



*Growing and Protecting New Zealand*

**TERMS OF REFERENCE FOR**

**Technical Advisory Group (TAG)**

**Future of our Fisheries**

**Ministry for Primary Industries**

**04 November 2016**

# Terms of reference for Technical Advisory Group to Future of our Fisheries

## 1. Definitions of terms.

**Director-General** means the Director-General for the Ministry for Primary Industries;

**FOF** means the Future of our Fisheries programme, which aims to identify and implement improvements in the way New Zealand's fisheries are sustainably managed;

**group** means Technical Advisory Group to Future of our Fisheries established under these terms of reference;

**MPI** means the Ministry for Primary Industries.

## 2. Purpose and functions of the group

### 1. Purpose of the group

To provide independent advice to the Director-General on MPI's Future of our Fisheries programme. The group will be requested by MPI to test the practicality and the robustness of policy options developed by MPI. The group may make recommendations to MPI but does not have a decision making function.

### 2. Functions of the group

The group has the following functions:

- a. Provide advice to MPI, where required, as the FOF policy is developed; and
- b. Provide advice to MPI, where required, on proposed FOF regulatory implementation.

## 3. Membership and participation

### 1. Composition of the group

The following members are appointed personally and not as representatives of an organisation or interest group:

- a. Sir Rob Fenwick (Chairperson);
- b. Harry Burkhardt;

- c. Graeme Sinclair;
- d. Lesley Campbell; and
- e. Graham Stuart.

**2. Addition of members**

Members may be added to this group at the discretion of the Director-General.

**3. Attendance and substitutions**

- a. Members are expected to treat meetings of the group as a high priority and attend as often as possible.
- b. Members who are unable to attend a meeting of the group cannot be represented by a substitute or proxy.

**4. Removal of members**

- a. A member may resign from the group by notifying the Chairperson of the member's resignation in advance of any meeting.
- b. Any serious breach of any of these terms of reference may result in MPI removing a member from this group at its sole discretion. Serious breaches of the terms of reference include, but are not limited to, a breach of confidentiality, unauthorised communication with media about the group, or a failure to declare a conflict of interest.
- c. MPI may remove members from the group at its absolute discretion.

**5. Membership rights and obligations**

Nothing contained within these terms of reference create or give rise to a partnership, any fiduciary duty, agency, joint venture or any relationship of employment.

**6. Observers**

- a. The Chairperson may, with the agreement of the group, permit observers to participate in meetings of the group.
- b. The role of observers will be determined by the group, including whether observers may participate in discussions, make presentations to the group or participate in decisions of the group.
- c. Observers are required to comply with these terms of reference, including the requirements around confidentiality and conflicts of interest.
- d. The Chairperson may at any time ask observers to withdraw from a meeting of the group.

**4. Chairperson and Secretariat**

1. **Chairperson**

- a. The Chairperson will be appointed by MPI.
- b. In the absence of a Chairperson, MPI may choose an Acting Chairperson.

2. **Secretariat**

MPI will provide reasonable secretariat services to the group, including circulation of the agenda and papers, preparation and circulation of meeting minutes and arrangements for travel arrangements.

## **5. How the group operates**

1. **Meeting Times and Frequency**

The group will meet every two months, or as determined necessary by the group or MPI, at a time and place determined by the Chairperson in consultation with the members.

2. **Consensus**

The group will operate on the basis of consensus and, where it is not possible to achieve a consensus, on the basis of majority vote with the Chairperson having the final casting vote.

3. **Quorum**

Quorum will be achieved in the presence of two thirds of the members of the group.

4. **Standards of conduct**

Members and observers are expected to comply with the standards of conduct set out in Appendix I.

5. **Disestablishment of the group**

The group will be disestablished when the purpose and functions of the group have been completed, as determined by the Director-General.

## **6. Confidentiality and information**

1. **General confidentiality requirements**

- a. In order for the group to operate effectively, members and observers must maintain the confidence of the group, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the group.

- b. Any person presenting information to the group, whether written or oral, may request that that information be treated as confidential by the members and observers.
- c. At the request of a member, the Chairperson may seek agreement from MPI and anyone who supplied confidential information to the group for confidentiality in that information to be waived.
- d. Where information is already in the public domain (through no fault of a member or observer), the confidentiality requirements do not apply to that information.

## **2. Privacy Act**

Members and observers must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

## **3. Official Information Act**

- a. All information provided to the group will be treated as official information under the Official Information Act 1982 and, subject to the requirements of that Act, may be released to the public if there are no grounds for withholding it.
- b. If information is required to be released under the Official Information Act 1982 it will only be released to the extent necessary.
- c. If MPI is considering releasing information under the Official Information Act 1982, MPI will attempt to consult with the person who provided the information before making a final decision on release.

## **4. Media**

- a. Members and observers must refrain from representing the group, or commenting on the business of the group, to the media.
- b. The Chairperson may seek agreement from MPI for the group to release a media statement on any matter related to these terms of reference.
- c. With the prior agreement of MPI, a member may participate in a media interview or make some other public statement about the business of the group.

# **7. Conflicts of Interest**

## **1. Definition of a conflict of interest**

- a. A conflict of interest occurs when a member's or observer's private interest or professional obligation interferes, or appears to interfere with an issue that is before the group.
- b. A conflict of interest may also occur when there is a possibility that a benefit may apply to the sector, industry or organisation that is represented by a member or observer.
- c. A conflict of interest may be real or perceived.

**2. Declaration of conflict**

- a. Members and observers are responsible for declaring any real or potential conflict of interest to the Chairperson, as soon as the conflict arises. See Appendix 2.

**3. Management of conflict of interest**

- a. At the discretion of the Chairperson, members and observers may participate in discussions about issues in which they have declared a conflict of interest.
- b. Members and observers may not participate in any vote or decision on an issue in which they have a conflict of interest, whether it has been declared or not.

## **8. Review of terms of reference**

- a. The group must review and approve these terms of reference at the first meeting of the group.
- b. If the group has not met once in the space of six months, the Chairperson shall call a meeting to discuss whether the group is required to continue, and recommend to MPI accordingly.

## **9. Finance and Budget**

- a. Members' remuneration has been classified in accordance with the State Services Commission framework, as set out in Cabinet Office Circular CO (12) 6, as follows:
  - i Daily rate for Chairperson \$625
  - ii Daily rate for other members \$500
- b. The daily rate is calculated on the basis that a working day is 8 hours. Accordingly the hourly pro-rata rates are calculated by dividing the daily rate by 8 and multiplying by the number of hours worked.

- c. The daily rate applies to all work, including that performed outside of meetings (such as preparation or administrative work) that is required for the group to carry out its role.
- d. Members are not paid for time spent in travel to and from meetings, except where the member has to travel for more than a total of three hours in the course of a normal business day.
- e. Members travelling to and from meetings are entitled to reimbursement of out of pocket travelling, meal and accommodation expenses actually and reasonably incurred following submission of a receipt. The expectation is that standards of travel, accommodation, meals and other expenses are modest and appropriate to reflect public sector norms.
- f. The group does not have any budget or financial responsibility.
- g. Any expenditure of financial commitment by the group must have prior approval from MPI.

## Appendix 1: Expected standards of conduct

All members and observers are expected to adhere to the following principles:

1. **Diligence** – Members will use their best endeavours to attend meetings and to prepare thoroughly. Members are expected to participate fully, frankly and constructively to discussions and to bring the benefit of their particular knowledge, industry perspective and skills to the table.
2. **Conflicts of Interest** – A conflict of interest will occur when a members' private interest interferes, or appears to interfere with an issue that faces the group. A conflict of interest may also occur when there is a possibility that a benefit may apply to the sector, industry or organisation that they represent. Any situation that involves or may be expected to involve a conflict of interest must be declared immediately to the Chairperson.
3. **Corporate opportunities** – Each member must not exploit any opportunity that is discovered through access to information within the group for their own personal gain or that of the industry, sector or organisation that they represent.
4. **Transparency** – All information should be provided in a manner that is timely, precise and easily understandable.
5. **Fair Dealing** – Members shall deal fairly with each other and shall not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair dealing practices.
6. **Advocacy** – Members should avoid actively promoting a standpoint or cause of their industry and should rather participate in meetings with the aim of reaching an outcome that is acceptable to all members.
7. **State Services Standards of Integrity and Conduct** – MPI staff have statutory demands under the State Services Standards of Integrity and Conduct. In the case of any conflict between the obligations outlined there and the ones in this document, those of the Standards and Integrity of Conduct shall preside.
8. **Alternative obligations** – Any alternative rules or statutes that govern members standards of conduct shall continue to do so, however in any case of conflicting duties the Chairperson must be notified as soon as reasonably possible.



## Appendix 2: Conflict of Interest declaration form

<b>Project: TAG for the Future of our Fisheries (FOF)</b>													
<b><u>CONFLICT OF INTEREST DECLARATION</u></b>													
I declare that to the best of my knowledge, I do not have:													
<ul style="list-style-type: none"> <li>• any financial interest, either now or in the future, in the FOF project;</li> <li>• any relatives or friends with a financial interest in the FOF project; or</li> <li>• any personal bias, inclination, personal obligation, allegiance or loyalty which would in any way affect my recommendations in relation to the FOF project; except as set out below:</li> </ul>													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 45%;">Conflict</th> <th style="width: 50%;">How the conflict will be managed</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">2</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">3</td> <td></td> <td></td> </tr> </tbody> </table>		Conflict	How the conflict will be managed	1			2			3		
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1													
2													
3													
I undertake to make a further declaration detailing any conflict, potential conflict or apparent conflict which may arise during the duration of my involvement with this project. I agree to abstain from any discussions on possible recommendations where such a conflict arises.													
<b><u>CONTACT WITH SUPPLIERS</u></b>													
While a member of the group, I will not:													
<ul style="list-style-type: none"> <li>• share confidential information, documents or conversations related to the FOF project without express permission from MPI, or</li> <li>• receive any gift, gratuity, hospitality or any other form of inducement from, anyone associated with or potentially associate with the FOF project.</li> </ul>													
I will pass any requests for information and meetings that I receive from interested parties to MPI for handling via formal channels.													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0e0e0;"> <th style="text-align: left; padding: 5px;">Advisory Group Attendees</th> <th style="text-align: left; padding: 5px;">Review / Acknowledgement</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Signature: _____</td> <td style="padding: 5px;">Signature: _____</td> </tr> <tr> <td style="padding: 5px;">Name: _____</td> <td style="padding: 5px;">Name: [NAME]</td> </tr> <tr> <td style="padding: 5px;">Date: _____</td> <td style="padding: 5px;">Lead Agency</td> </tr> <tr> <td></td> <td style="padding: 5px;">Date: _____</td> </tr> </tbody> </table>	Advisory Group Attendees	Review / Acknowledgement	Signature: _____	Signature: _____	Name: _____	Name: [NAME]	Date: _____	Lead Agency		Date: _____			
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Signature: _____	Signature: _____												
Name: _____	Name: [NAME]												
Date: _____	Lead Agency												
	Date: _____												

## Appendix 3: The Future of our Fisheries programme overview

