



Department of
Primary Industries

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**FISHERIES NON-STATUTORY WORKING GROUPS
- HANDBOOK FOR MEMBERS -**

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1. Introduction

The purpose of fisheries working groups is to assist in developing 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”.

Working groups are established by the Executive Director, Fisheries NSW (under policy TI-O-146) to provide advice on specific matters such as fishery management, resource management and stock recovery. They provide a forum for discussion, negotiation, conflict resolution and policy development, allowing the Department of Primary Industries (DPI) to:

- directly engage with and where possible, reconcile the differing views and expectations of, various stakeholder groups,
- draw on the significant experience and knowledge of stakeholders and experts, and
- provide a structured approach to addressing significant, complex and/or contentious issues.

Working groups are advisory rather than decision-making bodies.

Members are selected on the basis of their expertise, experience, skills and ability to add value to the discussion. Membership carries certain responsibilities and requires a commitment of time and effort, but allows you to review the best available information and gives you a chance to identify and consider different options and have input into proposed solutions.

2. Appointment

Upon selection, you will receive an email or letter along with:

- this Handbook,
- a copy of the terms of reference of the working group, and
- a copy of the NSW Trade & Investment Code of Conduct: Schedule 1.

These documents explain important aspects of the way these groups operate and your rights and responsibilities as a member.

You will be asked to provide written acknowledgement that you have read, understood and accepted all three documents prior to the first meeting.

3. Conduct

Members who serve on fisheries working groups have an obligation to act and advise in the ‘broader interest’ and not serve simply to advance their own personal interests. It is essential for members to demonstrate a standard of conduct and ethics that promotes the confidence and trust of DPI and the people who may ultimately be affected if the working group’s advice is accepted and implemented.

As a member of a fisheries working group you are bound to comply with the NSW Trade & Investment 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*).

The Executive Director, Fisheries NSW may dismiss any member who fails to behave in an appropriate and ethical way, otherwise breaches the Code of Conduct or engages in any serious misbehaviour (including criminal conduct or any offence under the Fisheries Management Act or regulations).

3.1 Professional conduct

As a member of a fisheries working group, you are expected to:

- treat other working group members and DPI staff with respect and courtesy;
- express your views clearly and concisely;
- display a cooperative and consensus-based approach to discussion, and be prepared to negotiate to achieve the best possible outcomes;
- not reject solutions simply because they do not directly benefit yourself or your interest group;
- be prepared to observe confidentiality and exercise tact and discretion when dealing with sensitive issues;
- be prepared to make the necessary commitment of time to ensure you have understood sufficient information to participate in matters for consideration; and
- be prepared to consult closely with others in your interest group (eg. fishery or sector), in order to understand and put other views.

A cooperative approach to discussion is essential. There will inevitably be disagreement on issues being discussed by the group. However, consensus can usually be reached by discussion, negotiation and understanding, having regard to the best outcome for the resource, fishery and public.

3.2 Inappropriate behaviour

At all times you 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. 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; and
- other inappropriate behaviour, such as harassment, vilification or victimisation, or aiding or permitting any bullying, discrimination, harassment or other such conduct.

3.3 Conflicts of interest

Members of working groups are selected for their expertise and skill in areas relevant to the issues under discussion. As a consequence there is the potential for conflicts to arise between a member's duties to the group and their personal interests (or the interests of an associate or close relative). Some examples of potential conflicts of interest are outlined in section 2 of the Code of Conduct: Schedule 1, which you should also read.

Because it is important for working groups to be objective and transparent in the way they consider issues and develop advice, any conflicts of interest need to be fully disclosed. Accordingly, each working group will maintain a Register of Interests where members' interests will be recorded and updated at each meeting.

However, because working groups have an advisory role and utilise the skills and expertise of their 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 – as soon as possible after the relevant facts have come to the member’s knowledge – disclose the nature of the pecuniary interest to the working group. The particulars of such a disclosure must be noted in the record for the meeting, and the Chairperson must determine the most appropriate course of action to deal with the matter, eg:

- Excluding the member from the meeting room for the duration of discussion on the matter; or
- Allowing the member to be present, but not to participate in any discussion relating to the matter; or
- Allowing the member to participate in discussions on the matter but not take part in any decision-making.

If in any doubt about a potential conflict of interest or other ethical issue, you should discuss the matter with the Chair of the working group.

4. Meetings

4.1 Administrative support

In most cases, DPI will provide an executive officer to administer the working group, including organising meetings, making (or assisting with) travel arrangements, preparing documents for meetings, organising reimbursement of members’ expenses etc. The Chair is responsible for running meetings and ensuring the working group stays focused on its role and objectives. Members should generally always email both the executive officer and the Chair regarding working group matters, unless it is of a purely administrative nature in which case the Chair does not need to be included.

The director of the relevant unit (eg. commercial fisheries or recreational and indigenous fisheries) is responsible for approving paperwork, documentation and expenditure associated with the working group but will not normally be directly involved in the running of the group and should not be the first point of contact for members.

4.2 Scheduling meetings

DPI will provide advance notice of the planned date, time and location of meetings. Effort will be made to schedule meetings to facilitate the attendance of a majority of members, although no guarantees can be provided for any individual member.

4.3 Agenda

A draft agenda will be circulated prior to the meeting. You may wish to propose items for discussion by contacting the Chair and executive officer. Proposed items must fall within the terms of reference of the group. The decision on whether or not to include an item rests with the Chair. Any proposed agenda item must be accompanied by a reasonable written explanation of the issue (at least one paragraph) and, where appropriate, a proposed outcome or recommendation for the group to consider.

A final agenda and supporting documents will be circulated to allow sufficient time for consideration by members, generally at least 1 week prior to the meeting.

4.4 Inability to attend a meeting

In the event that you are unable to attend a meeting, you should advise the Chair and executive officer as soon as possible. You have the option, if you wish, of:

- (a) asking the Chair to convey your views on a particular agenda item, preferably (for the sake of accuracy) by putting them in writing; or
- (b) nominating a deputy to attend the meeting (subject to the approval of the unit director). A deputy has all the same rights and responsibilities as you would.

4.5 Meeting etiquette

Along with other members, you share the responsibility for dealing with agenda items in ways that allow for meaningful debate in an expeditious way. Therefore you should make all reasonable efforts to:

- come to meetings well prepared;
- discuss any points that you need clarified beforehand with DPI staff;
- focus your comments on the points being debated;
- be aware of time constraints; and
- behave courteously towards fellow members.

Conventional rules of debate apply. Meetings will be conducted in an orderly fashion, with good manners and common decency. All debate must be through the Chair. The Chair has the right to request any disruptive member to leave the meeting for a specified period. Repetitive disruption may lead to the person being asked to leave the meeting for the remainder of the day.

4.6 Meeting outcomes

DPI is responsible for recording outcomes (including recommendations) of each meeting. The draft outcomes (including any action list) will be circulated to members as soon as possible after the meeting giving you an opportunity to correct any errors before they are finalised. If you have any concerns, you will generally have 5 working days to provide comments in writing to the Chair. The draft outcomes are confidential and must not be copied or distributed by members.

Once any errors have been corrected, the draft outcomes will be posted on the group's webpage and adopted at the next meeting. Once adopted, the draft outcomes on the webpage will be replaced with the final outcomes.

Any recommendations the group makes to the Executive Director, Fisheries NSW will in most instances have been reached through consensus. However on occasions where consensus cannot be achieved the recommendation may be based on the majority view with alternative / dissenting views also recorded.

5. Webpage

The working group will have its own webpage on the DPI (Fishing and Aquaculture) website. The webpage will include a list of members (name and affiliation, eg. organisation or sector), as well as the contact details for the Chair and the terms of reference. Relevant documents such as agendas, background papers and draft and final outcomes will be published on the webpage as soon as they are available.

Note: By acknowledging in writing your acceptance of this Handbook (as well as the terms of reference and the Code of Conduct) you are consenting to the publication of your name (and if relevant, affiliation) on the working group's webpage. Please advise the group's executive officer if you do not consent to the disclosure of your name in this manner.

On occasion DPI and the working group may decide that an issue being considered by the group needs input from the broader industry or community. In these cases an invitation to comment will

be posted on the webpage, subject to approval by the Executive Director, Fisheries NSW or delegate. DPI will circulate any comments received to all members of the group for consideration.

Unsolicited comments or input received at other times will also be circulated to members for consideration but will not be published online. DPI reserves the right to refuse to publish any material which is defamatory or offensive.

6. Complaints and dispute resolution

If you have or receive a complaint relating to the working group, you should in the first instance refer it to the Chair, or if the complaint relates to the conduct of the Chair, to the unit director.

If the complaint is of a serious nature (eg. alleged misconduct, corruption or criminal activity) it must be referred immediately to the relevant authorised officer or body for formal investigation. Instances of possible corruption are required to be notified and investigated in accordance with the provisions of the *Independent Commission Against Corruption Act 1988*. Suspected criminal acts are referred to the Police.

Less serious concerns may relate to disputes or disagreements between working group members, poor (though not corrupt or criminal) behaviour or performance of staff, or procedural, policy or administrative matters.

In most cases the Chair or unit director will attempt to resolve the complaint or dispute informally, through private discussion and negotiation with those involved. In these instances working groups members are asked to display the same courteous and cooperative approach to resolving these issues as they are to other aspects of their participation in the working group. Options for resolving a complaint or dispute informally may include:

- seeking more information to clarify the issue;
- discussing the problem with those directly involved or responsible;
- canvassing other members of the working group to see if they share similar views;
- raising the issue for discussion and resolution at the next working group meeting; and/or
- seeking an agreement by one or more of those involved to modify their behaviour.

If this process fails, the complaint will be dealt with formally under the NSW Trade & Investment Complaints handling policy (see policy TI-A-134 on the NSW Trade & Investment website).

Note that the Executive Director, Fisheries NSW has the right to dismiss complaints that he or she considers to be spurious or vexatious, after evaluating all the available facts and using his or her best judgement.