

TORRES STRAIT PRAWN MANAGEMENT ADVISORY COMMITTEE	Meeting No. 14 17-18 July 2013
PRELIMINARIES Declarations of Interest	Agenda Item No. 1 FOR DISCUSSION

RECOMMENDATION

- 1.1 That TSPMAC members and observers **DECLARE**:
- a) any interest details (pecuniary or other) in the fishery at the commencement of the meeting.
 - b) any potential conflicts of interest prior to the commencement of each agenda item.
- 1.2 That TSPMAC members and observers **ABIDE** by the decision of the MAC regarding conflicts of interest.

BACKGROUND

MAC 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 MAC Member:

- a. has a material personal interest, including but not limited to a direct or indirect financial or economic interest, in a matter being considered, or about to be considered, by the MAC, and
- b. the interest could conflict, or could be perceived to conflict, with the proper performance of the Member’s duties in relation to the consideration of the matter.

Protected Zone Joint Authority Fisheries Management Paper No. 1 (PZJA FMP1) outlines procedures that must be followed when disclosing and managing conflicts of interest. In addition to this, the *Fisheries Administration Act 1991* sets out best practice principles when establishing and monitoring conflicts of interest, which the TSPMAC aims to meet.

This includes the following procedures:

- before the commencement of discussion on each agenda item the Chair will ask Members and Invited participants to disclose any interests in that item;
- where a Member or Invited participant discloses an interest in an item the Member or Invited participant must absent themselves from the meeting before the item is considered and the MAC must make a decision as to whether the Member or Invited participant can participate in the discussion and in the making of a recommendation or remain absent from the meeting for the item;
- the Member or Invited participant must abide by the decision of the MAC;
- regardless of the MAC’s decision on the persons involvement in the discussion, in each and every case the Minutes of the meeting **must** record:
 - (i) the fact of the disclosure relating to a conflict , and
 - (ii) the determination of the Committee on whether the Member or Invited participant may or may not be present during discussion of the matter which is the subject of the conflict.

2. These procedures are stated in the FAA, and repeated in PZJA FMP1. They apply regardless of whether or not the MAC meeting is face- to- face, conducted by way of teleconference or some other medium, for example, video conferencing.
3. AFMA has reviewed processes adopted at various MAC meetings. For MACs to fully comply with the FAA:
 - all MAC meetings, regardless of whether or not they are face- to- face, must have a set of Minutes (not just a Chair's Summary);
 - when a conflict of interest arises it is handled on a case by case basis, that is, any standing arrangements should not be relied upon to manage a particular circumstance;
 - when the MAC is deciding what to do about a declared conflict of interest the person(s) involved are not present; and
 - decisions on how any conflict of interest were handled are clearly recorded in the Minutes.
4. To assist in promoting transparency in the declaration and management of conflicts of interest, meeting Minutes must be prepared, circulated and placed on the PZJA website promptly after all meetings. FMP 1 already provides timeframes of 14 working days to provide draft Minutes to the Chair for comment and approval and for distribution to Members within 21 working days of the meeting.
5. In the past, TSPMAC minutes have been ratified at the next meeting. This process has now changed. The PZJA will now allow 10 working days for members to comment on draft Minutes, make relevant changes and provide the Minutes to members out of session for ratification. The minutes will then be placed on the PZJA website no more than 20 working days from when of when they were originally distributed to Members.
6. MACs must fully comply with these requirements in relation to conflicts of interests during MAC meetings. It is important to the integrity of MAC deliberations that any conflicts of interest be disclosed and dealt with by the MAC in a clear and transparent manner and that these matters are fully documented in the minutes.
7. AFMA has written to all MAC Chairs detailing the procedures that must be followed relating to conflict of interest. This letter is at Attachment 1A.
8. If a member has a concern related to Conflict of Interest, regardless of whether it applies to themselves, another member or an Invited participant, they are free to raise these concerns for MAC consideration.