

NSW Commercial Fishing Advisory Council (CommFish NSW)

Lobster 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 National Harvest Strategy Guidelines for Fisheries. This aligns with the Strategic Road Map prepared by the New South Wales Seafood Industry Council.

The existing NSW Lobster Industry Working Group is the key consultative mechanism for Total allowable Commercial Catch determinations and other policy and operational issues relating to the NSW Lobster fishery. Membership positions include commercial fishers, recreational, Aboriginal and Conservation member positions.

This working group will now be expanded to form the Lobster Harvest Strategy Working Group (the Working Group), providing further engagement and independent advice to progress and finalise the harvest strategy.

The working group process will focus on fostering 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 Lobster Fishery.

There will be further opportunities for industry and key stakeholders to have input to the design process for the NSW Lobster Harvest Strategy, through the Working Group process involving key stakeholder representatives, through the CommFish NSW process and through a wider consultation process where submissions can be made. The timing of meetings will be determined by the Working Group and will be communicated to stakeholders through a Chairs' meeting summary.

The Working Group will provide its advice on a recommended Harvest Strategy to CommFish NSW for consideration. CommFish NSW will then consider the advice and recommend a Harvest Strategy to the Minister for adoption. Following the Ministers adoption of the Harvest Strategy, the Total Allowable Fishing (TAF) Committee and DPI Fisheries will use the Harvest Strategy to inform and guide future TAC setting for the Lobster Fishery.



1) Purpose

To provide advice to the Minister (through CommFish NSW) on the development of a Harvest Strategy for the NSW Lobster Fishery (Eastern rock lobster *Sagmariasus verreauxi*).

Specifically, the Working Group shall:

- Develop a harvest strategy for the NSW Lobster Fishery, consistent with the objects of the *Fisheries Management Act 1994* and the draft 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 setting the annual Total Allowable Commercial Catch (TACC) for Lobster, through the adoption of TACC decision rules, linked to fishery performance.
- Take into account any other policy, management, scientific and operational issues relating to the development and application of a harvest strategy for the Lobster Fishery.
- Provide advice to CommFish NSW on the development and implementation of the Lobster Fishery Harvest Strategy.

CommFish NSW is to consider the advice from the Working Group and provide advice to the Minister.

2) Membership Composition

Members of the Working Group are as follows:

- Independent Chair
- Independent Scientist
- Independent Economist
- CommFish NSW Lobster Fishery Representative
- Lobster Industry Working Group members (5 Shareholder Representatives and 1 Recreational Representative)
- Professional Fishers' Association (can be covered by existing industry membership)
- Recreational Fishing NSW Advisory Council
- Aboriginal Fisheries Advisory Council
- DPI Fisheries Scientist
- DPI Fisheries Manager/s
- DPI Compliance Officer

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

3) Appointment of Members

Existing Lobster Industry Working Group, CommFish NSW and DPI members will be directly appointed, and additional vacancies will be filled using the process and conditions outlined in this document.

A Selection Panel will appoint additional members to the Working Group, comprising the Chair of CommFish NSW, the Deputy Director General – DPI Fisheries (or nominee) and a representative from the NSW Seafood industry.

A call for Expressions of Interest (EOI) for appointment of additional members to the Working Group will be made. EOIs will be assessed and ranked by the Selection Panel based on the response to selection criteria and the need for a mixture of skills and experience among members.

Successful candidates will demonstrate they meet the following selection criteria:

- A commitment to being outcome and solution focussed.
- 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 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 fisheries and of key concepts in fisheries science.
- Willingness to adhere to these Terms of Reference.

Member appointments shall be made for the period of one year 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 Chair may vacate that Member's position. A replacement member may be appointed by the Deputy Director General – DPI Fisheries.

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

4) Rules of Procedure

The Working Group shall operate under the Working Group Rules of Procedure as described in this document.

5) 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.

6) Remuneration

Appointed Independent Chair, Independent Scientist and Independent Economist will be paid a sitting fee to attend meetings. The nominated AFAC member may receive a sitting fee, consistent with the sitting fee arrangements established for AFAC. No other members will be paid a 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.

7) Committee Support Officer

DPI Fisheries will provide a Committee Support Officer (CSO) to coordinate correspondence and meetings. The Committee Support Officer will be appointed by the Deputy Director General – DPI Fisheries and work closely with the Independent Chair.

8) Review

The operation and ongoing need for the Lobster 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 Lobster Harvest Strategy Working Group are as follows.

Notice of meeting

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

The Notice shall be sent to every member of the Working Group via the most effective communication channel (email, post 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 Chair. 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 shall 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 Chair 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 Chair 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 Chair 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 shall be recorded by the Executive Officer and regularly updated
- The Chair may request a member/observer to leave a meeting if he/she deems that a conflict of interest exists, to allow confidential discussion by the committee on that agenda item
- Committee members shall not discuss confidential business of the Working Group with other persons without the explicit approval of the Chair

- At the end of each meeting the Chair will clarify the agreed outcomes to ensure all members are clear on the outcomes of the meeting.

Meeting records

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

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 Chair 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) 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 Committee Support Officer within 5 working days of the draft minutes having been circulated. The Working Group Committee Support Officer will discuss comments provided with the Chair, 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 by those in attendance at the 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 Chair 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 Chair and be the official record of discussion and as suggested above, can generally be used as a basis for briefing interested parties.

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 Chair. 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 Chair 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 Chair at least 7 days prior to a meeting.

The Chair may direct an observer to leave a meeting if a conflict of interest is considered by the Chair 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 member's 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 Chair. 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.