

Ministry for Primary Industries
Manatū Ahu Matua



Growing and Protecting New Zealand

TERMS OF REFERENCE FOR

Integrated Electronic Monitoring and Reporting System (IEMRS) Implementation Advisory Group

Ministry for Primary Industries

19 July 2017

Terms of reference for

IEMRS Implementation Advisory Group

1 Definitions of terms.

In this Terms of Reference:

Group means the IEMRS Implementation Advisory Group established under these terms of reference;

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

Integrated Electronic Monitoring and Reporting System (IEMRS) Programme means the programme of work being undertaken to implement IEMRS technology into the commercial fishing sector.

IEMRS technology means the hardware and software components necessary to enable the following:

- a. **Electronic Reporting (ER)** – this is the replacement of the existing mixed operating model with a digital only model to record Catch Effort information in all commercial fishing operations.
- b. **Geospatial Position Reporting (GPR)** – extension of automated position reporting to all commercial fishing operations.
- c. **Electronic Monitoring (EM)** – introduction of automated video recording of all commercial fishing operations and the review of resulting footage.

2 Purpose and functions of the IEMRS Implementation Advisory Group

2.1 Purpose of the group

- a. To discuss and advise on timely implementation of IEMRS technology by fostering the support of stakeholders.
- b. To advise and support MPI, providing perspectives and insights during the design, development and implementation of IEMRS technology. This group will also serve as a forum for MPI to engage key stakeholders, sharing information, plans and progress on the IEMRS programme.
- c. To utilise the expertise and perspectives of stakeholder figureheads from across a range of key fisheries stakeholders, with a key focus on successful implementation of IEMRS technology.

2.2 Functions of the group

- a. Close and effective engagement between MPI, sector stakeholders and other relevant parties;
- b. Enabling better understanding of IEMRS and its benefits;

- c. Balancing of perspectives across different stakeholder groups, for a joint outcome for New Zealand fisheries;
- d. Facilitating information sharing between parties involved;
- e. Stakeholder input into technical and implementation matters.

3 Scope

3.1 In Scope

Discussion and provision of advice related to the implementation of IEMRS Technology (ER, GPR, EM) into commercial fishing operations, as per timelines advised by MPI.

3.2 Out of Scope

- a. Final approval or decisions around IEMRS technology.
- b. Fisheries management and legislation.
- c. Compliance and enforcement policies and activities.
- d. Offences and penalties.

4 Authority

4.1 The group is an advisory body and cannot direct MPI, employ staff, enter into contracts, or make commitments or undertakings on behalf of MPI.

4.2 MPI will respond to reasonable requests from the group for information relevant to its roles and functions.

4.3 The group's advice will belong to MPI. Subject to statutory and other legal obligations, control of and decision over the use of and distribution of this advice rests with the Deputy Director-General, Regulation and Assurance of MPI.

5 Membership and participation 5.1 Composition of the group

- a. The membership will consist of leaders from the fisheries stakeholders and MPI, with the group chaired by an independent chair.
- b. Members may represent industry organisations.
- c. Membership, including the Chair will be appointed by MPI.
- d. A list of current members is attached as Appendix I.

5.2 Addition of members

Members may be added to this group at the discretion of the Chair.

5.3 Attendance and substitutions

- a. Members are expected to treat meetings of the group as a high priority and attend.
- b. Members who are not able to attend a meeting may seek the agreement of the Chairperson in advance of the meeting to be represented by a substitute or proxy.
- c. Members are responsible for fully briefing any substitute or proxy prior to the meeting.

5.4 Replacement of Members

If an organisation is represented on the group, the organisation may replace the person who represents it by notifying the chairperson of the group in writing of the change.

5.5 Removal of members

- a. A member may resign from the group by notifying the Chair of the member's resignation in advance of any meeting.
- b. A member who is appointed as a representative of an organisation will cease to be a member of the group if they leave the organisation or if the organisation notifies the chairperson of the group in writing that the person no longer represents the organisation on the group.
- c. 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.
- d. MPI may remove members from the group at its absolute discretion.

5.6 Membership rights and obligations

Any person appointed as a member of the group representing an organisation must ensure that he or she is duly authorised by the organisation to make representations on behalf of the organisation.

5.7 Expectations of members

Group members are expected to:

- a. Attend all group meetings, except where extenuating circumstances prevent this.
- b. Come prepared to contribute to discussions.
- c. Act as a sounding board for ideas.
- d. Follow up on agreed action points.
- e. Declare any potential conflicts of interest.
- f. Abide by the operating principles of the group.

5.8 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.

The Chairperson may at any time ask observers to withdraw from a meeting of the group.

6 Chairperson and Secretariat

6.1 Chairperson

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

- c. The Chair will be expected to
 - i. Chair meetings.
 - ii. Set agenda and schedule for meetings.
 - iii. Decide appropriate action to manage potential conflicts of interest.
 - iv. Report to the Future of Our Fisheries Programme Board; and
 - v. Abide by the operating principles of the group.

6.2 Secretariat

- a. MPI will provide reasonable secretariat services to the group, including circulation of the agenda and papers, preparation and circulation of meeting minutes.
- b. (TBC) Information will be made available to members via the 'Shared Working Space' online portal provided by the Department of Internal Affairs (DIA).

7 How the group operates

7.1 Principles

- a. Collegiality – the group is transparent and consultative, undertaking to ensure all members are provided with the opportunity to provide meaningful input to discussions.
- b. Good conduct - Members will engage in a constructive manner, treating other members and Chair with respect.
- c. Efficient and effective - Members will come appropriately informed and prepared to contribute to discussions, within the group's scope.

7.2 Meeting Times and Frequency

- a. The group will meet once every fortnight/month (tbc) at a time and place determined by the Chairperson in consultation with the members.
- b. In consultation with group members, the Chair may choose to hold meetings more or less frequently.

7.3 Consensus

- c. The group will seek to identify areas where there is consensus, recognising that this is desirable. Particular areas of consensus may be noted in the minutes of a meeting, as may be areas where there are diverging views.

7.4 Quorum

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

7.5 Standards of conduct

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

8 Confidentiality and information

8.1 General confidentiality requirements

- a. In order for the group to operate effectively, subject to clause 8.3 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 including through any online portal.
- b. With the agreement of the Chairperson, members and observers may share information about the business of the group with the organisations they represent.
- c. 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.
- d. 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.
- e. 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.

8.2 **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.

8.3 **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.

8.4 **Media**

- a. Members and observers must refrain from purporting to represent the group, or commenting on the business of the group, to the media.
- b. The Chairperson will seek agreement from MPI for the group to release a media statement if any matters arise related to these terms of reference.
- c. Members are free to comment publicly about their organisation's position on IEMRS more generally but not on the business of the group.

9 **Declaration of Interest**

- a. Members are responsible for declaring any real or potential interest to the Chairperson. This information (i.e. interests declared) will be kept on file and be used to assist with the stakeholder engagement occurring through the Technical Working Group and Implementation Advisory Group and not for any other purpose.

10 Review of terms of reference

- a. These terms of reference are to be discussed at the first meeting of the Group. These will be finalised and published following the first meeting.
- b. The group must review these terms of reference and the operations of the group and provide a report to MPI on the operations of the group, recommending any necessary changes to the terms of reference, by 30 September 2017 and every year subsequently.
- c. The group is expected to be in place until at least October 2018 (commencement of EM rollout). At that point, the group's function will be reviewed and a decision made whether it should continue or be disestablished.
- d. 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.

11 Finance and Budget

- a. The group does not have any budget or financial responsibility.
- b. 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.
- c. Any expenditure or financial commitment by the group must have prior approval from MPI.

Appendix I **Current membership list**

IEMRS Implementation Advisory Group Members
Simon Watt, Chair
Bryan Wilson, Deputy Director General, Regulation & Assurance, MPI
Stuart Anderson, Director IEMRS, MPI
Laws Lawson, Te Ohu Kai Moana
George Clement, Deepwater Group Ltd
Jeremy Helson, Fisheries Inshore New Zealand Ltd
Jeremy Cooper, Paua Industry Council
Mark Edwards, Rock Lobster Industry Council
Rob Domanski, South Island Eel Industry Association
Joshua Barclay, Blue Water Marine Research
Lesley Campbell, FishServe
Dr Michael Looker, The Nature Conservancy
Amanda Leathers, World Wildlife Fund
Karen Baird, Forest and Bird
Rosemary Hurst, NIWA
Ian Angus, Department of Conservation
Keith Ingram, NZ Recreational Fisheries Council

Appendix II **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 to the Chair in accordance with clause 9 of the Terms of Reference.
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 prevail
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 Chair must be notified as soon as reasonably possible.