

Australian Marine Parks Advisory Committee

Terms of Reference

Members are bound by the Terms of Reference and Terms of Engagement (Annex A).

Purpose

The Australian Marine Parks Advisory Committees will support the collaborative management of Australian Marine Parks and achieve the Director of National Parks' vision that our parks are healthy, resilient and well-managed, delivering enhanced wellbeing for all Australians.

These committees will be a key mechanism through which to engage and facilitate participation of traditional owners, park users, stakeholders and other government agencies in the management of our marine parks. This collaboration will be critical to achieving the Director of National Parks' management vision, helping to develop implementation plans that describe management activities and providing an efficient and effective way of developing a better understanding of stakeholder interests and issues around Australian Marine Parks. The Committee's activities will complement a wider engagement strategy lead by Parks Australia.

Role

The role of the Australian Marine Parks Advisory Committees is advisory, not regulatory or decision-making. Each committee will support and collaborate with the Director of National Parks to manage Australian Marine Parks by:

- a) providing advice on the development and delivery of implementation plans, including assisting to prioritise management actions and develop performance measures;
- b) providing information on traditional owner, stakeholder and park user views, knowledge and needs; and
- c) contributing to the periodic evaluation and review of implementation plans.

Advisory committees are accountable to the Director of National Parks for meeting their responsibilities. They have no decision-making authority in relation to the functions of the Director of National Parks.

Membership

Each advisory committee will comprise:

Members

Members will be appointed by the Director of National Parks.

Members will have a diverse range of expertise, interests and knowledge about the different areas relevant to the management of Australian Marine Parks.

Member capabilities may include knowledge, expertise and/or interest in the following areas: commercial fishing; energy; infrastructure; recreational fishing; science; tourism; transport; sea country and cultural values; conservation; natural resource management; stakeholder communications, education and awareness raising; administration and governance; outcomes-based management; and monitoring and evaluation of public programs.

Members are appointed for their expertise and are not expected to represent wider interests of any stakeholder group.

Chair

The responsible Parks Australia manager of each Australian Marine Park region will chair the relevant committee.

Secretariat

Secretariat support will be provided by Parks Australia staff.

Observers

The Chair will invite relevant organisations such as state and/or territory government agencies and indigenous groups to participate as observers, where appropriate.

Guests

The Chair may invite experts and/or guest speakers to a meeting where their attendance is considered beneficial or relevant to a particular agenda item.

Tenure

Members will generally be appointed for an initial two-year term, with the possibility of extension.

Sub-committees

Sub-committees may be established as required. This step will be determined by the Chair, in consultation with the Director of National Parks.

Ways of working

Members will be expected to observe the following ways of working:

- a. **Respectful** — of the traditional owners of the sea, marine park users, stakeholders and government agencies and each other;
- b. **Collaborative** — seeking to work together with the Director of National Parks and Parks Australia, government agencies, marine park users, traditional owners and stakeholders;
- c. **Balanced** — focused on protecting the natural, cultural and heritage values of our marine parks, while facilitating their sustainable use and enjoyment benefits;
- d. **Outcomes based**—considering outcomes for the natural, social-economic, cultural and heritage values of our marine parks when providing advice;
- e. **Adaptive**—encouraging innovation, accommodating new information about values, pressures and technologies, and allowing for continual improvement; and
- f. **Evidence and risk-based**—using information to guide advice, including evidence gathered through monitoring, research, evaluation and reporting.

The Terms of Engagement (Annex A) and Conflict of Interest Guidance (Annex B) provide further direction around the Committee's ways of working

Decision making

The chair will seek to achieve consensus among Members. Where this is not achievable, the Chair will seek to establish a majority view and dissenting views will be noted in the minutes.

Frequency of meetings

It is expected that the committees will meet twice a year, or as required by the Chair (in consultation with Members).

Reporting

Following each meeting, the committee Chairs will provide the Director of National Parks with a Chair's report, consisting of:

- non-attributive meeting minutes that note dissenting views where appropriate;
- a public communique; and
- the latest implementation plan (if relevant).

Members also have the opportunity to contribute their views directly to the Director of National Parks via a written statement. These should be submitted to the Chair and will be appended to the Chair's report.

Review

Each committee will undertake an operations review every two years. A broader evaluation will also take place in conjunction with the development of each new implementation plan.

Australian Marine Parks Advisory Committee

Terms of Engagement

The Director of National Parks is responsible for managing Australian Marine Parks under the *Environment Protection and Biodiversity Conservation Act 1999*. The Director is supported by Parks Australia, which is part of the Department of the Environment and Energy (the Department).

Australian Marine Parks Advisory Committee Members are subject to the following terms of engagement.

Tenure

A Member is appointed for a term specified in their appointment package – this is generally a two-year period unless:

- a. the Member tenders their earlier resignation (in writing) to the Director of National Parks; or
- b. the Member breaches the terms set out in this document, resulting in their termination (in writing) by the Director of National Parks; or
- c. the Member's term of appointment is extended by the Director of National Parks (in writing); or
- d. an alternative appointment term is specified (in writing) at the time of appointment.

Proxies

Member proxies are not permitted.

Member duties

Members are responsible for:

- a. seeking advice where necessary to aid their understanding of matters to be tabled;
- b. participating in committee discussions (including out-of-session items) and providing clear and unambiguous advice to the Chair on matters under consideration;
- c. treating other participants and the Secretariat with consideration and respect, in line with the *Code of Conduct for Commonwealth Officeholders*; and
- d. supporting the decisions of the Chair outside of the committee, and respecting confidentiality.

Chair duties

The responsible Parks Australia manager of each Australian Marine Parks region will chair the relevant committee. The Chair will:

- a. chair committee meetings and manage the business of the committees;

- b. constructively engage Members and invitees at committee meetings and ensure that clear outcomes are reached in regard to each matter tabled before the committees;
- c. ensure that the committee fulfils the *Terms of Reference* and advice or guidance provided aligns to the role and purpose of the Committees;
- d. ensure that the Committees observe and follow these *Terms of Engagement*;
- e. confirm meeting agendas;
- f. undertake committee work planning and liaise with Members;
- g. liaise with the Secretariat on committee matters, particularly meeting organisation and work planning;
- h. work with the Secretariat to ensure Members receive all relevant information from relevant agencies, organisations, stakeholders and are prepared appropriately;
- i. coordinate with other Committee Chairs; and
- j. report to the Director of National Parks on the activities of the committee in the form of a short brief summarising key advice and if relevant, dissenting views, copies of the final non-attributable meeting minutes and public communique and any Member statements (if submitted).

Secretariat duties

Secretariat support will be provided by Parks Australia. The secretariat is responsible for the administration and smooth operation of the Committees, including:

- a. meeting preparation, venue arrangements (including teleconference/ videoconferencing as required);
- b. liaising: with Members about their required travel and accommodation including the booking and acquittal via the Department's travel booking system;
- c. ensuring Members are aware of the allowances and acquittal requirements for travel;
- d. ensuring Members are aware of their duties against specific requirements such as conflict of interest declarations and the preparation of committee papers;
- e. calling for agenda items, preparing and circulating the agenda and agenda papers;
- f. meeting operations, including taking meeting minutes and meeting logistics;
- g. assisting presenters with the provision of visual aids equipment, as necessary; and
- h. preparation, circulation and finalisation of the meeting minutes and follow up of actions arising.

Meetings

- a. Meetings will be held at least twice a year and additional meetings may be convened by the Chair, with the logistics to be advised by the Secretariat;
- b. Meetings will be held in person where possible. However, the Chair, in consultation with the Secretariat, may arrange a meeting, or support attendance, by telephone, video conference or other appropriate means;
- c. The Chair and Secretariat will make every effort to schedule meetings at a time convenient to all Members, and to provide at least one month notice of confirmed meeting dates;
- d. Members will make every effort to attend meetings and advise the Chair or Secretariat as soon as possible if they are unable to attend a meeting;
- e. Members will make reasonable efforts to prepare for meetings by reading meeting papers prior to the meeting;
- f. A quorum for a meeting is eight Members, unless the Chair provides a special dispensation;
- g. Following each meeting, draft non-attributive meeting minutes and a draft public communique will be circulated to all meeting attendees for comment and clearance. Final meeting minutes will be circulated to all Members and Observers with a standing invitation and invited Guests. The final public communique will be made publicly available on the Australian Marine Parks website.

Compliance with laws and directions

While engaged in the work of the committees, Members must comply with all relevant laws of the Commonwealth and any relevant State, Territory or local authority. When using the Commonwealth's premises or facilities, Members must comply with all reasonable directions of Commonwealth officers and any policies and procedures relating to workplace health, safety and security in operation at those premises or facilities.

Fees and allowances

The Director of National Parks will arrange and pay for Member travel and accommodation.

Where applicable, a travel allowance (in line with Parks Australia's staff travel policy) will be paid at a non-senior executive service rate to cover meals and incidental expenses.

In line with Departmental policy, frequent flyer points will not accrue, however, airline status credits will.

Non-disclosure, privacy and probity

- a. Members must treat all information received in the course of their duties as confidential and not disclose that information without approval from the Chair, and in consultation with the Secretariat;
- b. Members must not disclose information, provide comments or participate in any background briefing discussions with media (mainstream media and social media) in

relation to the committee's work. A Member approached by any media for information or a comment or an interview relating to the work of the Committee must direct the media to <parksmedia@environment.gov.au>;

- c. Members will comply with the Australian Privacy Principles under the *Privacy Act 1988* (Cth) in relation to any Personal Information (within the meaning of the Act) received in the course of their duties as a Member;
- d. When requested by the Secretariat, Members must return all confidential and personal information received as part of the duties they perform as an appointed Member;
- e. Members will be required to sign a Confidentiality, Privacy and Conflict of Interest Deed; and
- f. Members are expected to uphold the Code of Conduct for Commonwealth Officeholders.

Conflict of interest (explained in Annex B)

- a. Members must declare any actual, potential or perceived interest that could improperly influence the performance of their official duties and responsibilities as a member of the committee;
- b. Members have responsibility to speak with each other if they perceive a conflict of interest which someone has not recognised and/or disclosed and let the person who may be conflicted know;
- c. Upon notification, the Chair shall determine what steps are reasonably required to resolve or otherwise deal with the conflict;
- d. If the Chair becomes aware of a potential, apparent or actual conflict of interest arising in exercising his/her functions, the Chair must notify the Secretariat immediately and fully disclose all relevant information relating to such a conflict; and
- e. The Secretariat will maintain a *Register of Interests* and the declaration of interests will be a standing item for all committee meetings. For further guidance around this process and Member responsibilities, please review the guidance at Annex B. This guidance may be updated by the Chair or Secretariat from time to time.

Intellectual property

- a. Subject to paragraphs (b) and (c), all material produced by the committees will be the property of the Director of National Parks;
- b. A Member grants to the Director of National Parks and the Commonwealth a world-wide, royalty-free, non-exclusive, non-transferable license (including the right to sublicense) to use, reproduce, adapt, modify and communicate existing material owned by the Member that is included in material produced by the relevant committee for the purpose of the Director of National Parks making and implementing decision related to the management of Australian Marine Parks; and

- c. A Member must obtain, and must also procure for the benefit of the Director of National Parks and the Commonwealth, a world-wide, royalty-free, non-exclusive, non-transferable license (including the right to sublicense) to use, reproduce, adapt, modify and communicate any third party material included in material produced by the relevant committee for the purpose of the Director of National Parks making and implementing decision related to the management of Australian Marine Parks.

Insurance

While performing their duties, a Member will be covered by the Director of National Parks and Officers Liability Comcover insurance policy.

Publication of biographies

Members consent to the public disclosure of their appointment as a committee member, and will be asked to also consent to the publication of a photo and basic biographical details about them.

Meetings

Agendas and papers

Meeting agendas will be drafted by the Secretariat, in consultation with the Chair and Members. The Chair will approve all agenda papers before circulation.

Members can propose agenda items and papers or suggest relevant guests. Suggestions should be sent to the Secretariat, for consideration by the Chair.

Committee agendas and papers will be provided to Members via email at ten days prior to the next scheduled meeting, where practicable. Members can request to be sent hardcopy meeting papers. Hardcopy meeting papers will be provided at meetings if requested.

Late submission of items will only be accepted following approval by the Chair. The Secretariat will provide a level of quality assurance on papers, ensuring consistency in the use of relevant templates, and correction of typographical and grammatical errors.

Process for Meeting Reporting

Meeting minutes will be taken by the Secretariat at every meeting, summarising discussions, noting guidance, advice or recommendations made by the committee and recording any dissenting views. Records will be non-attributable and shall not purport to be a transcript of the proceedings. In addition, key meeting points will be summarised in a draft public communique.

The draft meeting minutes and public communique will be emailed to Members within three weeks following the meeting, where practicable. Members will be given two weeks to lodge comments or corrections – at this time, they may also choose to submit views directly to the Director of National Parks via a written statement. These statements should be submitted to the Chair and will be appended to the Chair's report.

The final meeting minutes will be circulated to all Members and Observers with a standing invitation and the public communique made publicly available via the Australian Marine Parks website within six weeks of the meeting.

Meeting minutes will be monitored and maintained by the Secretariat as a complete record, as required under provisions of the Archives Act 1983.

Out-of-Session Items

Where practicable, all matters requiring discussion and/or endorsement by the committee should be dealt with as part of a scheduled meeting.

By agreement of the Chair, matters and papers may be considered out-of-session.

Out-of-session items approved by the Chair will be circulated to Members by the Secretariat. Members are required to respond to the Secretariat within the stated timeframes. An item will be considered endorsed if a majority of members respond in support of the item.

All out of session decisions shall be noted at the next scheduled committee meeting and recorded in the meeting records.

Conflict of Interest Guidance

Conflict of interest management

Committees and panels appointed by the Australian Government are required to establish and maintain an Interest Register and appropriately manage conflicts of interest. For Australian Marine Park Network Advisory Committees, Members have been selected for their expertise, interest and knowledge about different areas relevant to the management of Australia Marine Parks. All members have been appointed by the Director of National Parks.

To manage conflicts of interest whilst maximising Committee Member participation, a disclosure approach will be taken to managing conflicts of interest. Disclosure may in itself manage conflict of interests at a low level and be an appropriate approach for many circumstances. Other means to manage conflicts of interest including restrictions or exclusions will be applied at the discretion of the Chair when considered to be necessary and appropriate.

The Chair will be responsible for managing any conflict of interests appropriately, ensuring that decisions are recorded and followed. Members have a responsibility to speak with each other if they perceive a conflict of interest which someone has not recognised and/or disclosed and let the person who may be conflicted know.

Identifying conflicts of interest

There is no exhaustive list of what would constitute an actual, potential or perceived conflict of interest. In general terms, a conflict of interest arises where any matter, circumstance, interest or activity affecting a Committee Member (or his/her close family) exists which may, or may appear to, impair the ability of the Committee Member to perform his/her duties diligently and independently. This could include involvement in a particular sector and/or affected businesses and organisations.

Some examples of actual, potential or perceived conflicts of interest (depending on the circumstances) in the Australian Marine Parks management context may include:

- a Committee Member holds financial interests (including shares, a licence or quota in a fishery operating in Commonwealth waters) in their personal capacity (or indirectly through family members) in a business or company that may be affected by a decision that the Director of National Parks makes, based on advice provided through an Advisory Committee (*high interest*);
- a Committee Member's research activities are/were/or may be funded or supported by companies or individuals that may be affected by Australian Government decisions made on the basis of advice and guidance provided through an Advisory Committee (*high interest*);
- a Committee Member holds a position in a company or business that may be affected by Australian Government decisions made on the basis of advice and guidance provided through an Advisory Committee (*high/medium interest*);
- a Committee Member has previously engaged or is currently appointed to an advisory role position(s) on matters which could influence, or be seen to influence, their ability to perform their duties as an Advisory Committee Member diligently and independently (*medium interest*);
- a Committee Member has an active or direct engagement with an organisation/group that has a stated position or purpose on relevant matters to Australian Marine Parks

that could influence or be seen to influence their ability to perform their duties as a Committee Member diligently and independently (*medium interest*);

- a Committee Member has an active or direct engagement on matters relevant to Australian Marine Park management with an organisation/group with an interest in the matter which could be affected by the guidance and advice provided by an Advisory Committees (*medium interest*);
- a Committee Member has an active or direct engagement with an organisation/group with an interest in a matter and/or a direct link to people/organisations being consulted/affected (*low interest*);
- a Committee Member has a personal bias or inclination which affects, or could be seen to affect, their ability to perform their duties as an Advisory Committee Member diligently and independently (*low interest*);
- a Committee Member receives an offer of employment from a stakeholder. While a Committee Member's expertise and experience could make such an offer commercially sound for the external party, it would nevertheless have the potential to undermine a Committee Member's reputation and the integrity of the Advisory Committee (*low interest*).

The above list is not exhaustive and advice on any actual, potential or perceived conflicts should be sought from the Chair or the Secretariat.

Declaration of Interests and register

As part of appointment to an Advisory Committee, Members are required to complete the Declaration of Interests form. This information will be included in an Interest Register managed by the Committee Secretariats. An opportunity will be provided at the beginning of every committee meeting for Members to update their interests using the Conflict of Interest Management form. Committee Members are required to review and, if necessary, update their declared interests considering any changes to their circumstances, proposed agenda items and requested guidance and advice.

Conflict of interest management policy

A Committee Member must disclose an actual, perceived or potential conflict of interest to the Chair of the meeting. Where the Chair of the meeting themselves declares a conflict of interest, disclosure must be made to the Secretariat who will consider how the conflict can be managed. The Conflict of Interest Management form documents how any conflict of interests are managed. The Chairs will consider the conflict of interest and will identify appropriate means to address it in accordance with the following:

Level of conflict	Interest/circumstances	Procedure
High	<p>Committee Member has a personal financial interest in the agenda item or issue</p> <p>(e.g. having personal financial interests (including shares, a licence or quota in a fishery operating in Commonwealth waters) which could be affected by an Australian Government decision based on advice and guidance provided by the Committee).</p>	<p>The Chair to carefully consider whether it is necessary for the Committee Member to be excluded from the discussion and/or any opportunities to provide advice against that agenda item or issue where it is likely that a perception may arise that the Member is biased.</p>

<p>Medium</p>	<p>A Committee Member has strong involvement in and/or connection to the agenda item or issue (e.g. being a member, employee or representative of an organisation which has a stated position on the matter/seeks to influence or could be affected by an Australian Government decisions based on the guidance and advice provided by the Committee).</p>	<p>The Committee Member can remain involved in discussions at the Chair's discretion. The Chair to carefully consider whether it is necessary for the Committee Member to be excluded from discussion and/or any opportunities to provide advice against that agenda item or issue where it is likely that a perception may arise that the Member is biased.</p>
<p>Low</p>	<p>A Committee Member has low to moderate involvement in and/or connection to the agenda item or issue (e.g. being a member, employee or a representative of an organisation that has as part of its charter, an interest in the matter; and/or having a direct link to people/organisations being consulted/affected).</p>	<p>The Committee Member can remain involved in discussions. The Chair to carefully consider whether it is necessary for the Committee Member to be excluded from discussion and/or any opportunities to provide advice against that agenda item or issue where it is likely that a perception may arise that the Member is biased.</p>