



- CHARTER -

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## 1. INTRODUCTION

The Commercial Fishing NSW Advisory Council (“CommFish NSW”) has been established to give commercial fishing stakeholders the opportunity to provide independent advice to the Minister for Primary Industries on key commercial fishing issues in NSW.

This advice will assist the Minister (and DPI Fisheries) to develop sound policies and decisions to manage the fisheries resources and ecosystems of NSW, in accordance with the objects of the *Fisheries Management Act 1994* which are to “conserve, develop and share the fishery resources of the State for the benefit of present and future generations”.

In the remainder of this document:

- the ‘DDG DPI Fisheries’ refers to the Deputy Director General, DPI Fisheries
- the ‘Director FAM’ refers to the Director, Fisheries & Aquaculture Management
- the ‘delegated officer’ of the Minister refers to the Deputy Director General, DPI Fisheries or the Director, Fisheries & Aquaculture Management

## 2. PURPOSE OF THIS CHARTER

This Charter outlines the objectives and Terms of Reference of CommFish NSW, how it will operate and the roles and responsibilities of members to ensure that it operates in an efficient and effective manner. It has been prepared in accordance with the *NSW Government Boards and Committees Guidelines* (updated September 2015) issued by the NSW Department of Premier and Cabinet.

The Charter should be read in conjunction with the *Code of conduct for members of advisory committees/boards, contractors and consultants to the NSW Department of Industry, Skills and Regional Development* (NSW Department of Industry Code of Conduct – Schedule 1), which applies to all members of CommFish NSW.

The Charter will be discussed and if appropriate, ratified by CommFish NSW at its first meeting (see section 9 for the process for amending the Charter).

## 3. OBJECTIVES AND TERMS OF REFERENCE

The objectives of CommFish NSW are to:

1. Provide a link between the Minister for Primary Industries and the NSW commercial fishing industry;
2. Provide advice to the Minister on strategic and operational matters for NSW commercial fisheries;
3. Provide industry input and advice to the Minister on commercial fisheries management and policy in NSW;
4. Provide advice to the Minister on the progressive adoption of co-management in NSW commercial fisheries;
5. Provide communication between the industry and government on issues affecting management and administration of commercial fisheries and share classes.

The Terms of Reference for CommFish NSW are to, where requested by the Minister for Primary Industries:

1. Have input to and provide advice on fisheries policy, and fisheries management, research and compliance programs;
2. Advise on the application of government policy including cost recovery for commercial fisheries to ensure there are transparent costs and efficient and accountable services provided to the industry;
3. Advise on policies and priorities for expenditure of funds from the Commercial Fishing Trust Fund;
4. Undertake communication with industry on matters of fisheries policy and management addressed by CommFish NSW;
5. Provide advice to other Ministerial Councils with responsibility for the management of the aquatic environment; and
6. Provide advice on any other specific issue referred to CommFish NSW by the Minister or the DDG DPI Fisheries, or which CommFish NSW considers relevant to the commercial fishing industry.

Note that CommFish NSW members do not represent the Minister, unless they are expressly authorised to do so by the Minister.

## 4. COMPOSITION OF COMMFISH NSW

### 4.1. Legislation

CommFish NSW is established under section 229 of the *Fisheries Management Act 1994* and in accordance with the Fisheries Management (General) Regulation 2019.

### 4.2. Chairperson

The chairperson of CommFish NSW is appointed by the Minister for Primary Industries. The chairperson must be a person who, in the opinion of the Minister:

- has no direct or indirect pecuniary interest in the fishery concerned
- does not represent DPI Fisheries;
- does not represent any restricted fishery or share management fishery;
- has significant expertise and experience in the management of fisheries; and
- is not a member of CommFish NSW.

The chairperson does not have voting rights.

### 4.3. Membership

Under clause 251 of the Fisheries Management (General) Regulation 2019, CommFish NSW is composed of the following members (13 in total):

- (a) For each restricted fishery<sup>1</sup>, one person who:

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<sup>1</sup> See Part 9 of the *Fisheries Management Act 1994* for the fisheries declared to be restricted fisheries (currently the inland; sea urchin and turban shell; and southern fish trawl restricted fisheries)

- (i) is an employee or office holder of an industry body that represents the fishery, or
  - (ii) is an entitlement holder who, in the opinion of the Minister, has expertise (or has shown leadership) in the fishery or in the commercial sector of the fishing industry generally;
- (b) For each share management fishery<sup>2</sup>, one person who:
- (iii) is an employee or office holder of an industry body that represents the fishery, or
  - (iv) holds shares in the fishery and who, in the opinion of the Minister, has expertise (or has shown leadership) in the fishery or in the commercial sector of the fishing industry generally;
- (c) the person appointed to the Ministerial Fisheries Advisory Council as an expert in or representative of the commercial fishing industry;
  - (d) an Aboriginal person who is a commercial fisher; and
  - (e) a nominee of the Secretary of the Department of Industry (who does not have voting rights).

#### 4.4. Selection and appointment of CommFish NSW members

The selection and appointment of members has been undertaken in accordance with the regulations, the *Appointment Standards – Boards and Committees in the NSW Public Sector* (July 2013) published by the Public Service Commission and the *NSW Government Boards and Committees Guidelines* (updated September 2015) issued by the NSW Department of Premier and Cabinet.

CommFish NSW is classified as Group C, Level 2ii in the Public Service Commission’s *Classification and Remuneration Framework for NSW Government Boards and Committees*. The Minister is authorised to directly approve appointments with classification in Group C (levels 1 and 2) and as such, appointment to CommFish NSW does not require Cabinet approval.

#### 4.5. Skills and expertise required of members

The following skills and expertise are required of members:

Significant experience and/or leadership in the fishery represented.

- Excellent understanding of the commercial fishing sector and of the threats, challenges and opportunities facing the State’s fisheries resources.
- Strong communication skills, and the ability to represent a range of industry views.
- Willingness to engage in constructive discussion with other CommFish NSW members and with government in an objective and impartial manner.
- Willingness to follow established standards of conduct and meeting protocols.

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<sup>2</sup> See Schedule 1 to the Act for the fisheries declared to be share management fisheries (currently the abalone; estuary general; estuary prawn trawl; lobster; ocean hauling; ocean trap and line; and ocean trawl share management fisheries)

- Capacity to attend up to four meetings per year and undertake required preparation for meetings (this includes not being over-burdened with positions on other groups and committees).

#### 4.6. Conditions of appointment to CommFish NSW

Members are appointed to CommFish NSW on the condition that they read, understand and agree to abide by this Charter and the *Code of Conduct for members of advisory committees/boards, contractors and consultants to the NSW Department of Trade and Investment, Regional Infrastructure and Services*.

Before their appointment is accepted by the Minister or they attend their first meeting, proposed members must accept the appointment in writing, acknowledging they have read the Charter and the Code of Conduct, and providing a signed Pecuniary Interests Declaration Form.

As CommFish NSW is expected to meet on no more than four occasions per year, members are expected to make the necessary time commitment to attend all meetings.

#### 4.7. Private and personal information

CommFish NSW members must complete an Advisory Council/Committee Member Details form which includes personal contact, bank account and superannuation details. This information is collected for administrative purposes including payment of entitlements and expenses (see section 8). Personal information may also be disclosed to the office of the Minister for Primary Industries for the purposes of the appointment process.

The names of current members of CommFish NSW, and the fishery they are representing, will also be published on the DPI Fisheries website.

#### 4.8. Terms of office

Terms of appointment are for up to three years. Members are eligible for reappointment if otherwise appropriately qualified. As a matter of good practice, members will generally not serve more than two consecutive terms on CommFish NSW unless there are specific reasons to support further reappointment.

#### 4.9. Resignation from office

A member of CommFish NSW may resign by giving a signed notice of resignation to the Minister.

#### 4.10. Removal from office

The Minister may remove a member from office after first consulting CommFish NSW. If CommFish NSW agrees, the member may be removed at any time, otherwise a 30 day notice period to CommFish NSW applies.

Reasons for removal may include the following:

- the member is no longer able to commit adequate time to the role,
- there is a serious disagreement with other members that cannot be resolved,
- there is a conflict of interest that cannot be mitigated, or
- the member no longer meets the membership criteria.

The Minister may also remove a member from office for failure to behave in an appropriate and ethical way, breaches of the Code of Conduct, repeated absence from CommFish NSW meetings, repeated unruly or disruptive behaviour at meetings which results in the member being formally reprimanded by the Chairperson, conviction of a serious or indictable offence under NSW fisheries legislation, or criminal conduct.

#### **4.11. Other causes of vacancy**

The office of a member of CommFish NSW also becomes vacant if the member:

- dies, or
- completes a term of office and is not re-appointed, or
- is absent from 3 consecutive meetings of which reasonable notice has been given, unless the member has been granted prior leave by the Minister or his/her approved delegate, or is excused for their absence within 4 weeks of the 3<sup>rd</sup> consecutive meeting by the Minister or his/her approved delegate, or
- becomes a mentally incapacitated person.

#### **4.12. Filling a vacancy**

If the office of a member becomes vacant through resignation, removal or another reason, the Minister will appoint a person to fill the vacancy. The Minister may appoint this replacement member by calling for expressions of interest, requesting nominations or appointing a person who previously applied or was nominated for the position.

#### **4.13. Working groups**

To assist its work CommFish NSW may, subject to the agreement of the DDG DPI Fisheries, establish short-term, issue-specific working groups. Any such working groups will have a specified term and purpose after which they will be dissolved. The membership of such working groups may extend to relevant experts beyond CommFish NSW members, DPI and the industry. DPI Fisheries staff will be available to participate in working groups to provide technical expertise and/or advice as required.

## **5. MEETINGS**

### **5.1. Meeting frequency and attendance**

Up to four meetings of CommFish NSW will be held per calendar year. The number of annual meetings may be varied upon the advice of CommFish NSW and subject to the approval of the DDG DPI Fisheries or Director FAM.

CommFish NSW meetings will be held face-to-face with all members required to attend in person. If a member is unable to attend due to ill health or another valid reason, they may seek the Chairperson's approval to tender an apology.

Unless exceptional circumstances arise, members are to notify the Executive Officer well in advance of the meeting if they are unable to attend.



## 5.2. Chairperson

The role of the Chairperson is to provide leadership, promote effective debate of issues and facilitate the flow of information between CommFish NSW, the Minister and DPI Fisheries.

Responsibilities include:

- Facilitating meetings of CommFish NSW;
- Ensuring good governance of CommFish NSW, including the accurate recording of any resolutions;
- Providing (and if necessary explaining or clarifying) advice and recommendations of CommFish NSW to the Minister and industry;
- Setting the agenda for CommFish NSW meetings in consultation with CommFish NSW members and the Director FAM;
- Reviewing the performance and contribution of members.

## 5.3. Deputy Chairperson

The Minister may appoint a deputy Chairperson from among the members of CommFish NSW upon the advice of the DDG DPI Fisheries and the Chairperson.

## 5.4. Administrative support

DPI Fisheries will provide an Executive Officer to support CommFish NSW. The Executive Officer will assist the Chairperson, in consultation with the Director FAM:

- organise meetings;
- prepare the meeting agenda;
- prepare and circulate any background, discussion or options papers in advance of meetings;
- prepare a summary of each meeting (5.10);
- prepare correspondence, reports, etc. of relevance to CommFish NSW business;
- maintain files associated with operation of CommFish NSW.

## 5.5. Notice of a meeting

Meetings will be convened by the Chairperson in consultation with the DDG DPI Fisheries or Director FAM. Where possible, 30 days' notice of a meeting will be provided to CommFish NSW members to facilitate the attendance of all members. The notice of meeting will provide the planned date, time and location as well as a draft agenda.

## 5.6. Agenda

The agenda will be set by the Chairperson in consultation with the DDG DPI Fisheries and/or Director FAM.

The agenda provides a properly structured program for a meeting of CommFish NSW and will be scheduled in a suitable way to facilitate the consideration of each item and the transaction of business in an orderly manner.

The agenda will include:

- Welcome and apologies
- Procedural matters – confirmation of draft minutes, agreement on agenda
- Business arising from previous meeting
- Agenda items

The Chairperson may amend the order of the agenda, having regard to current priorities of CommFish NSW.

A final agenda and supporting documents (such as relevant discussion papers, reports, correspondence, budget related papers etc) will be sent to CommFish NSW members at least 7 days prior to each meeting.

### 5.7. Conduct of meetings

Meetings will be chaired by the Chairperson. If the Chairperson is absent their duties may be performed by the deputy Chairperson, or if there is no deputy Chairperson present, by a person appointed by the Minister (or delegated officer) to chair the meeting.

Meetings will be conducted in an orderly fashion, with good manners and common decency. It is not proposed to adopt formal rules of debate, but to conduct all discussion through the Chairperson.

It is important for all CommFish NSW members to appreciate that they share the responsibility for ensuring that meetings stay on track and that agenda items are dealt with in ways that allow for meaningful, yet timely debate. Therefore members should make all reasonable efforts to:

- come to meetings well prepared, including undertaking any required consultation or research to support discussion of agenda items;
- discuss any points that require clarification beforehand with relevant departmental staff;
- focus comments on the points being debated;
- be aware of time constraints; and
- behave courteously towards fellow members.

If there is disagreement, the member may express an alternative or opposing view and request that this is recorded; however in the best interests of CommFish NSW, they should defer to the majority decision.

### 5.8. Voting

The regulations provide for voting, with a resolution being carried if voted for by a majority of the members present at a meeting.

However, CommFish NSW should seek to achieve a consensus on issues wherever possible.

Members cannot provide a proxy for their vote.

### 5.9. Quorum

A quorum for a CommFish NSW meeting is a majority of members at that time, excluding any members not entitled to vote.

### 5.10. Meeting summary

The Chairperson, with the assistance of the Executive Officer, will prepare a summary of each meeting, which will outline the issue(s) discussed and outcome(s) reached, as well as any action items arising from the discussion.

The draft summary will be distributed to members, who will have 5 working days to provide any comments in writing to the Chairperson. The draft summary is confidential and must not be copied or distributed by members.

The final meeting summary will be provided to the Minister and published on the DPI Fisheries website as soon as possible after the meeting.

### 5.11. Out-of-session decisions

In some instances CommFish NSW may wish or be asked to consider urgent matters out-of-session. These may be resolved by email from the Chairperson only, with members being provided written advice on the proposed issue and resolution and then recording their position by email in response.

In exceptional circumstances (where the issue is complex enough to warrant substantial debate), members may be asked to discuss the issue via a teleconference. The notice period for such a meeting may be no less than 2 days and where possible should be at least 5 working days.

### 5.12. Attendance of 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 Council. 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 Council on a particular agenda item.

## 6. CONDUCT OF MEMBERS

### 6.1. Responsibility of individual members

CommFish NSW members have an obligation to protect the public interest. It is essential for members to demonstrate a standard of conduct and ethics that maintains the confidence and trust of the Minister as well as those in industry and the broader community who will be affected by implementation of CommFish NSW advice.

### 6.2. Code of Conduct

CommFish NSW members are bound to comply with the NSW Department of Industry Code of Conduct: Schedule 1 (*Code of conduct for members of advisory committees/boards*,

*contractors and consultants to the NSW Department of Industry, Skills and Regional Development).*

### **6.3. Professional conduct**

CommFish NSW members are expected to maintain professional standards of conduct and ethics. While carrying out CommFish NSW activities members must:

- behave honestly and with integrity;
- act with care and diligence;
- make the necessary commitment of time to ensure they are fully across CommFish NSW matters and well prepared for meetings;
- treat other meeting participants with respect and 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; and
- be prepared to consult with and listen to others.

### **6.4. Inappropriate behaviour**

At all times CommFish NSW 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.

### **6.5. Disclosure of interest**

It is important for CommFish NSW to have objective and transparent processes for considering issues and developing its advice and decisions. Because of the composition of CommFish NSW, there may be occasions where a member may have a direct or indirect pecuniary interest in a matter. Accordingly, CommFish NSW will maintain a Register of

Interests where members' interests will be recorded and which can be updated at each meeting.

However, because CommFish NSW is an advisory body utilising the skills and expertise of its members, it is not proposed to incorporate strict rules regarding conflict of interest. The only occasion where conflict of interest rules may apply is where a member stands to benefit financially from a matter under discussion. Where such a conflict arises, the member must disclose the nature of the interest to CommFish NSW. The particulars of such a disclosure must be recorded in the Register of Interests. In such instances, CommFish NSW is to be informed of the particular circumstances and resolve the most appropriate course of action to deal with the matter in accordance with the following provisions.

After a member has disclosed the nature of their interest, they may – at the discretion of the Chairperson:

- be excluded from the meeting room for the duration of discussion on the matter; or
- remain in the room but not take part in any discussion relating to the matter; or
- participate in discussions on the matter but not vote or take part in any decision-making; or
- participate in discussion and in decision-making on the matter.

## 6.6. Confidentiality

As a general rule, CommFish NSW will be operated in an open and transparent manner with members having freedom to consult with the stakeholders they represent on issues that are before CommFish NSW, and bring those views back to CommFish NSW (see section 7).

However, in certain (limited) circumstances CommFish NSW may be asked to consider issues or information of a confidential nature. Direction on confidential items will usually be provided by the Chairperson.

It is incumbent upon CommFish NSW members to respect the confidentiality of such information and not to disclose it to any external person or party.

If a member is unsure about what they can disclose or has any doubts about a particular issue, they must discuss it with the Chairperson before disclosing any of that information.

All deliberations of CommFish NSW meetings which are identified as confidential must be treated as confidential until the Chairperson or Minister (or the Minister's delegated officer) releases information about those findings.

## 7. COMMUNICATION

### 7.1. Consulting with industry

When issues are before CommFish NSW for development or review, CommFish NSW should, where appropriate, seek broad industry input before developing any policy position or advice.

CommFish NSW members may seek input and feedback from stakeholders, in particular those within the fishery they are representing, on relevant matters providing these have not previously been identified as confidential (refer to section 6.6).

## 7.2. Reporting to the Minister

CommFish NSW will report regularly (at least annually) to the Minister with a copy also provided to the DDG DPI Fisheries for information. CommFish NSW will approve the form of any such report.

This report may include:

- How CommFish NSW is delivering on its objectives including a summary of key activities, outcomes and achievements since the previous report;
- Matters CommFish NSW is currently considering;
- How the commercial fisheries Business Adjustment Program is progressing;
- Any new issues, developments, information needs or policy initiatives that have been identified as important by CommFish NSW;
- Specific responses to requests for advice from the Minister;
- Draft or final recommendation(s) as part of the provision of advice on key commercial fishing issues;
- Formal and informal exchanges between CommFish NSW members and the Minister; and/or
- Any governance issues, such as changes to CommFish NSW membership or the results of any reviews of CommFish NSW.

Reports will be prepared by the Chairperson with the assistance of the Executive Officer, and will be provided to CommFish NSW members for comment out-of-session.

## 7.1. Public reporting

The NSW *Government Information (Public Access) Act 2009* (GIPA Act) contains a right-to-information system to make government information more readily available and improve openness and accountability.

The GIPA Act applies to all NSW government agencies, including boards and committees.

In accordance with the NSW Government's Open Government policy, CommFish NSW will release (via publication on the DPI Fisheries website) all of the following, unless in a specific instance there is an overriding public interest against disclosure (as determined by the Chairperson and the DDG DPI Fisheries):

- This Charter, once ratified
- Current membership
- Meeting summary (see 5.10)

At the discretion of the Chairperson and DDG DPI Fisheries or Director FAM, CommFish NSW may also publish CommFish NSW discussion papers to assist with broader industry consultation.

## 7.2. Media

CommFish NSW will deal with issues that can generate public and media interest and it is possible that CommFish NSW members may be approached in person or telephoned by the media for comment.

To achieve consistency in the information being presented, all requests for public statements should in the first instance be directed to the Executive Officer who will coordinate any media comment through the DPI media team.

The Chairperson may be delegated by the Minister to provide comment.

No CommFish NSW member will be permitted to provide media comment relying on their position as a CommFish NSW member without prior approval of the Minister (or the DDG DPI Fisheries or the Director FAM on behalf of the Minister).

The Executive Officer at the direction of the Chairperson (and with the approval of the Minister, DDG DPI Fisheries or Director FAM), may prepare a Communiqué providing details of findings and/or recommendations of CommFish NSW.

## 8. FINANCIAL & ADMINISTRATIVE PROCESSES

Note that any reference to ‘members’ in this section applies to both the Chairperson and voting members of CommFish NSW.

### 8.1. Remuneration

Remuneration is determined by the Public Service Commissioner in accordance with the *Classification and Remuneration Framework for NSW Boards and Committees*. CommFish NSW has been assessed as a category C2-ii committee (note that public sector employees appointed to NSW government boards or committees do not receive remuneration).

As NSW government policy is that payment of any fees and/or allowances and reimbursement of expenses is to be made to the individual board or committee member, members will be entered on the department’s payroll as ‘employees’ and will be paid their annual fee on a pro-rata quarterly basis. The department will also make superannuation contributions on behalf of members.

Upon appointment, members will be asked to complete an Advisory Council/Committee Member Details form (which includes bank account and superannuation fund details) and a Tax File Number Declaration form. These documents, plus a copy of the letter of appointment for each member will be forwarded to payroll.support@industry.nsw.gov.au to register the new member on the department’s financial system and facilitate payments. Payment will be made directly into the member’s nominated bank account.

Please note that taxation rules change from time to time and the department must apply the current rules as directed by the Australian Taxation Office.

### 8.2. Travel and accommodation

Wherever possible, DPI Fisheries will organise and pay for travel arrangements. If a member seeks (and is granted) approval to arrange their own travel, they must comply with NSW Treasury and Finance Circular OFS-2014-07: *Official Travel within Australia and Overseas*, including:

- Booking all air travel through the NSW Government’s approved supplier under *Contract 1008 Travel Management Services*.
- Use of economy class flights only;

- Use of the lowest logical fare of the day for all domestic flights, which is the cheapest fare available that meets the traveller's logistical needs. It involves specifying only the destination and desired date and time of departure and not the airline, and use of restrictive fares where possible.

In the case of one-day meetings, the meeting will normally be scheduled to allow adequate arrival and departure times for members. Where an early start or late finish is envisaged, DPI Fisheries may arrange for members to arrive the evening before or leave on the following day. In such cases (and wherever a meeting extends beyond one day), DPI Fisheries will organise and pay for accommodation.

### 8.3. Reimbursement for out of pocket expenses

CommFish NSW members are entitled to be reimbursed for legitimate expenses incurred while carrying out their duties such as travel, accommodation and meals (if not paid for directly by Fisheries NSW). Members can only be reimbursed the cost of actual expenses incurred, up to the maximum daily amounts determined each year by the Australian Taxation Office<sup>3</sup> (noting that Category C applies to chairs and members of boards and committees; hence the amounts under Category C in the ATO Table should be taken as an indication of the upper limits for reimbursement for accommodation and meals combined). Receipts must be provided for all amounts being claimed. Approved daily amounts are published in the NSW Department of Finance, Services and Innovation Circular DFSI-2015-05 *Australian and Overseas Travelling Allowances for Official Travel for Senior Officials*.

In some instances, members may also receive an allowance for the use of a private motor vehicle. The Director FAM may approve a member's use of a private motor vehicle for travel to meetings if it will result in greater efficiency or involve the Department in less expense than if travel were undertaken by other means.

Reimbursements for vehicle mileage will be made on the basis of current Government rates<sup>4</sup>, and may be taxable according to Australian Taxation Office guidelines. If a member is directed (and agrees) to use a private motor vehicle because no other transport is available, or they are unable to use other transport due to a disability, reimbursement will be at the 'official business rate'. In all other circumstances (e.g. where alternative transport is available but a member elects to use a private motor vehicle), reimbursement will be at the 'casual rate'. Members must provide the department with a copy of current registration and comprehensive insurance papers in order to make a vehicle mileage claim.

Reimbursement of expenses can be claimed by completing a 'Meeting Expense Claim Form' and forwarding it, together with all receipts, to the Executive Officer.

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<sup>3</sup> Current daily allowances (as of July 2015) are provided in NSW Department of Finance, Services and Innovation Circular DFSI-2015-05-Australian and Overseas Travelling Allowances for Official *Travel for Senior Officials* available at: <https://arp.nsw.gov.au/dfsi-2015-05-australian-and-overseas-travelling-allowances-official-travel-senior-officials>

<sup>4</sup> Allowances for use of a private motor vehicle are provided under Item 6 in NSW Treasury Circular TC16-10: *Review of Meal, Travelling and Other Allowances* (2 August 2016). See <http://arp.nsw.gov.au/tc16-10-review-meal-travelling-and-other-allowances>



## 9. AMENDMENT OF THE CHARTER

Some parts of this Charter are prescribed by the Fisheries Management (General) Regulation 2019, Code of Conduct or other government policy and cannot be amended. These include the composition of CommFish NSW, processes for removing a member, remuneration, and conduct/conflict of interest requirements.

Any member of CommFish NSW may propose a change to any other element of the Charter. Such proposals should be made to the Chairperson, who will arrange for the proposal to be debated and voted on at a meeting of CommFish NSW. Any proposed change which is supported by a majority of the members present at the meeting will be forwarded to:

- (a) The Minister, if it relates to a fundamental matter such as the objectives or Terms of Reference of CommFish NSW; or
- (b) A delegated officer of the Minister, if it relates to an operational issue (such as the format or timing of meeting agendas or outcomes).

As with other CommFish NSW advice, the Minister (or delegated officer) retains the right to make a final decision on any such proposal.

## 10. REVIEW OF COMMFISH NSW

A formal review of CommFish NSW will be undertaken every five years (or as otherwise determined by the Minister) by a person appointed by the Minister. The review may consider whether:

- CommFish NSW is fulfilling its functions and objectives, and what are its successes and outcomes with respect to its terms of reference;
- There is an ongoing need for CommFish NSW;
- CommFish NSW has an appropriate number of members for the functions being performed, and members have the appropriate mix of skills, experience, and diversity; and
- Individual members are fulfilling their responsibilities, including participation in and contribution to the objectives and workload of CommFish NSW, meeting attendance and engagement with other members, understanding of the issues and disclosure of conflicts of interests.