

Fisheries advisory groups: Establishment and governance

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Policy Statement

Fisheries advisory groups are established by the Deputy Director General DPI Fisheries, through a delegated power under section 230 of the Fisheries Management Act 1994, to provide advice on specific issues. In the case of the commercial fisheries sector, they replace the previous statutory management advisory committee (MAC) for each fishery. However, there is the capacity to create groups on an "as needs" basis for a wide range of issues, not just commercial fishing.

Expertise-based fisheries advisory groups make an important contribution to fisheries policy development and management. It is important that members of fisheries advisory groups are chosen on the basis of relevant expertise, to ensure that the Government receives the best advice on the issue at hand.

The ability to create and disband issue-based advisory groups provides the government and industry with greater flexibility to tackle priority issues as needed. However, these groups still need to operate transparently, in line with best practice governance arrangements. This policy is designed to ensure that fisheries advisory groups are established and operated in a consistent, open and effective manner.

Scope

This policy applies to all DPI Fisheries staff involved with the establishment or operation of fisheries advisory groups. It does not apply to statutory Ministerial advisory councils.

Requirements

1. Approvals

- a. Any proposal for a new fisheries advisory group must be supported by the Director of the relevant unit and formally approved by the DDG DPI Fisheries via a briefing.
- b. The briefing should explain the proposed purpose and functions of the group and include draft terms of reference (covering issues such as expected outcomes, likely duration and composition) for approval. When deciding whether to approve formation of a new advisory group, the DDG DPI Fisheries will consider:
 - i. the significance of the issue,
 - ii. its alignment with NSW Government and DPI Fisheries priorities,
 - iii. whether the objectives and tasks of the group have been clearly identified,
 - iv. whether these objectives are realistic and achievable, and
 - v. whether adequate resources are available and appropriate to administer the group.
- c. These considerations apply whether the proposal originates within Fisheries NSW or from external stakeholders.

2. *Selection of members*

- a. The terms of reference will identify the composition of the group including the number of members and the expertise required.
- b. Selection of members is the responsibility of the Director of the relevant unit, with members (once selected) being formally appointed by the DDG DPI Fisheries.
- c. Prior to seeking expressions of interest or nominations for an advisory group, the Director should establish a selection committee which includes at least one independent person with no direct interest in the selection process.
- d. The Director, in consultation with the selection committee, should establish specific selection criteria (see Procedures).
- e. Based on the selection criteria, the Director should issue a call for expressions of interest, and/or seek nominations from relevant organisations or appropriately qualified individuals.
- f. Where appropriate, the opportunity to be considered for a position on an advisory group should be made as widely available as possible.
- g. The selection committee should assess all expressions of interest/nominations against the selection criteria, and provide a list of recommended members to the Director for endorsement.
- h. The Director may appoint an independent Chair or ask a staff member to serve as the Chair.

3. *Terms of appointment*

- a. Selected members must acknowledge in writing their acceptance of the group's terms of reference, the Members Handbook and the NSW Government Boards and Committee Guidelines.
- b. Terms of appointment are for three years or for the life of the advisory group, whichever is shortest.
- c. If the duration of the advisory group is envisaged to exceed three years, terms of appointment may be staggered (eg. so that terms of half the members expire every 18 months), to provide continuity in membership.
- d. After three years the Director may issue a new call for expressions of interest and/or seek new nominations. Existing members are eligible to re-apply and there is no limit on the number of terms a member may serve.

4. *Privacy*

- a. DPI Fisheries staff must be aware of and comply with the Privacy and Personal Information Protection Act 1998. Particular care must be taken with the collection, storage, use and disclosure of personal information in order to protect an individual's privacy.
- b. In general, employees must not use or disclose personal information for a purpose other than that for which it was collected, unless consent for other uses or disclosure is obtained from the person to whom the information relates.
- c. By acknowledging in writing their acceptance of the Members Handbook, members acknowledge that their name (and if relevant, affiliation) may be published on the group's webpage as part of a list of members.

5. *Conduct*

- a. All members of advisory groups must comply with the NSW Government Boards and Committees Guidelines and the additional guidelines on conduct contained in the Members Handbook.

6. *Dismissal of members*

- a. If a member engages in any serious misbehaviour (including criminal conduct or any offence under the Fisheries Management Act 1994 or regulations, or any inappropriate or unethical behaviour), the Director may dismiss that member from the advisory group.
- b. The Director may also dismiss a member if s/he has, in the opinion of the Director, ceased to offer the relevant expertise for which s/he was selected.
- c. If a member is dismissed or resigns from the advisory group the Director may choose whether or not to appoint a replacement member. The Director may appoint this replacement by calling

for expressions of interest, requesting nominations, appointing a person who previously expressed interest in the position or directly appointing a suitable person.

7. *Changes to the terms of reference*

- a. Any changes to the terms of reference, including any extensions to the duration of an advisory group, must be approved by the DDG DPI Fisheries.
- b. The DDG DPI Fisheries may choose to extend, modify, reconstitute or terminate an advisory group as appropriate.
- c. The terms of reference of an advisory group must be reviewed after three years if the group is still operating.

8. *Meetings*

- a. Advisory group meetings should be organised, run and documented in accordance with the procedures.
- b. Any recommendations of the advisory group should wherever possible be reached through consensus. Where consensus cannot be achieved the recommendation may be based on the majority view with alternative / dissenting views also recorded.

9. *Financial management*

- a. Costs associated with attendance of meetings will only be reimbursed in accordance with the group's terms of reference and the reimbursement guidelines contained in the Members Handbook.

10. *Complaint and dispute resolution*

- a. Any complaints should be dealt with promptly, in a fair and non-discriminatory manner, following the procedures and the NSW Department of Industry complaints handling policy.

11. *Communications*

- a. Advisory groups should operate in a way that is transparent, efficient and supportive of broader stakeholder input. To this end, information about each advisory group should be published on the DPI Fisheries website. At a minimum this should include the group's terms of reference, meeting outcomes and relevant contact details. Publication of other information, such as membership, agendas and background papers, is at the discretion of the Director.
- b. All documents must be approved by the Director prior to web publication.

Procedures

- DPI Fisheries advisory groups: Procedures (PROC17/53)

Roles and responsibilities

- DDG DPI Fisheries: Responsible for approving the formation and terms of reference of advisory groups; and responding to and acting upon their advice in a timely manner.
- Director: Responsible for approving operational matters associated with advisory groups including selection/dismissal/replacement of members; expenditure; and working with the Chair to establish meeting schedules and agendas.
- Chair: Responsible for conducting the meetings of the advisory group; keeping the group focused on its terms of reference; and acting as liaison between the group and the Director.
- Executive Officer: Responsible for day-to-day administration, secretariat services, record keeping and related support for the advisory group.

Safety considerations

This policy will enhance the wellbeing of staff by establishing good governance arrangements for advisory groups (including a code of conduct, grievance / dispute resolution procedures and clear grounds for dismissal) to minimise the potential for harassment, bullying, intimidation or other inappropriate behaviours by advisory group members.

Delegations

Financial

- Directors (Level 4)

Definitions

- None

Legislation

- Fisheries Management Act 1994
- Privacy and Personal Information Protection Act 1998

Related policies

- TI-A-134 Complaints handling policy

Other related documents

- NSW Government Boards and Committees Guidelines (DPC)
- [DPI Fisheries advisory groups: Members Handbook](#) (OUT17/30559)

Superseded documents

- None

Revision history

Version	Date issued	Notes	By
1.0	27/05/2013	New policy developed due to identified need	Fisheries NSW
2.0	11/12/2017	Update of policy	DPI Fisheries

Contact

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