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# Recreational Fishing Licence Trust Advisory Committee

Terms of Reference – October 2021

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## 1 DEFINITIONS

“Executive Officer” means secretariat staff provided by the VFA.

“VFA” means the Victorian Fisheries Authority.

“Committee” means the Recreational Fishing Licence Trust Advisory Committee.

“Guidelines” refers to the Victorian Government *Appointment and Remuneration Guidelines*.

“Minister” means the Minister for Fishing and Boating (who is responsible for fisheries).

“Member” means a person appointed to the Committee by the Minister.

“RFGP” means Recreational Fishing Grants Program

“RFL” means the Victorian Recreational Fishing Licence

## 2 TERMS OF REFERENCE

### 2.1 Introduction

The Victorian Fisheries Authority is continually looking to improve the recreational fishing experience, through a wide variety of programs including expanding fish stocking, building infrastructure, education and enforcement, and enhancing fisheries habitats. In achieving this outcome, the VFA will continue the implementation of consultation arrangements to assist in the future management of the community’s fisheries resources, with a strong focus on providing a broader range of opportunities for engagement and greater transparency, and accountability in decision making.

These arrangements include clear processes to provide greater opportunities for recreational fishers to have a say in setting priorities for the expenditure of the Recreational Fishing Licence revenue, including:

- (a) opportunities for recreational fishers and the VFA to engage on strategic matters through a State-wide Recreational Fishing Roundtable Forum to be held on a quarterly basis, with participation generally based on a group of fishers who collectively cover the broad range of fishing types and interests across Victoria;
- (b) opportunities for local recreational fishers and the VFA to engage in discussions about ‘grass roots’ matters on a needs basis; and
- (c) continuing to operate the Recreational Fishing Licence Trust Advisory Committee, comprising a broad range of recreational fishing interests, to provide advice on the expenditure of all RFL revenue, including projects that are received for considerations through the VFA’s large, commissioning, intermediate and small grant programs, and all existing commitments to fund specified programs (e.g., fish stocking, education and enforcement, VRFish, Fishcare, etc.).

This document details the working terms of reference and governance arrangements as a working draft for the operation of the Committee. This document will be updated by the VFA over time, taking account of the ongoing operation of the Recreational Fishing Licence, ministerial guidance on the overall priorities for the expenditure of the RFL revenue, and any improvements to the

governance arrangements for the expenditure of the RFL revenue (including implementing actions in response to independent audit reports).

The State-wide Recreational Fishing Roundtable Forum and Recreational Angler Surveys conducted by the VFA will assist in the development and setting of priorities for expenditure of RFL revenue.

To support the best use of RFL revenue, a 10-year strategic plan was developed in 2021 by a working group of recreational fishers from the Statewide Recreational Fishing Roundtable and VFA staff. The RFL Strategic Investment Plan 2021-2031 establishes a vision for the investment of RFL funds: 'To invest in improving recreational fishing opportunities for all Victorians', and includes 12 priority investment areas and objectives, and 24 strategies to achieve those objectives.

In developing the RFL Strategic Investment Plan, the working group considered information from four previous social surveys in order to gain a better understanding of what Victorian recreational fishers want to see investment in. Common trends included, improving fish habitat, fish stocking, enforcing fishing rules, providing education in sustainable fishing, improving access and facilities, and conducting research and monitoring.

The RFL Strategic Plan will be used to set the broad priorities for the Committee to provide advice on applications for grants from RFL revenue to fund projects that will improve recreational fishing opportunities for Victorians into the future.

## **2.2 Responsibilities**

The role of the Committee is to monitor and provide advice to the Minister on the expenditure of all RFL Trust Account funds, taking account of the Committee's Terms of Reference, established commitments to fund specified programs, management plan commitments relevant to recreational fishing and any Ministerial directions.

All expenditure of RFL revenue must be directly relevant to recreational fishing.

The Committee's advice should take account of strategic opportunities in allocating funds over subsequent years. It may be appropriate to allocate only a portion of available funding in a given year.

The Committee is to provide advice on:

- (a) the eligibility and assessment criteria for the small grants sub-program;
- (b) the eligibility and assessment criteria for the intermediate grants sub-program;
- (c) the eligibility and assessment criteria for the large grants sub-program;
- (d) the eligibility and assessment criteria for the commissioning grants sub-program;
- (e) indicative amounts of funding to be allocated to the small, intermediate, and large grants sub-programs;
- (f) ranking or assessment of the proposals under the small, intermediate, large, and commissioning grants sub-programs;
- (g) verbal and written feedback to the VFA, regarding successful and unsuccessful grant applications, including constructive guidance for any future applications, which can then be passed on to the VFA at its discretion; and
- (h) progress of all RFL funded commitments towards achieving suitable outcomes to benefit recreational fishing in Victoria.

The VFA will be responsible for:

- (a) providing executive support for the Committee;
- (b) conducting broader consultation processes with Victorian recreational fishers, as generally described in the Introduction section above;
- (c) establishing and maintaining a website to help recreational fishers identify local and state-wide funding priorities and providing information on programs funded by the RFGP;
- (d) formulating proposals and liaising with the Minister after consulting the Committee regarding projects under the commissioning sub-program of the RFGP, which are large priority projects generally in excess of \$100,000;
- (e) managing and administering commissioned projects in accordance with Victorian Government policies on purchasing;
- (f) administering the annual call for project proposals and evaluation against established criteria to ensure compliance with public accountability standards;
- (g) setting and monitoring milestones for all projects funded; and
- (h) ensuring that all grants are acquitted to a standard determined by the Committee.

The Recreational Fishing Licence Trust Advisory Committee is an advisory committee. The VFA will undertake any functions in respect to entering into agreements or employing staff or consultants. The Committee is not authorised to directly expend any RFL Trust Account funds.

The Committee is subject to the general direction of the Minister. The Committee is to provide its recommendations to the Minister. Upon written request, the Minister may direct the Committee to reconsider any advice and request consideration of any relevant factors. The Minister retains full responsibility and discretion for all funding decisions.

### **3 MEMBERSHIP**

#### **3.1 Members**

The Recreational Fishing Licence Trust Advisory Committee is an Advisory Committee Group C, Band 2(b) organisation<sup>1</sup> established at the direction of the Minister for Fishing and Boating.

Committee membership will comprise eight members (plus a Cabinet appointed Chairperson) who collectively can provide a range of knowledge, experience and views from across the State covering as much as possible:

- (a) Ocean, coastal, estuarine, freshwater native fish and salmonid recreational fisheries;
- (b) Port Phillip Bay, South West, North East, North West, East Gippsland, West Gippsland regions;
- (c) One person nominated by VRFish to provide advice that reflects the views of:
  - 1. the whole Victorian recreational fishing community;
  - 2. the organisations affiliated with VRFish; and
  - 3. the VRFish Board.
- (d) The recreational fishing industry to provide advice that reflects the views of recreational fishers as identified by persons involved in the Victorian recreational fishing business sector (e.g. tackle, guides, charter, etc.)

#### **3.2 General selection criteria**

All Committee members must be Victorian residents at the time of their application/nomination, and throughout the term of their appointment (as confirmed by a driver's licence or other recognised document).

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<sup>1</sup> Appointment and Remuneration Guidelines.

### 3.3 Specific selection criteria

- (a) practical knowledge, skills and experience in one or more of Victoria's marine or inland recreational fisheries;
- (b) understanding of the type of projects that could improve opportunities for recreational fishing in Victoria;
- (c) demonstrated capacity, experience and willingness to undertake two-way communication with a broad range of recreational fishing stakeholders;
- (d) commitment to work on a co-operative basis with other Committee members, including respecting the views of other members;
- (e) understanding of general management practices, such as business planning, financial accountability, public reporting and ethics; and
- (f) a working understanding of Victorian fisheries legislation.

### 3.4 Chairperson

The Chairperson will be a non-elected position appointed through a Cabinet process. The period of appointment will be determined by the Minister.

The Chairperson's position will be responsible for:

- (a) bringing focus to the proceedings of Committee meetings;
- (b) ensuring the Committee operates in accordance with its terms of reference;
- (c) facilitating the achievement of informed decision-making;
- (d) reporting regularly, or when requested by the Minister, on the operation of the Committee and/or the results of its deliberations; and
- (e) ensuring that the Committee is providing timely high quality advice in a form that satisfies the Minister.

The Chairperson is the spokesperson for the Committee to the Minister and the VFA, and may represent the Committee at public functions or elsewhere when requested by the VFA on behalf of the Minister.

## 4 STANDARD PROCEDURE FOR MEMBER NOMINATION, APPOINTMENT, REAPPOINTMENT AND PROBITY CHECKS

The process of selection of a member of the Committee is to be conducted by the VFA through an open expression of interest process and nomination process for the VRFish representative.

Committee members and the Chairperson are appointed by the Minister and on the terms and conditions specified in the Instrument of Appointment. The Minister may from time to time amend the terms and conditions of appointment.

A member of the Committee is eligible for reappointment in line with the Guidelines.

Prospective members are subject to probity and other checks.

### 4.1 Term of Appointment

Members are appointed by the Minister to the Committee for a term of office up to three years and may be eligible for reappointment.

A member is eligible for reappointment to the Committee as determined by the Minister for Fishing and Boating.

## 4.2 Resignations

The Chairperson or member of the Committee may resign in writing addressed to the Minister.

## 4.3 Termination

The Minister for Fishing and Boating can remove a member from office if:

- (a) the member becomes incapable of performing their duties;
- (b) the member is negligent in the performance of duties;
- (c) the member engages in improper conduct;
- (d) the member breaches confidentiality;
- (e) the member does not adhere to basic rules of governance and conduct as provided by the Victorian Public Sector Commission (VPSC) which can viewed at [www.vpsc.vic.gov.au/governance/](http://www.vpsc.vic.gov.au/governance/); and
- (f) for any other valid reason determined by the Minister for Fishing and Boating.

## 4.4 Vacancies

The office of a Committee member becomes vacant if:

- (a) the person resigns under Section 4.2;
- (b) the person is removed from office under Section 4.3;
- (c) the person dies or in the opinion of the Minister becomes incapable of performing his/her duties;
- (d) the person becomes a bankrupt or a person disqualified from acting as a director or acting in the management of a company;
- (e) the person fails to attend 2 consecutive meetings (without a valid reason accepted by the Chairperson before a meeting; or in the case of the Chairperson accepted by the Chief Executive Officer, Victorian Fisheries Authority);
- (f) the person fails to attend 50 per cent of meetings over any given 12-month period (without a valid reason accepted by the Chairperson before a meeting; or in the case of the Chairperson accepted by the Chief Executive Officer, VFA).

Upon a vacancy occurring in the office of a member the vacancy may be filled with a suitable replacement to be appointed by the Minister.

The Minister may appoint any person to fill a vacant position on the Committee that arises during any three-year term, subject to having regard to the General and Specific Selection Criteria shown in section 3.1. In this situation the Minister may have regard to any preceding Expression of Interest application received in response to the Standard Procedure for Member Nominations as shown in section 4.

Members appointed to fill a vacancy will be appointed for a period not exceeding that of members currently appointed.

## 4.5 Sitting fees and reimbursement of expenses

The Committee is categorised as a Group C, Band 2(b) organisation under the Guidelines. Eligible members will be paid sitting fees as prescribed by the Guidelines and fixed in the Ministerial Instrument of Appointment.

Expenses will be paid in accordance with rates that apply to employees of the VFA for the provision of allowances for travelling and personal expenses and fixed in the Instrument of Appointment.



## **5 OPERATIONS**

### **5.1 Attendance at meetings**

Members are expected to attend all meetings of the Committee, given the importance of the Committee's role in providing advice on the expenditure of RFL revenue to improve opportunities for Victorian recreational fishers.

Any member who is unable to attend a meeting is expected to notify the Chairperson as soon as practical, or in the case of the Chairperson notify the Director Recreational Programs, VFA. Refer to section 4.4 for further information about the effect of nonattendance at Committee meetings.

### **5.2 Meeting agenda**

It is the responsibility of the Executive Officer providing administrative support services to the Committee to ensure that agendas and papers for meetings are circulated in a timely manner prior to the meeting. Ten working days will be used as the benchmark for normal business papers, including all grant applications, noting the operation of SmartyGrants on-line grant application system.

### **5.3 Conduct of meetings**

The Committee will meet as often as required as determined by the Chairperson in consultation with members and the Director Recreational Programs, VFA. Meetings will be based on a forward-agenda.

The Committee will determine its own general meeting procedures in accordance with accepted custom and practice. The Committee and may deal with issues outside of meetings, within the context of its Terms of Reference, as required.

Meetings may be conducted in a manner determined by the Chairperson subject to these Terms of Reference or any direction given by the Minister or the Chief Executive Officer, VFA. The Chairperson will seek to ensure that every member has adequate opportunity to participate in the discussions on each item.

If the Chairperson is absent, or the office of Chairperson is vacant, a member shall be elected by the attending members to preside at that meeting.

Meetings are generally to be held in VFA offices at 1 Spring St, Melbourne. However, the Committee is encouraged to hold one meeting per year in a major regional centre in Victoria (relevant to recreational fishing).

Video meetings will also be held where appropriate with attendance of some members via video encouraged where it is not practical to attend in person.

### **5.4 Project Assessment**

All projects will be assessed and scored against agreed criteria to ensure fairness. Aggregate assessment scores will provide a basis for preliminary ranking of applications. However, assessment scores will not be the sole basis for decisions as additional information, critical evaluation and informed debate at Committee meetings may result in reassessment of relative merits and changes to the ranking of applications.

A member must abstain from the assessment of any project where there is a genuine or perceived conflict of interest. In the event of a conflict of interest, the mean of all submitted project assessments will be attributed as the abstaining member's score.

### **5.5 Meeting outcomes**

Meeting minutes will be drafted by the Executive Officer and provided to members for their endorsement within two weeks of any meeting.

### **5.6 Quorum**

A quorum is constituted by five members of the Committee, including a Chairperson.

No meeting shall commence or continue unless a quorum is present (five members).

### **5.7 Consensus decision making**

The Committee is to prepare its advice through consensus. However, where a consensus view cannot be reached, minority or dissenting views will be minuted on request. The Committee's advice is to be the majority view of the members present at the time of discussion held on an agenda item.

### **5.8 Validity of Decisions**

Advice of the Committee is not invalidated by:

- (a) a vacancy in the office of any member;
- (b) any accidental oversight of a procedural matter; or
- (c) any defect or irregularity in the appointment of a member.

### **5.9 Proxies**

Proxies or deputies for members are not permitted.

## **6 CONFIDENTIALITY**

Members of the Committee must keep all deliberations confidential in order to provide a forum for independent advice and debate. Members will be able to discuss with their respective groups or organisations issues before the Committee that are not of a confidential nature, but must not discuss any deliberations of the Committee or circulate any meeting agendas, minutes, papers or other materials publicly. A Chairperson summary will be made available to the public on the VFA webpage following each Committee meeting.

The matter of confidentiality will rest not just with the individual member but also with the administration and membership of their respective groups and organisations.

The Committee is not permitted to speak to the media on matters that relate to the Committee's deliberations unless prior Ministerial consent has been obtained via the VFA.

The final outcomes for each Committee meeting will be published on the VFA Website, following endorsement by the Chairperson as a valid record of a meeting, and acceptance by the Chief Executive Officer, VFA that the record of a meeting is consistent with the Committee's Terms of Reference and satisfy relevant Victorian Government publication policies.

Committee agenda papers (including grant applications) shall not be circulated by any member to a person or organisation who is not a member of the Committee.

## 7 CONFLICT OF INTEREST

Members must be aware of the need to manage all genuine conflicts of interests and be aware of the possibility that an interest they may have could raise the perception of a conflict of interest.

A member who has a direct or indirect pecuniary or other relevant interest in a matter being considered or about to be considered at a meeting of the Committee, and whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest to the Chairperson. It is each member's responsibility to exercise extreme caution in such matters. In the event of any doubt, it is advised either a potential, or perception of a potential conflict of interest, should be notified immediately.

The Chairperson at a meeting at which a declaration of an interest is made shall cause the declaration to be recorded in the minutes of the meeting and added to a conflict of interest register maintained by the VFA.

A disclosure by a member at a meeting that the member is a member, or is in the employment, of a specified company or other body, or is a partner, or is in the employment, of a specified person, or has some other specified interest relating to a specified company or other body or to a specified person, is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed.

When a member makes a declaration of a conflict of interest, the Chairperson may require the member to withdraw from the meeting for the period of discussion and resolution of that business.

A contravention of this clause does not invalidate any RFGP decision of the Committee.

## 8 FREEDOM OF INFORMATION

Members should be aware that all documents relating to the Committee (for example meeting papers, correspondence, expense claims) will be placed on file and subject to the *Freedom of Information Act 1982*.

Members should also be aware that electronic documents, i.e. email correspondence between the Committee and the VFA and/or individual Committee members and the VFA, could be the subject of a request for production under the *Freedom of Information Act 1982*.

## 9 PRESENTATIONS TO THE COMMITTEE

The Chairperson or VFA may invite grant applicants to give brief oral presentations to the Committee on their applications or progress on the implementation and outcomes of an approved application, in order to inform the Committee's deliberations (VFA will work with the Committee to develop reasonable criteria in this regard). However, grant applicants are not to be present during any discussions by the Committee about the merits (or otherwise) of a project.

## 10 EXECUTIVE SUPPORT



The VFA will provide secretarial and executive support services to the Committee. This support includes:

- (a) organising meetings in consultation with the Chairperson;
- (b) preparing meeting agendas;
- (c) preparing and circulating any background, discussion or options papers in consultation with the Chairperson;
- (d) maintaining files and records of meetings; and
- (e) arranging for payment of sitting fees and expenses of members.

The Committee Executive Officer is to be present at all times in meetings for the purpose of recording outcomes and providing factual information. The Executive Officer may provide additional factual information regarding applications at the request of the Chairperson.

### **10.1 Funding**

Funding for the Committee and its support will be provided by the VFA from the Recreational Fishing Licence Trust Account.

### **10.2 Performance Measures of the Committee**

Decisions and advice by the Committee will be made and given in a timely manner. All advice provided will be supported by rigorous rationale of the basis for the advice.

### **10.3 Review of Effectiveness**

At the final meeting of each calendar year, the Committee will discuss and evaluate its performance. Each member will be asked to complete a confidential and anonymous questionnaire evaluating the Committee's performance and the performance of the Chairperson.

The Committee will advise the Chief Executive Officer, VFA annually on any suggested improvements to the operation of the new arrangements for the disbursement of recreational fishing licence revenue.

Every three years the Committee may be subject to an independent review to determine the effectiveness of the Committee.

### **10.4 Publication of these Terms of Reference**

These Terms of Reference will be published by the VFA on the Recreational Fishing Licence webpage.

## **11 CODE OF CONDUCT AND ACCEPTANCE OF GIFTS, BENEFITS AND HOSPITALITY**

These documents set minimum requirements and accountabilities for Members:

- Director's Code of Conduct: <http://vpsc.vic.gov.au/html-resources/directors-code-of-conduct-and-guidance-notes/>
- Gifts, Benefits and Hospitality Policy Framework: <http://vpsc.vic.gov.au/resources/gifts-benefits-and-hospitality-policy-framework/>