

# Terms of reference

## Vessel tracking working group

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### Background

Vessel tracking technology was mandated for all major commercial fisheries across 2019 and 2020 as an action of the *Queensland Sustainable Fisheries Strategy: 2017–2027*. Vessel tracking helps Fisheries Queensland carry out real-time monitoring of the commercial fishing fleet for management and compliance purposes. Data from vessel tracking is used to:

- monitor quota in near real time (e.g. deducting fishing days from individual's quota)
- monitor compliance with area and seasonal closures (including marine park zones)
- provide intelligence and evidence for investigations
- help validate logbook data on where and when fishing occurred
- provide fishing effort data that is used in stock assessments to estimate the biomass of a fish stock
- help inform fishery management changes that may be needed.

Fisheries Queensland has been using vessel tracking since 1996 as part of ongoing management of several fisheries within Queensland, including the east coast trawl fleet and beche-de-mer fishery, as well as some net fisheries. The roll out of vessel tracking to the remaining net, line, crab, harvest and trawl fisheries was staged across 2019 and 2020, and has been completed for all commercial fisheries. Vessel tracking is proposed to be a requirement for charter fishing boats in the future.

Fisheries Queensland previously committed to undertake a post-implementation review of vessel tracking. Following numerous complaints from commercial fishers in 2019, an investigation was undertaken by the Queensland Ombudsman on the administration of vessel tracking. In response to this review, Fisheries Queensland has committed to expanding the post-implementation review to address the Ombudsman's preliminary observations.

In achieving this outcome, Fisheries Queensland has committed to implement consultation arrangements to assist in improving the administration of vessel tracking, with a strong focus on providing a broad range of opportunities for engagement and greater transparency and accountability in decision-making.

## Purpose of the working group

The working group provides operational advice and recommendations to support the review undertaken by Fisheries Queensland on the management, implementation and administration of vessel tracking across commercial fisheries.

**Please note:** The working group is a non-statutory advisory body. It is not a decision-making body.

## Objectives

To provide operational advice and recommendations to:

1. support the review of the implementation of vessel tracking
2. support the review of the effectiveness of the current administration of vessel tracking
3. provide options and advice to improve the ongoing management and administration of vessel tracking.

## Working group roles

The role of **working group members** is to:

- provide advice to assist Fisheries Queensland in the review of the implementation and administration of vessel tracking in the following areas
  - safety concerns about vessel tracking units and installations
  - vessel tracking unit and provider selection process
  - performance management of vessel tracking units and providers
  - confirmation methods to check vessel tracking units are operational
  - compliance approach
  - vessel tracking data security
  - complaint handling
  - communication with industry
- assist with identifying ways to improve management and administration of vessel tracking
- provide advice to Fisheries Queensland on any vessel tracking administrative changes or new initiatives prior to implementation – examples include
  - implementation of a commercial app to assist with manual reporting of positions when vessel tracking units malfunction at sea
  - addition or removal of approved vessel tracking units or providers
- provide advice to Fisheries Queensland on vessel tracking requirements for the charter fishing industry
- provide advice on emerging vessel tracking operational issues
- assist with disseminating factual information back to other stakeholders in the commercial fisheries.

The role of **Fisheries Queensland** is to:

- provide direction for working groups in the form of a work plan
- arrange meeting times and provide logistical support for meetings
- prepare and distribute meeting materials to support the effective operation of the working group
- provide information and data to support the work of the working group
- maintain regular communication with the working group members (at least every three months)
- conduct broader consultation with commercial fishers if required
- establish and maintain a public engagement portal web page to publish regular progress updates on actions taken in response to the review.

## Obligations and responsibilities of members

Being a working group member has important obligations and responsibilities. In accepting the appointment, members must be prepared to:

1. contribute knowledge of, and experience in, Queensland's fisheries
2. consult with stakeholder peers through port-level or regional associations and networks, representative bodies and other avenues as necessary to ensure as many stakeholder views as possible are considered as part of working group discussions – members will be asked to report on broader views, not just their view as a member, including how the feedback was gathered and who it represents
3. constructively participate in discussions to achieve acceptable outcomes
4. respect the views expressed by other members
5. act in the best interests of their fishery as a whole, rather than as an advocate for any particular individual, organisation, interest group or regional interest
6. avoid pursuing personal agendas or self-interest, and participate in discussion in an objective and impartial manner
7. promptly advise the Chair in writing (or announce at the start of a meeting) of any conflict-of-interest issues that arise, including those that may be perceived by others or have the potential be a conflict, subsequent to appointment
8. conduct themselves in a manner that is consistent with the Queensland community's expectations for reasonable conduct at all times – this requires a commitment to honest, fair and respectful engagement, including showing respect towards all persons involved in working group business.

Unreasonable behaviour will not be tolerated. An appointed member may be removed from a meeting, or in the case of serious and/or repetitive conduct, removed from the working group if their conduct is contrary to the role, obligations or responsibilities as a working group member.

In either circumstance, the appointed Chair will provide a verbal warning if unreasonable behaviour is displayed at a meeting. Following this, the Chair has discretion to remove a person from the meeting. A record should be made in the meeting notes. If the unreasonable behaviour is displayed at a number of meetings and/or associated with working group business outside a meeting, the appointed Chair will write to the member to provide an opportunity to remedy the behaviour. If there is no change in behaviour or remedy, the Chair will refer the matter to the Executive Director (Fisheries) for formal review of the member's membership.

#### *What is unreasonable behaviour?*

Unreasonable behaviour includes abusive, threatening and other behaviours that may also become 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for those participating in the working group or others engaging with working group business.

Abusive behaviour is defined as directed at the individual, including foul, racist, sexist or demeaning language. Aggressive behaviour includes angry outbursts, which although not directly or explicitly threatening, are in an intimidating tone or intensity. Threatening behaviour is specific or explicit statements that a reasonable person would interpret as a real and serious communication of an intent to inflict harm on the person receiving the call or another person, or employees of the organisation in general, or to inflict damage or take other hostile action against departmental or meeting location property.

Other actions or behaviours which may, depending on the circumstances, be considered unreasonable conduct include unrelenting/ repetitive contact (excessive contact, refusing to accept an outcome, lodging the same claim over again), demanding conduct (demanding a different outcome, demanding impossible, impractical disproportionate outcomes), unreasonable lack of cooperation (withholding or providing incomplete information, intentionally providing overwhelming volumes of information) and unreasonable arguments (argumentative or irrational conduct, conspiracy allegations, making vexatious complaints).

## **Meeting administration**

### **Operation**

The operation of the working group will consist of regular meetings via online meeting platforms (i.e. Microsoft Teams) or in person where resources allow.

Fisheries Queensland will prepare the agenda, including an opportunity at the start of each meeting for members to raise concerns, and supporting documents 14 days ahead of each meeting. Review of these documents will be required prior to the meeting in order to participate effectively.

The appointed Chair will manage the meeting according to the agenda, review status of action items from previous meetings, ensure a summary and actions for each agenda item are recorded and a

communiqué for the meeting is prepared. The Chair will also address any conflicts of interest and manage the conduct of all members and observers present at the meeting.

Fisheries Queensland will publish the communiqué online within three days of the meeting and notify other stakeholders of its publication. Within 14 days of the meeting, Fisheries Queensland will prepare meeting notes and circulate them to members, allowing 14 days for member comments before being finalised. Where required, action items will be followed up by Fisheries Queensland to seek to resolve them and any operational issues tabled by the working group ahead of the following meeting.

### **Sensitive information and non-disclosure**

Some information that is sensitive in nature is provided to working group members to enable them to provide the best advice to Fisheries Queensland on the specific fishery. Given this, members are requested to:

- exercise tact and discretion when dealing with sensitive issues – if a member is unsure or concerned about the disclosure to non-members, the member must seek advice from the Chair
- act honestly and exercise care and diligence in the discharge of their duties at all times and not make improper use of working group information – improper use would be if a member gains an advantage either directly or indirectly (financial or otherwise) over another person or causes detriment to the working group's work or to another person
- not to publish or communicate to any person, that they are not authorised to publish or communicate, any information that comes to their knowledge or possession because they are a member of the working group.

If sensitive information is used as part of a working group meeting, Fisheries Queensland will advise working group members to help them comply with these requirements.

### **Conflict of interest**

A conflict of interest occurs when private interests interfere, or appear to interfere, with the performance of official duties. All members must perform their role/contribute in a fair and unbiased way, ensuring that decisions made are not impacted by self-interest, private affiliations, or the likelihood of gain or loss for them or others. Private interests include personal, professional or business interests, as well as the interests of individuals that you associate with, such as family, dependants and friends.

Conflicts of interest fall into three categories – actual (there is a direct conflict between your current duties and your existing private interests), potential (your role and private interests could conflict in the future) and perceived (it could appear that your private interests could improperly influence the performance of your role). Conflicts of interest can be pecuniary (if there is a reasonable likelihood of financial loss or gain) or non-pecuniary (if there is no financial component, but may involve self-interest, personal or family relationships or other affiliations).

All conflicts of interest (actual, potential and perceived) must first be identified and declared to the Chair. Steps can then be taken to appropriately manage and resolve the matter in the public interest. Having a conflict of interest alone is not considered misconduct. However, it is important that members are open about the conflict of interest, how the conflict of interest is managed and ensuring a conflict of interest is resolved in the public interest. Once reported, the Chair will then make an assessment about what action, if any, is required to manage the conflict of interest. Members must actively participate in the process to manage or resolve conflicts of interest in the public interest and adhere to all agreed resolution strategies. If the circumstances of a member change, they should consider whether this brings about any new conflicts of interest, or changes to an existing conflict of interest.

### **Sitting fees**

Participation on the working group is on a voluntary basis – no sitting fees will be paid.

### **Travel costs**

Members are eligible to be reimbursed for reasonable out-of-pocket expenses, including domestic travel and accommodation costs.

## **Membership of the working group**

Fisheries Queensland appoints members to working groups. Unless notified and agreed, membership will be refreshed every two years to allow for rotation of different representatives and development of new industry leaders.

The current appointed members of the working group are:

	<b>Name</b>	<b>Representative</b>	<b>Sector</b>
1	TBA	Chair	Management
2	TBA	Deputy Director-General (Fisheries Queensland)	
3	TBA	Executive Director (Fisheries Queensland)	
4	TBA	Director, Reporting, Information and Digital Solutions (Fisheries Queensland)	
5	TBA	Team Leader, Quota and Vessel Tracking Unit (Fisheries Queensland)	
6	TBA	Queensland Boating and Fisheries Patrol	
7	TBA	Great Barrier Reef Marine Park Authority	
8	TBA	Australian Fisheries Management Authority	
9	TBA	Commercial fisher – trawl fishery	Industry
10	TBA	Commercial fisher – net fishery	
11	TBA	Commercial fisher – crab fishery	
12	TBA	Commercial fisher – line fishery	

13	TBA	Commercial fisher – reef line fishery	
14	TBA	Commercial fisher – harvest fishery	
15	TBA	Commercial fisher – Gulf of Carpentaria	
16	TBA	Commercial fisher – Indigenous representative	
18	TBA	Industry associations	
19	TBA	Industry associations	
As required	TBA	Vessel tracking providers	Observers
As required	TBA	Vessel tracking installers/technicians	