

Fisheries non-statutory working groups: Establishment and governance

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VERSION 1.0

AUTHORISED BY Executive Director, Fisheries NSW

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Policy Statement

Fisheries working groups (non-statutory groups established by the Executive Director to provide advice on specific issues) make an important contribution to fisheries policy development and management. This policy is designed to ensure that fisheries working groups are established and operated in a consistent, efficient and effective manner in line with best practice governance arrangements.

Scope

This policy applies to all Fisheries NSW staff involved with the establishment or operation of non-statutory fisheries working groups. It does not apply to statutory committees.

Requirements

1. Approvals

- a. Approval must be obtained from the relevant unit director before any proposal for a new working group is canvassed with stakeholders or publicly.
- b. If the proposal is supported by the unit director, formal approval must be obtained from the Executive Director via a briefing. The briefing should cover the issues outlined in the procedures and include draft terms of reference for the Executive Director's approval.
- c. When deciding whether to approve formation of a new working group, the Executive Director will consider:
 - i. the significance of the issue,
 - ii. its alignment with NSW Government and Fisheries NSW 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.
- d. These considerations apply whether the proposal originates within Fisheries NSW or from an external stakeholder.

2. Selection of members

- a. To fill non-government positions on a working group, the Executive Director may issue a call for nominations. This call for nominations should be advertised in a manner that allows potential candidates to be made aware of the opportunity.
- b. If particular expertise is required, the Executive Director may seek nominations directly from appropriately qualified persons.
- c. Government positions will be filled by directly approaching relevant agencies for a nomination.
- d. The Executive Director may establish a selection committee to consider expressions of interest and recommend nominees. This should consist of at least three members, including at least one Fisheries NSW staff member with a detailed understanding of the issue(s) and if possible, at least one independent person who has no conflict of interest with the selection process.
- e. The unit director should establish specific selection criteria, based (where relevant) on the general criteria contained in the procedures.

- f. All nominees must be approved by the Executive Director before being advised of their selection.

3. *Terms of appointment*

- a. Selected nominees must acknowledge in writing their acceptance of the group's terms of reference, the Fisheries non-statutory working groups: Handbook for members (the Handbook) and the NSW Trade & Investment Code of Conduct: Schedule 1.
- b. Terms of appointment are for three years or for the life of the working group, whichever is shortest.
- c. If the duration of the working 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 Executive Director may issue a new call for 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. Fisheries NSW 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 Handbook, members acknowledge that their name (and if relevant, affiliation) will be published on the group's webpage as part of a list of members.

5. *Code of Conduct*

- a. All members of working groups must comply with the NSW Trade & Investment Code of Conduct: Schedule 1 and the additional guidelines on conduct contained in the Handbook.

6. *Dismissal of members*

- a. If a member breaches the Code of Conduct or engages in any serious misbehaviour (including criminal conduct or any offence under the Fisheries Management Act 1994 or regulations), the Executive Director may dismiss that member from the working group.
- b. The Executive Director may also dismiss a member if he or she has, in the opinion of the Executive Director, ceased to effectively represent a stakeholder group that he or she was selected to represent.
- c. If a member is dismissed or resigns from the working group the Executive Director may choose whether or not to appoint a replacement member. The Executive 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 a working group, must be approved by the Executive Director.
- b. The Executive Director may choose to extend, modify, reconstitute or terminate a working group as appropriate.
- c. The terms of reference of a working group must be reviewed after three years if the group is still operating.

8. *Meetings*

- a. Working group meetings should be organised, run and documented in accordance with the procedures.
- b. In the event that a working group member is unable to attend a meeting, a member may (i) request that the Chair convey their views on a particular agenda item, or (ii) nominate a deputy

to attend the meeting (subject to the approval of the unit director). A deputy has all the functions of a member and has the same eligibility for reimbursement of costs as the member.

- c. Any recommendations the working group makes to the Executive Director 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 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 Trade & Investment Complaints handling policy.

11. *Communications*

- a. Working groups should operate in a way that is transparent, efficient and supportive of broader stakeholder input. To this end, a separate webpage should be established for each working group, hosted on the Fisheries NSW website, and used to publish the group's terms of reference, membership, agendas, background papers (unless confidential) and meeting outcomes.
- b. All documents must be approved by the Chair or the unit director prior to web publication.

Procedures

- Fisheries non-statutory working groups: Procedures (INT13/37858)

Roles and responsibilities

- Executive Director: Responsible for approving the formation, terms of reference and membership of working groups; and responding to and acting upon their advice in a timely manner.
- Unit director: Responsible for approving operational matters associated with working groups including selection criteria; meetings; members' deputies; expenditure; and (in conjunction with the Chair) draft and final working group papers and records.
- Chair: Responsible for conducting the meetings of the working group; keeping the group focused on its terms of reference; and acting as liaison between the group and the unit director.
- Executive Officer: Responsible for day-to-day administration, secretariat services, record keeping and related support for the working group.

Safety considerations

This policy will enhance the wellbeing of staff by establishing good governance arrangements for working 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 working group members.

Delegations

Financial

- Unit directors (Level 4)

Definitions

- None

Legislation

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

Related policies

- TI-A-130 Code of conduct (Schedule 1 - Code of Conduct for members of advisory committees/boards, contractors and consultants to the NSW Department of Trade and Investment, Regional Infrastructure and Services)
- TI-A-134 Complaints handling policy

Other related documents

- Fisheries non-statutory working groups: Handbook for members (INT13/37859)

Superseded documents

- None

Revision history

| Version | Date issued | Notes | By |
|----------------|--------------------|---|---------------|
| 1.0 | 27/05/2013 | New policy developed due to identified need | Fisheries NSW |

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Contact

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