) to protect and preserve the marine environment and indigenous fauna and flora in and in the vicinity of the Protected Zone;
- (c) to adopt conservation measures necessary for the conservation of a species in such a way as to minimise any restrictive effects of the measures on traditional fishing;
- (d) to administer the provisions of Part 5 of the Torres Strait Treaty (relating to commercial fisheries) so as not to prejudice the achievement of the purposes of Part 4 of the Torres Strait Treaty in regard to traditional fishing;
- (e) to manage commercial fisheries for optimum utilisation;
- (f) to share the allowable catch of relevant Protected Zone commercial fisheries with Papua New Guinea in accordance with the Torres Strait Treaty;
- (g) to have regard, in developing and implementing licensing policy, to the desirability of promoting economic development in the Torres Strait area and employment opportunities for traditional inhabitants.

### **34 Functions of Joint Authority under this Act**

Where there is in force an arrangement under this Part under which the Protected Zone Joint Authority has the management of a fishery and the fishery is to be managed in accordance with the law of the Commonwealth, the Protected Zone Joint Authority has the functions of:

- (a) keeping constantly under consideration the condition of the fishery;
- (b) formulating policies and plans for the good management of the fishery; and
- (c) for the purposes of the management of the fishery:
  - (i) exercising the powers conferred on it by this Part; and
  - (ii) co-operating and consulting with other authorities (including Joint Authorities established under the *Fisheries Act 1952* or the *Fisheries Management Act 1991*) in matters of common concern.

**EXAMPLE ONLY – NOT FOR USE**

Chair  
Protected Zone Joint Authority  
C/- Communications and Planning Section  
Australian Fisheries Management Authority  
PO Box 7051  
Canberra Business Centre ACT 2610

Dear Chair

I refer to my proposed appointment as the ..... Member/Permanent  
Observer on the .....MAC/SAC/WG/RAG.

In compliance with the PZJAs requirements prior to appointment to this position, I  
advise that:

- (i) I have read, and understand, PZJAs Fisheries Management Paper covering  
MACs, SAC, WGs and RAGs; and
- (ii) I understand that, if my appointment is confirmed, I must disclose any  
relevant conflict of interest during the course of all MAC/SAC/WG/RAG  
meetings at which I am present.

I also give my assurance that I will endeavour to participate in discussion in an  
objective and impartial manner and that I will serve the best interests of the above  
mentioned MAC/SAC/WG/RAG and of the fisheries, and hold up the PZJAs legislative  
objective.

Yours sincerely

Signature .....

Name (please print) .....

Mailing Address .....

Daytime Telephone No.....

Mobile Telephone No. ....

Daytime Fax No. ....

Email Address .....

Date .....

## **Procedural Matters**

The Torres Strait MACs, SACs, WGs and RAGs will operate in accordance with the following procedures:

### **1. Notice of a meeting**

Except in exceptional circumstances, notice of a meeting shall be forwarded by the Executive Officer to all members no less than **20 working days** prior to a meeting being held. The notice shall call for agenda items and stipulate:

- the date of the meeting
- the time the meeting will commence
- the venue for the meeting
- the proposed business to be dealt.

The notice shall be sent to every member of the MAC, SAC, WG or RAG whether they are able to attend the meeting or not. The issue of a notice of the meeting to all members before the meeting is held is necessary for the meeting to be correctly constituted.

Full use of the PZJA web page should be made to assist in the communication of papers and other relevant information concerning the MAC, SAC, WG or RAG.

### **2. Quorum**

A quorum is the minimum number of persons who need to be present to constitute a valid meeting. If a meeting is not properly constituted, it cannot conduct business in a valid manner. For resolutions of a meeting to be valid the number of Members necessary to form the quorum must be present throughout the meeting.

A sensible size for a quorum is a sufficient number of members to conduct business with an adequate spread of responsibility, experience and representation. In the case of MACs, SACs, WGs and RAGs, the number shall be two-thirds of the members.

### **3. Agenda**

An agenda is more than a list of items or a guide to matters to be dealt with at a meeting. It provides a program to aid consideration of each item and allow the business of the MAC, SAC, WG or RAG to proceed in a logical, orderly and timely manner. It also provides a basis on which to write the minutes of the meeting.

Members are encouraged to provide input to the development of the draft agenda. Where significant business is proposed by a member, the agenda item supporting papers must be submitted to the EO by the member no less than **15 working days** before the meeting and be accompanied by a brief explanatory note setting out the main points to be considered. Otherwise, special items can only be submitted with the concurrence of the Chair.

All MAC, SAC, WG and RAG papers are to be considered public documents unless they contain items of specific commercial confidentiality.

Irrespective of the time frames specified in this section, it is the responsibility of the MAC, SAC, WG or RAG Chair to ensure the timely availability of agenda and other papers to all members prior to meetings.

The EO shall prepare the agenda in consultation with the Chair which is to be sent out to MAC, SAC, WG or RAG members, with papers and other information **10 working days** prior to the meeting. Papers are also to be sent to the AFMA Web Administrator ([webadmin@afma.gov.au](mailto:webadmin@afma.gov.au)) at least 10 working days prior to the meeting to allow posting on the PZJA website.

*The agenda should have items listed in the following order:*

- **Chair's Opening Remarks**

Provides the Chair with an opportunity to make any opening remarks to set the tone of the meeting, welcome any visitors etc.

- **Review and adoption of the agenda**

Provides an opportunity for members to review the agenda and either confirm its adoption or make any necessary adjustments.

- **Declaration of Interests**

This gives members an opportunity to declare any interest/s they may have in relation to the matters being considered by the MAC, SAC, WG or RAG. Interests may be declared in relation to a specific agenda item or items or be of a standing nature.

- **Apologies**

- **Minutes of the Previous Meeting on (date)**

This gives those present the opportunity to be satisfied about the correctness of those minutes as a record of the proceedings of that meeting. It also serves as a reminder of decisions made by, and progress reported at, the last meeting and thus of matters which remain pending, decisions still to be made and developments about which reports should be forthcoming.

- **Outcomes of the meeting of the PZJA on (date)**

The outcomes of the most recent meeting of the PZJA will be reported.

- **Business Arising from the Minutes**

While the immediate consideration of any business that arises from the minutes of the previous meeting is normal, it may be appropriate for some issues to be

dealt with as individual items later in the agenda.

- **Routine Items**

Regular business which comes before the MAC, SAC, WG or RAG (such as correspondence etc.) should be dealt with at an early stage in the meeting to enable such items to be dealt with expeditiously, but without undue haste. Reports of the SACs, WGs and RAGs and of each individual fishery will be discussed at this point during a MAC meeting.

- **Business Items to be Dealt With**

The order in which business is dealt with at a meeting needs to take account of business items arising from the previous meeting and the possible effects on later agenda items. Business items should be structured logically and the sequence of items should not be changed unless to achieve some worthwhile benefit and then only after adequate consideration.

- **Other Business**

This item provides for the consideration, if only in a preliminary way, of any unexpected or fresh and important business; it also enables up-to-date information on matters of passing interest to be reported and noted at the time rather than wait for the next meeting. As a general rule, items under this agenda heading should not go beyond the scope of the notice for the meeting. At this point the date of the next meeting is discussed.

#### **4. Attendance of Casual Observers**

Casual observers are welcome to attend MAC, SAC, WG and RAG meetings. Casual observers may participate at the discretion of the Chair where he or she deems it consistent with the efficient and effective operations of the MAC, SAC, WG or RAG. Casual observers must respect the need for orderly management of the business before the MAC/SAC/WG/RAG and the rights of others in the meeting. Casual observers must follow any directions made by the Chair.

#### **5. Rules of Debate**

Rules of debate have no legal authority and it is not necessary to apply such rules at a meeting. However, adherence to conventional rules of debate provides a Chair and others with confidence that a meeting will be conducted in an orderly fashion, with good manners and common decency.

In the case of MAC, SAC, WG and RAG meetings, it is unlikely that the rules of debate will need to be enforced. Rather, issues should be discussed in a co-operative, informal and consultative manner with resolutions being normally arrived at through consensus. At the same time, it is important for members to appreciate that the business of a meeting will be expedited by their personal observance of the general rules of debate and their support for the maintenance of order.

## 6. The Minutes

Once a MAC, SAC, WG or RAG meeting is completed, the Chair is responsible for formally communicating the outcomes of the meeting, including recommendations and matters for information, to the PZJA Chair (in the case of a MAC or SAC) or to the MAC Chair (in the case of WGs or RAGs) for consideration and to the industry for information. It is a function of the EO to assist the Chair in preparing the minutes of the meeting as well as the Chair's Summary.

Minutes may be defined as the official, permanent, written record of the business transacted at a meeting. They should be accurate, concise and articulate, being free from ambiguity or uncertainty. Where there is, by necessity, substantial and significant detail covered in the MAC, SAC, WG or RAG meeting, the minutes need to reflect this level of detail.

As a general rule, minutes should be expressed in words, phrases and sentences which are free from errors of grammar and syntax. They should preferably be without clichés, jargon, fashionable words or unnecessary detail.

The minutes need to include:

- day and date of meeting
- place of meeting
- names of those present
- apologies
- reference to the minutes of the previous meeting and the signing of them as a correct record of the proceedings of that meeting by the Chair
- record of agenda items discussed, including agreements reached, action required, and the MACs, SACs, WGs or RAGs decision/s in regard to any declared conflict/s of interest
- date and time for the next meeting
- time the meeting closed

Draft minutes are to be written up and submitted to the Chair for comment and approval within **14 working days**, and distributed to members within **21 working days** after the meeting. Minutes are also to be sent electronically to the AFMA Web Administrator ([webadmin@afma.gov.au](mailto:webadmin@afma.gov.au)) for posting on the PZJA website.

MAC, SAC, WG or RAG Chairs must not allow members who are absent from meetings to have separate notes or views attached to minutes, however absentee members may convey views in writing to the MAC, SAC, WG or RAG prior to the meeting.

**TRAVEL EXPENSES**

Members of travelling on MAC, SAC, WG or RAG business will be paid travel expenses reasonably incurred in connection with RAG business. Normally, this is reimbursement of airfares at the economy class rate, reimbursement of receipted expenditure for accommodation costs, meals and incidental expenses in accordance with AFMAs (as a PZJA Agency) staff travel policy.

To claim reimbursement for expenses incurred while on MAC, SAC, WG or RAG business, members must provide AFMA with a tax invoice with any relevant supporting documentation such as airline tickets, receipts for accommodation, meals, taxis and parking vouchers etc.

No allowance is payable if there is not an overnight stay. However, members may claim reimbursement of any meal expenses incurred by them during the day of a MAC, SAC, WG or RAG meeting not involving an overnight stay. Claims for reimbursement must be accompanied by a valid receipt or tax invoice and approval is at the discretion of PZJA Agency staff.

If a Member would like payment of travel costs to be made to their employer or business, then they must either submit a tax invoice from their employer or business or enter into a signed Recipient Created Tax Invoice (RCTI) agreement with AFMA. An RCTI agreement form can be obtained from AFMAs Finance Manager.

All flights to MAC, SAC, WG and RAG meetings should be booked through AFMAs travel provider. The cost of the flight will be charged directly to AFMA.

Members of a MAC, SAC, WG or RAG who are employed by a Commonwealth or State organisation that has their own discounted travel arrangements, may book flights through their own system. AFMA will reimburse their employer on submission of a valid tax invoice.

The claim form for travel expenses is attached.



**CLAIM FOR EXPENSES AND ALLOWANCES FOR OFFICIAL ATTENDANCE  
AT A COMMITTEE (MAC, SAC) OR GROUP (WG or RAG) MEETING**

**DETAILS OF MEMBER**

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

**DETAILS OF MEETING**

Name of Committee/Group.....	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)

*(AFMA use only)*

	No.	\$
Complete days		
Less meals provided		
Travel allowance payable (6410)		
Cost of ticket *		\$
Deductions		
Net cost (6420)		
Rate.....c/km (6430)		\$
Expenses *		\$
<b>TOTAL PAYABLE \$</b>		
<b>THE TOTAL PAYABLE INCLUDES GST</b>		

**Section A - DETAILS OF FLIGHT (attach tax invoice\*)**

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 route .....km Engine size.....cc

**Section C - DETAILS OF EXPENSES (attach tax invoices\*)**

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

SIGNED .....INVOICE DATE.....

ATTENDANCE VERIFIED .....

COST CENTRE .....TOTAL PAYABLE APPROVED BY.....

\*Official MAC/WG/RAG/SAC 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