

August 2023

Mulloway Harvest Strategy Working Group Terms of Reference

Road Map and Process

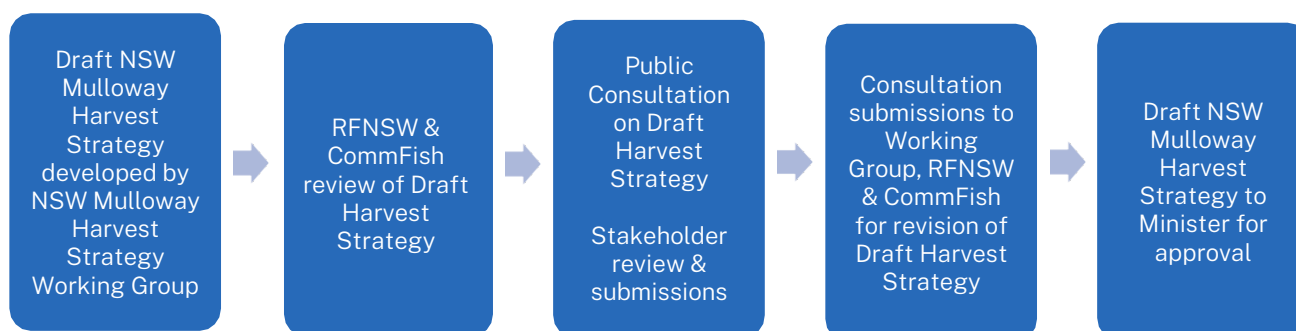
The NSW Department of Primary Industries is committed to developing harvest strategies for NSW fisheries, consistent with the NSW Fisheries Harvest Strategy Policy.

The intent of this Harvest Strategy Working Group is to engage key stakeholders in a collaborative process to develop a harvest strategy for Mulloway in NSW, with a focus on rebuilding the stock to a sustainable level. This process will foster a co-management approach that brings key stakeholders together, to build trust, understanding, confidence and shared responsibility in the fisheries management process for the NSW Mulloway stock.

There will be various opportunities for the industry and key stakeholders to have input to the NSW Mulloway Harvest Strategy, through the Working Group process which will involve key stakeholder representatives, the RFNSW/CommFish NSW review process and a wider consultation process where submissions can be made.

The Working Group will provide its advice on a recommended Harvest Strategy to RFNSW and CommFish NSW for consideration. RFNSW and CommFish NSW will then consider the advice and recommend a Harvest Strategy to the Minister for adoption. Following the Minister’s adoption of the Harvest Strategy, DPI Fisheries will use the Harvest Strategy to inform and guide future management actions for Mulloway.

Figure 1: Harvest Strategy development process



Purpose

To provide advice – through RFNSW & CommFish NSW – on the development of a NSW Harvest Strategy for Mulloway (*Argyrosomus japonicus*), with a focus on rebuilding the stock to a sustainable level.

Specifically, the Mulloway Harvest Strategy Working Group (the Working Group) will:

- Develop a harvest strategy for the NSW Mulloway stock, consistent with the objects of the *Fisheries Management Act 1994* and the NSW Fisheries Harvest Strategy Policy.
- Develop the key components of the harvest strategy (i.e. objectives, indicators, reference points and decision rules).
- Take into account any interactions with other fisheries/jurisdictions that must be considered.
- Develop a structured approach to taking management actions, such as setting bag and size limits, closures, gear restrictions, or any other appropriate actions.
- Take into account any other policy, management, scientific and operational issues relating to the development and application of a harvest strategy for Mulloway.
- Provide advice to RFNSW and CommFish NSW on the development and implementation of a fisheries harvest strategy for Mulloway.
- RFNSW and CommFish NSW are to consider the advice from the Working Group and provide advice to the Minister.

Membership

Composition of the Working Group will be as follows:

- Independent Chairperson
- Independent Scientist
- Independent Economist
- Commercial fishers x 3
- Recreational fishers x 3
- Aboriginal fishing representative
- DPI Fisheries Scientist
- DPI Fisheries Manager

DPI Fisheries will provide committee support to the Working Group and will provide additional technical support to the Working Group, as required.

Appointment of Members

A call for Expressions of Interest (EOI) for appointment to the Working Group will be made on initial establishment and where necessary. EOIs will be assessed by a Selection Panel comprising the Chairs of RFNSW and CommFish NSW and the Deputy Director General – DPI Fisheries (or nominee). The Selection Panel will rank EOIs based on the response to selection criteria and the need to ensure a mixture of skills and experience among members.

Recreational fisher positions are open to recreational fishers who are currently active in NSW and have a demonstrated interest/involvement in fishing for Mulloway.

Commercial fisher positions are open to shareholders and/or endorsement holders who are currently active in a relevant NSW fishery and have a demonstrated interest/involvement in fishing for Mulloway.

The Aboriginal fishing representative position is open to Aboriginal persons with knowledge and experience of Aboriginal cultural fishing and fisheries issues affecting Aboriginal people and communities, particularly in relation to Mulloway.

The Selection Panel may also consider other relevant aspects, such as the need to balance expertise across key fisheries (eg. Estuary General, Ocean Trap and Line, Ocean Hauling), sectors (eg. spearfishing, angling), or larger and smaller operators.

Successful candidates will demonstrate they meet the following selection criteria:

- A commitment to being outcome and solution focused.
- An ability to communicate effectively with industry and government agencies, including capacity to consult with and communicate the general views of their relevant stakeholder sectors.
- Capability and commitment to constructive engagement with Government on the improvement of commercial, recreational and/or Aboriginal fisheries management in NSW.
- Capacity and willingness to undertake required duties, such as reading meeting papers and other preparation, as well as to review and/or provide information and advice out of session.
- Demonstrated understanding of fisheries management issues, perspectives and values regarding NSW commercial, recreational and/or Aboriginal fisheries and of key concepts in fisheries science.
- Willingness to adhere to these Terms of Reference.

Member appointments will be made for the period of two years in the first instance. Subsequent renewal of appointments, if applicable, may be staggered to ensure continuity of knowledge.

Should a member miss two consecutive meetings the Chairperson may vacate that Member's position. A replacement member may be nominated for appointment by the Deputy Director General – DPI Fisheries.

Members must acknowledge in writing their acceptance of these Terms of Reference.

Rules of Procedure

The Working Group will operate under the Working Group Rules of Procedure.

Format, frequency and location of meetings

The group will meet as required to achieve the outcomes stated in the Terms of Reference.

Format of meetings (i.e. physical or online) will be determined in line with the prevailing public health advice at that time. Location of meetings will minimise health risk and travel costs.

Remuneration

The appointed Independent Chairperson, Scientist and Economist will be paid a sitting fee to attend meetings. All other members excluding the DPI Scientist and Manager will be paid a daily or half day sitting fee.

Travel and subsistence expenses incurred by members will be covered and travel arrangements including accommodation will be made if required.

Members will be registered on the DPI Payroll system for payment of sitting fees and expenses.

Executive Officer

DPI Fisheries will provide an Executive Officer to coordinate correspondence and meetings. The Executive Officer will be nominated by the Deputy Director General – DPI Fisheries and will work closely with the Independent Chairperson.

Review

The operation and ongoing need for the Mulloway Harvest Strategy Working Group and these Terms of Reference may be reviewed on an as-needs basis.

Working Group Rules of Procedure

Procedures to be observed in relation to the conduct of the business of the NSW Mulloway Harvest Strategy Working Group are as follows.

Notice of meeting

Notice of a meeting will be forwarded by the Executive Officer to all members no less than 14 days prior to a meeting being held. The notice will stipulate:

- The date of the meeting, including the day of the week
- The time the meeting will commence
- The venue for the meeting
- The proposed agenda, seeking confirmation or any additional items proposed by members to be added to the agenda. Any additional items proposed must be in accordance with the Terms of Reference for the Working Group and agreed by the Chairperson.

The Notice will be sent to every member of the Committee via the most effective communication channel (post, email, etc) whether they are able to attend the meeting or not.

The final agenda, together with business papers, will be circulated electronically to members no less than seven days prior to the meeting. The agenda will include the following items:

1. Welcome and apologies
2. Register of interests.
3. Confirmation of the minutes of the previous meeting
4. Action items arising from the previous meeting
5. Correspondence
6. Business items: the order in which these are dealt with needs to consider items arising from the previous meeting and the possible effect on later agenda items.
7. Other business
8. Next meeting - prior to the closing of a meeting, the group will discuss and agree upon the date for the next meeting and a draft agenda.

Papers

Business items listed for discussion, whether they are for decision or for noting, will be accompanied by a covering paper prepared by the relevant Member in discussion with the Chairperson. Members wishing to prepare an item for consideration may request the Executive Officer to assist with drafting.

The format of papers prepared for the group will be as follows:

- a. Purpose
- b. Background
- c. Discussion
- d. Recommendation
- e. Attachments if required.

The covering page and any attachments will be circulated electronically with the final agenda seven days before a meeting. Amendments to items or new/replacement submissions tabled on the day of

a meeting will not be accepted, unless the Chairperson considers the matter to be of pressing importance.

Additional information tabled at a meeting will only be accepted if the matter is considered by the Chairperson to be appropriate. Otherwise, new information may be tabled under other business.

Meeting procedures

- A quorum for a Working Group meeting will be 50% of the membership but must include the Independent Chairperson and Scientist.
- Noting its advisory capacity, any decisions of the Working Group should be reached through consensus. Opposing views may be recorded in the minutes upon request by the member, including the reasons for opposition.
- Members will declare their interests via a register of interests considered at the start of every meeting, and all interests will be recorded by the Executive Officer and regularly updated.
- The Chairperson may request a member/observer to leave a meeting if s/he deems that a conflict of interest exists, to allow confidential discussion by the committee on that agenda item.
- Committee members will not discuss confidential business of the Working Group with other persons without the explicit approval of the Chairperson.
- At the end of each meeting the Chairperson will clarify the agreed outcomes to ensure all members are clear on the outcomes of the meeting.

Meeting records

Chair's Summary

A Chair's Summary will be produced after each meeting, with the purpose of promptly and transparently communicating the main outcomes of each meeting to RFNSW and CommFish NSW, the Minister and key stakeholders. The Chair's Summary will be short and succinct and, for expediency, will not require the clearance of Working Group members, unless the Chairperson considers it necessary.

Minutes

Minutes of Working Group meetings are the official and permanent record of business transacted, and accordingly must be an accurate and objective account of the proceedings. It is not the intention to record verbatim proceedings – rather, minutes will try to capture the flavour of discussions and most importantly, outcomes. As a general rule, minutes should be expressed in plain English.

The minutes of the Working Group will include:

- The date, time and place of the meeting;
- The names of those in attendance, including any observers;
- Apologies;
- Acceptance of the draft minutes of the previous meeting
- Actions arising record of agenda items
- Any changes to the register of interests, including the Working Group's decisions in respect
- to any declared conflicts of interest;

- A record of the matters discussed at the meeting, including other business;
- The date and time for the next meeting; and
- The time the meeting closed.

A first draft of the minutes will be provided to the Chairperson for initial clearance as soon as possible after the conclusion of a meeting. The draft minutes will then be circulated to all Working Group members (preferably by email), generally within 10 working days of a meeting. Those Working Group members who attended the meeting may provide any comments on the draft minutes back to the Executive Officer within 5 working days of the draft minutes having been circulated. The Executive Officer will discuss any comments with the Chairperson, who will authorise a final draft. The revised draft minutes and accompanying action list will be distributed with the agenda for the next meeting for confirmation at that meeting.

If there is disagreement as to the outcome of a matter recorded in the draft minutes, the minutes as drafted by the Executive Officer and cleared by the Chairperson will stand until the next meeting, where the matter will be discussed and resolved by the full Working Group.

The confirmed minutes of Working Group meetings will be signed by the Chairperson and be the official record of discussion.

Proxies

Given that all members are expected to attend all meetings to ensure continuity and the smooth running of the group, proxies will not be permitted.

Attendance by observers

Attendance and participation by observers is at the discretion of the Chairperson. Observers should not inhibit or disrupt members from freely contributing to discussions and making recommendations.

People with particular skills, knowledge or expertise may be invited by the Chairperson to provide input where s/he deems it consistent with the efficient and effective operation of the Working Group. Generally, this attendance should be limited to a specific agenda item. Persons wishing to attend as observer should make a formal request to the Chairperson at least 7 days prior to a meeting.

The Chairperson may direct an observer to leave a meeting if a conflict of interest is considered by the Chairperson to exist, or to enable in-camera discussions of the Working Group on a particular agenda item.

Conflict of interest

The Working Group will maintain a register of interests where members' interests will be recorded and updated at each Working Group meeting. As the Working Group is an advisory body using the skills and expertise of its members, it is not proposed to incorporate strict rules regarding conflict of interest. However, conflict of interest rules will apply where a member may benefit financially from a matter under discussion. Where such a conflict arises, the member should disclose the interest to the Chairperson. The details of the disclosure must be recorded in the minutes. In such instances, the Working Group is to be informed of the situation and should decide on the most appropriate course of action.