

Lobster Industry Working Group

Terms of Reference October 2024

1. Purpose of Working Group:

To provide advice to NSW DPIRD on matters relating to Total Allowable Commercial Catch Determinations and other policy and operational issues relating to the NSW Lobster Fishery as required.

2. Chairperson

Fisheries Manager (other than the Lobster Fishery Manager) or alternate nominee of the Director Fisheries & Aquaculture Management.

3. Executive Officer

Lobster Fishery Manager or alternate nominee of the Director Fisheries & Aquaculture Management.

4. Membership

Five lobster industry members, one Recreational member, one Conservation member, and one Aboriginal member, the Lobster Fisheries Manager, one DPIRD Compliance Officer, one DPIRD Science, Research member and the current CommFish NSW Lobster fishery member.

5. Industry members

1. Queensland border to Smoky Cape
2. Smoky Cape to Seal Rocks
3. Seal Rocks to Swansea
4. Swansea to Bundeena
5. Bundeena to Victorian border

6. Selection criteria

- Industry member positions are only open to lobster shareholders that reside in the relevant region, Preference will be given to shareholders that are currently active fishers, and have been active in the fishery for a period of at least 3 years.
- Ability to communicate effectively with industry and government, including capacity to consult with, and communicate, the general views of shareholders within the relevant region or relevant stakeholder sectors.
- Capacity to undertake required duties, for example reading and other preparation for meetings and review and/or provision of information and advice out of session.

- Understanding of issues regarding the NSW Lobster Fishery, and the commercial fishing industry and fisheries resources in NSW in general.
- Where possible, members will include larger and smaller industry shareholders (over/under 100 shares), and shareholders from the inshore and offshore sectors.

7. Term of membership

Industry member appointments shall be made for a 3 year period, unless otherwise approved by the Executive Director DPIRD Fisheries. Industry appointments shall be staggered to ensure continuity of industry knowledge. The Commfish NSW Lobster member position on the working group will align with their term of appointment as the Commfish NSW member.

8. Selection process

A call for expressions of interest (EOI) for appointment will be made available to lobster fishery shareholders who reside in relevant regions, and to relevant Recreational, Conservation and Aboriginal bodies. EOIs must address the selection criteria.

Where multiple EOIs are received, they will be assessed and ranked based on response to the selection criteria and the need to achieve an appropriate mix of skills and experience on the Working Group.

Appointment is subject to approval and discretion of the Executive Director DPIRD Fisheries.

Where an industry EOI is not received in seeking a member for a particular region, an eligible fisher from another region may be appointed to that position until an EOI is received for the relevant region. In the event of resignation of a member, a suitable member may be directly appointed for the remaining term of the resigning member.

9. Procedures

Term of Reference will be available on the NSW DPIRD website for industry and stakeholder awareness of the functions of the working group.

The NSW Lobster Industry Working Group (LIWG) will meet once a year for a face-to-face meeting around May/June, with up to 3 additional video conferencing meetings to take place throughout the remainder of the year. Location of face-to-face meetings will be at sites suitable to the cost efficient travel of members (predominantly Sydney). Meeting summary outcomes will be made available on the DPIRD website.

Appointed non-government members (excluding the Commfish NSW Lobster member) will be paid a sitting fee to attend the annual meeting and/or other issue specific meetings, and travel arrangements including accommodation will be made for all members of the group if required.

The annual meeting will be scheduled for the day prior to the TAC meeting where possible. Working Group members are welcome and encouraged to attend the TAC meeting however a sitting fee will not be paid for the extra day/s.

Members will be registered on the Payroll system for payment of sitting fees and expenses incurred in attending meetings. Operating costs will be debited against the Lobster Industry Working Group budget component.

Should a member miss two consecutive meetings, the Working Group reserves the right to call for new EOIs for that member's position.

Observers are invited to attend face to face working group meetings only and must refrain from contributing to agenda item discussions unless invited to by the chair.

Observers may only present items for discussion if endorsed by a majority of appointed members.

Where any issues require vote, each member will hold one vote and the DPIRD position shall be considered one vote. The DPIRD vote may be cast if required to establish a majority under a hung vote, with any dissenting views regarding the issue documented at request of the relevant member/s. The CommFish NSW Lobster fishery member is ineligible to vote.

10. CONDUCT OF MEMBERS

10.1. Code of Conduct

LIWG members are to comply with the NSW Department of Industry and Regional Development Code of Ethics and Conduct.

It is essential for LIWG members to demonstrate a standard of conduct and ethics that maintains the confidence and trust of the working group, as well as those in industry and the broader community who will be affected by implementation of LIWG decisions.

10.2. Professional conduct

LIWG members are expected to maintain professional standards of conduct and ethics. While carrying out working group meetings members must:

- behave honestly and with integrity.
- act with care and diligence.
- make the necessary commitment of time to ensure they are fully across Lobster fishery matters and well prepared for meetings.
- treat other meeting participants with respect, courtesy and display a cooperative and consensus-based approach to discussion.
- observe confidentiality and exercise tact and discretion when dealing with sensitive issues.
- express their views clearly and concisely.
- contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest.
- represent their fishery whilst acting in the best interests of fisheries management as a whole, rather than as an advocate for any particular individual, organisation or interest group.
- be prepared to negotiate to achieve acceptable outcomes and compromise where necessary.
- be prepared to consult with and listen to others.

10.3. Inappropriate behaviour

At all times LIWG members must refrain from:

- discrimination against any person because of race, ethnic or national origin, sex, age, marital status, pregnancy, disability, transgender grounds, sexual preference, political or religious beliefs or responsibilities as a carer. Such discrimination may be unlawful.
- bullying, which means behaviour that is repeated, unwelcome and unsolicited, considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it.
- other inappropriate behaviour, such as harassment, vilification or victimisation, or aiding or permitting any bullying, discrimination, harassment or other such conduct.

10.4. Breach of the Code

If there is a finding of misconduct, the action taken will depend on the circumstances, but may include caution, reprimand or termination from the LIWG where necessary.

Review

Terms of Reference will be reviewed after 3 years.