

AUTHORITY AND KNOWLEDGE PANEL

Protocol Manual

MEMA

MARINE ESTATE MANAGEMENT AUTHORITY



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Marine Estate Management Authority – Protocol Manual

First published: 2013

Updated: September 2021

Cover image: Whale Beach, Sydney, [iStock.com/structuresxx](https://www.iStock.com/structuresxx)

INT16/62749

About us

The Marine Estate Management Authority (Authority) advises the NSW Government on the management of the marine estate consistent with the objects of the *Marine Estate Management Act 2014*. Key functions include undertaking threat and risk assessments, development of management strategies, promoting collaboration and coordination between public authorities in their exercise of functions, and fostering consultation with the community in relation to the management of the marine estate.

The Marine Estate Expert Knowledge Panel (Knowledge Panel) provides independent expert advice to the Authority on matters referred to it by the Authority including ecological, economic, cultural and social considerations.

Our vision

“a healthy coast and sea,
managed for the greatest wellbeing of the community,
now and into the future”

Our role

“is to ensure that policies and programs address priority issues,
are well-coordinated, efficient and evidence based
and result in positive outcomes”



Our principles

1	effective community engagement to identify and prioritise benefits and threats
2	identification of priority actions will be based on threat and risk assessment
3	values will be assigned to enable trade-off decisions between alternative uses of the marine estate
4	best available information will be used in trade-off decisions, but judgement will still be required
5	the wellbeing of future generations will be considered
6	existing access arrangements will be respected
7	the precautionary principle will be applied
8	efficient and cost-effective management to achieve community outcomes
9	management decisions will be transparent and adjust in response to new information
10	management performance will be measured, monitored and reported and information pursued to fill critical knowledge gaps.

Background

Introduction

This Protocol Manual is intended to serve as both an ongoing reference regarding protocols and procedures, and as an induction manual for new members of the Authority and the Knowledge Panel. This Protocol Manual also clarifies the Authority's relationship with:

- relevant Ministers
- Marine Estate Expert Knowledge Panel (Knowledge Panel)
- Marine Estate Agency Steering Committee (MASC)
- Interagency Working Groups (IWGs).

Independent Scientific Audit of Marine Parks in NSW

The NSW Government commissioned an Independent Scientific Audit of Marine Parks in NSW¹ in 2011 to explore stakeholder concerns about the effectiveness of marine park establishment, zoning, access, science and ways to achieve better management of the NSW marine estate.

The Audit advocated that *'policy and coordination process should reside with a central authority, while day-to-day management should be devolved'*².

The NSW Government announced its response³ to the Audit in 2013 and accepted the Audit's two principal recommendations to:

1. establish a single authority to oversee and provide advice to government on the management of the marine estate; and
2. to establish an independent scientific committee to support evidence based decision-making, as cornerstones of the new approach to marine estate management in NSW.

NSW marine estate

The marine estate is one of the most significant natural resources in NSW. It includes around one million hectares of estuary and ocean, with more than 1,750 kilometres of ocean coastline out to three nautical miles off the coast, 6,500 kilometres of estuarine and coastal lakes foreshores, 826 beaches, 44 offshore islands, and 185 estuaries and coastal lakes (Map 1).

Over six million people live within 50 kilometres of the NSW coastline, including the people of eleven coastal Aboriginal nations who are intimately connected to their Land and Sea Country.

The NSW community derives ecological, economic, cultural and social benefits from the marine estate, which are underpinned by good water quality, healthy habitats and diverse and abundant marine life. It offers the opportunity for activities such as diving, swimming, boating and fishing, and it provides a livelihood for many, such as commercial fishing and tourism businesses. Millions of domestic and international visitors enjoy the marine estate, generating billions of dollars each year for NSW and the Australian economy.



¹ [Report of the Independent Scientific Audit of Marine Parks in NSW \(2012\)](#)

² Report of the Independent Scientific Audit of Marine Parks in NSW (2012) p. 75

³ [Government Response to the Report of the Independent Scientific Audit of Marine Parks in NSW – a new approach to managing the NSW marine estate \(2013\)](#)

Map 1. NSW marine estate



Organisational structure

The Authority provides advice to the Ministers jointly responsible for the marine estate.

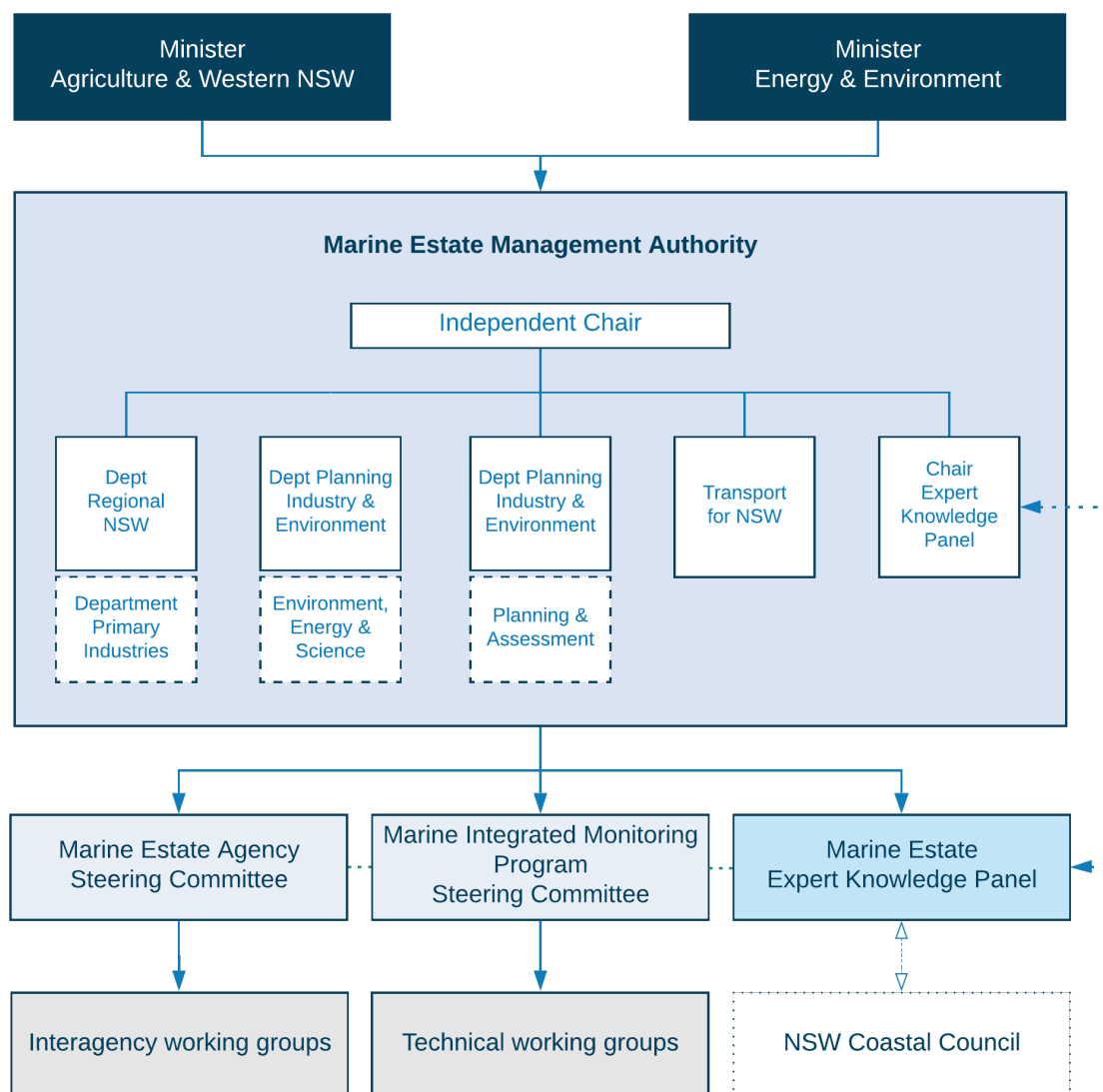
The Authority brings together senior executives of the four NSW Government agencies with key marine responsibilities to provide advice to the government on strategic, evidence-based management of the marine estate and its functions are overseen by an independent Chair.

The Authority is supported by the independent Knowledge Panel who provide expert advice spanning ecological, economic, cultural and social sciences.

The Authority is also supported by an interagency steering committee of senior officers, who in turn receive support from interagency working groups. The marine estate governance structure fosters interagency collaboration ensuring management is coordinated, transparent and takes account of the diverse range of agency interests and responsibilities. This collaboration is central to the success of the Authority's programs.

Improved linkages between NSW Government agencies and the NSW Coastal Council is intended to lead to better outcomes for the community, industry and the environment by ensuring integrated management that focuses on addressing priority threats and opportunities to achieve the Authority's vision for the marine estate.

Figure 1. Marine estate organisational structure



Members

The Authority comprises the following members under section 7 of the [Marine Estate Management Act 2014](#):

- independent chair (Ministerial appointment)
- independent chair, Knowledge Panel (Ministerial appointment)
- Secretary, Regional NSW (appointed deputies are Director General, Department of Primary Industries and Deputy Director General Fisheries, Department of Primary Industries)
- Secretary, Transport for NSW
- Public Service senior executive principally involved in the administration of the *Biodiversity Conservation Act 2016*
- Public Service senior executive principally involved in the administration of the *Environmental Planning and Assessment Act 1979*.

Ministers

NSW Ministers jointly responsible for the NSW marine estate are:

- Minister for Agriculture and Western NSW
- Minister for Energy and Environment.

Marine Estate Management Authority

Establishment

The Marine Estate Management Authority (Authority) is established under section 7 of the [Marine Estate Management Act 2014](#), which commenced on 19 December 2014.

Functions

Statutory functions of the Authority under the Act are to:

- advise Ministers on management of the marine estate in line with the principles of ecologically sustainable management
- undertake assessments of threats and risks to the marine estate
- prepare a draft Marine Estate Management Strategy for submission to Ministers and advise Ministers of its implementation by public authorities
- promote collaboration and coordination between public authorities in the management of the marine estate
- foster consultation with the community in management of the marine estate.

The Authority and Knowledge Panel do not have any statutory decision-making powers or direct regulatory functions.

Constitution

[Schedule 1](#) of the Act sets out the constitution and procedures of the Authority.

Chair's role

An independent Chair who has an appropriate mix of skills and experience leads and directs the activities of the Authority and facilitates discussion across agencies to drive a whole of government approach to the management of the marine estate.

The role of the Chair is to:

- drive development and implementation of Authority programs to manage the NSW marine estate
- facilitate consideration of the wide variety of agency and community interests
- maximise Authority transparency
- apply robust business acumen to management decisions
- liaise directly with Ministers on behalf of the Authority when appropriate
- raise significant matters of concern directly with Ministers
- act as a spokesperson for the Authority as required
- attend Knowledge Panel meetings as an observer.

Members' role

Authority members are expected to:

- represent their various portfolio interests, including promoting an awareness of their stakeholder interests
- facilitate and encourage interagency cooperation and collaboration
- attend meetings and contribute to discussion
- contribute to out-of-session business as required
- provide support and information as appropriate.

Appointment

Ministerial appointments for NSW boards and committees, including the Authority and the Knowledge Panel, are approved by Cabinet in accordance with the Department of Premier and Cabinet's *NSW Government Boards and Committees Guidelines*⁴.

Term of office

Under Schedule 1 of the Act the Chair of the Authority is appointed for a period not exceeding four years and can be re-appointed.

Under the NSW Government Boards and Committee Guidelines as good practice, members should not serve more than two consecutive terms on a board or committee. For reappointments beyond two terms, a member reappointment submission to Cabinet is required including the justification as to why this is recommended.

Remuneration

The Chair of the Authority is entitled to be paid remuneration including an annual salary, travelling and subsistence allowances.

Induction

Material issued to newly appointed members includes:

- NSW Government Boards and Committees Guidelines
- pecuniary interest declaration
- marine estate Schedule of Works or relevant forward work program
- Protocol Manual
- Authority member profiles
- Knowledge Panel member profiles

⁴ [DPC M2013-06 NSW Government Boards and Committee Guidelines \(2015\)](#)

- Knowledge Panel terms of reference
- *Managing the NSW Marine Estate: Purpose, Underpinning Principles and Priority Setting* (MEMA, 2013) ⁵

Conduct of members

All public officials including members of NSW Government boards and committees have an obligation to act in the public interest. All members of NSW Government boards and committees must:

- comply with the Ethical Framework for the public sector set out in the *Government Sector Employment Act 2013* ⁶
- comply with the committee's Code of Conduct (Protocol Manual)
- have a clear understanding of their public duty and legal responsibilities
- act for a proper purpose and without exceeding their powers.

Declaration of interests

- Authority and Knowledge Panel members shall complete a pecuniary interest declaration on their appointment in line with NSW Government policy, including actual, perceived or potential conflict of interest, which should be reviewed periodically or amended as soon as practical after a member's interest change.
- A register of interests shall be maintained by the Marine Estate Secretariat.
- A declaration of interest shall be a standing agenda item at the beginning of each meeting where members shall raise any conflicts of interest with either the agenda or any meeting papers or other business as it may arise during the meeting. The Secretariat will record the declared conflict in the minutes and add to the pecuniary interests register.

Conflict of interest – Knowledge Panel

Knowledge Panel members are experts in fields relevant to the Authority's activities and given the limited number of such local experts, there is a reasonable chance they may be selected from a competitive field to undertake some of the work required by the Authority, should they choose to tender for such work. The only plausible alternative is that such experts resign from the Knowledge Panel or absent themselves for much of the Knowledge Panel's meetings. To address perceived or potential conflict of interest the following must occur:

- committee members are to provide the Chair with a letter of intent on how they will manage conflict of interest for work under their personal control for Authority related works, including works where the member has been a successful candidate for tender for an Authority related activity.
- Chairs are not permitted to receive remuneration in relation to any works related to Authority activities beyond their remuneration for Chair responsibilities.
- the Chair will act as a 'disinterested party' in relation to conflicts of interest by members. Options available (but not limited) to the Chair when conflicts of interest arise would be:
 - the Chair may request Knowledge Panel members to recuse themselves from decision-making and/or discussions in relation to agenda items
 - the Chair may request agencies to restrict access to information provided to members
 - the Chair would refer to the NSW Government guidelines on managing conflict of interest risks.

⁵ <http://www.marine.nsw.gov.au/knowledge-centre/publications>

⁶ [Public Service Commission ethical framework for Government sector employees](#)

Resources

Funding

The Authority has no annual budget allocation. All costs associated with the establishment and ongoing operations of the Authority and the Knowledge Panel are funded by the Department of Primary Industries within the Regional NSW cluster and other agencies by agreement.

Staffing

The Authority does not employ staff but drives reforms by drawing on existing resources of agencies.

The Department of Primary Industries provides administrative support to the Authority and the Knowledge Panel through the Marine Estate Secretariat.

Secretariat support

The Secretariat provides support for the effective operation of the Authority and Knowledge Panel. Key Secretariat responsibilities include:

- working with Chairs and member agencies in the development of agendas, management of meeting papers and preparation of a range of documents.
- taking minutes of meetings including decisions, discussions, actions, as well as any dissenting views where appropriate.
- coordinating logistics, travel and events.
- arranging appointment and remuneration of members.
- coordinating information flow between the Authority and Knowledge Panel, across member agencies and with Ministerial offices. Supporting stakeholder liaison, communication and engagement.
- contributing to research, analysis, policy development and advice.

Access to information

The Authority is committed to providing accurate information to Ministers, stakeholders and the NSW community in a professional manner.

The following will be made publicly available:

- a summary of each Authority meeting
- annual progress report.
 - a summary of stakeholder engagement and consultation
 - formal Knowledge Panel advice to the Authority
 - formal Authority advice to Ministers.

Government Information (Public Access) – GIPA

All reasonable requests made to the Authority for information or assistance will be managed by the Secretariat, considered on a case-by-case basis and responded to promptly and/or referred to the appropriate agency.

Members of the public can access government information under the *Government Information (Public Access) Act 2009* (GIPA). Pursuant to the GIPA, formal applications for access to Authority information will be dealt with appropriately by the Secretariat in collaboration with the Department of Primary Industry's Governance and Information Requests Officer.

The Authority will also seek to meet all reasonable informal requests for information.

Progress and performance reporting

The Authority will submit an annual progress report to Ministers regarding the implementation of Authority programs. This report will be made publicly available on the marine estate website at www.marine.nsw.gov.au.

The performance of the 10-year Marine Estate Management Strategy is independently evaluated at 2, 5 and 10 years, to ensure it is achieving its intended outcomes and enable adaptive management. These performance evaluations are guided by the Marine Integrated Monitoring and Evaluation Framework. A five year 'health check' commencing in 2023 will enable a more comprehensive review the Strategy at its mid-term delivery and will consider and respond to the findings of the 5-year review of the statewide threat and risk assessment (TARA). Threats and stressors will be reviewed to determine if risk ratings and priority threats have changed based on any further new evidence, consistent with the Threat and Risk Assessment Framework (2015).

The Marine Integrated Monitoring Program (MIMP), which guides research and monitoring projects, fills key knowledge gaps and facilitated performance assessment of the Strategy, includes reporting requirements that communicate progress of the MIMP implementation annually as well as monitoring data via report cards.

The performance and reporting of marine protected area planning and management in NSW is reported annually.

Schedule of Works

The Authority sets the marine estate [Schedule of Works](#) which identifies priority areas of work as part of the strategic, holistic, evidence-based approach to managing the NSW marine estate – marine waters, coasts and estuaries, including marine parks.

The Schedule is updated periodically and is publicly available on the marine estate website at www.marine.nsw.gov.au.

Media

The Authority welcomes opportunities to foster transparency, community understanding and engagement.

All Authority media matters are managed in collaboration with the Authority member agencies' media and communication units. This may include responding to media enquiries, developing media releases, communications and community engagement and liaising with Ministerial offices.

Knowledge Panel members are expected to abide by the Department of Primary Industry's media policy. Additionally:

- the Authority Chair will be the spokesperson for media enquiries, unless other arrangements are made
- members are expected to refer media enquiries to the Authority Chair and/or the Secretariat without responding directly
- members must not initiate media contact without authorisation from the Authority Chair
- members are expected to raise any potential media issues with the Authority Chair and/or Secretariat.

This above applies to all forms of media interaction including verbal, written or electronic and across various media platforms including print, radio, online and social media.

Operating protocols

Schedule 1 of the Act sets out the constitution and procedure of the Authority. Although not prescribed in the Act, the Knowledge Panel will follow the same operating protocols as MEMA, unless stated otherwise. Key operating procedures are outlined below.

The NSW Department of Premier and Cabinet and the Public Service Commission also provide guidance for the operation of NSW Government boards and committees⁷. The Authority and the Knowledge Panel operate within these guidelines.

Meetings

Authority and Knowledge Panel meetings are scheduled regularly. Agencies are expected to host at least one meeting per year.

Business may be dealt with by videoconference/teleconference or out-of-session as determined necessary by the Chair.

Presiding member

The Chair is to preside at the meeting. In the absence of the Chair, a person elected by the members of the Authority (or members of the Knowledge Panel for Knowledge Panel meetings) who are present at a meeting will chair the meeting.

Voting

Members should endeavour to reach consensus decisions. Members may express dissenting views and have these minuted. It is preferred that any advice to Ministers or the NSW Government be a consensus view.

A decision supported by a majority of the votes cast at a meeting at which a quorum is present is the decision of the Authority (or Knowledge Panel). The presiding member has a deliberative vote and, in the event of an equal number of votes, has a second or casting vote.

Attendance

Members or their delegates are expected to attend all meetings. In addition to members attending, agency support officers have a standing invitation to attend meetings. Special guests may be invited to attend as agreed by the Chair.

Meeting attendance may be in person, via videoconference or teleconference as arranged with the Secretariat.

Quorum

Quorum for meetings is attendance by the majority of members – at least three of the five MEMA members (or their delegates); and at least four of the six MEEKP members (or their delegates) including the Chair. If a quorum is not met the meeting can proceed but no decisions made, or the meeting can be rescheduled.

Agendas

The Secretariat, in consultation with the Chair, develops meeting agendas in collaboration with the relevant Authority (or Knowledge Panel) member agencies. The Chair has the final decision on the agenda.

Papers

The process for developing and finalising papers for meetings is as follows:

⁷ [Public Service Commission: NSW Government Boards and Committees](#)

1. papers are developed by the relevant Authority member agencies, using the standard meeting paper templates
2. papers are approved through relevant departmental managers and executive
3. papers are provided to the Secretariat
4. Secretariat provides papers to the Chair to approve
5. Secretariat aims to distribute meeting papers to members and agency support officers, one week in advance of meetings.

Papers are assumed to have been read. Late papers tabled at meetings will not be considered for decision, unless in exceptional circumstances. Presentations are to be provided and distributed as meeting papers and should be a maximum of 10 slides.

Minutes

Minutes, decisions and actions of each meeting will be recorded by the Secretariat as follows:

- the Secretariat will circulate draft minutes to the Chair and agency support officers for comment following each meeting
- draft minutes will be circulated with meeting papers for formal approval at the subsequent committee meeting.

Advice

The NSW Government is committed to making Authority and Knowledge Panel advice relating to key marine estate initiatives publicly available, as advocated in the Government's Response to the Marine Parks Audit¹. Advice will be reported in the Authority's annual progress report or published on the marine estate website.

Correspondence

The Secretariat receives all in-coming and out-going correspondence to the Authority and Knowledge Panel unless other arrangements have been made.

Where required, the Secretariat will:

- action correspondence and forward to the Chair/and or relevant agencies
- provide support in the preparation of general correspondence and responses
- seek relevant Chair/agency approvals for correspondence
- send responses on behalf of the Chair
- ensure record keeping requirements are met.

Subcommittees

Marine Estate Expert Knowledge Panel

Establishment

The NSW Government established an independent advisory body, the Marine Estate Knowledge Panel (Knowledge Panel) in 2013 under section 9 of the [Marine Estate Management Act, 2014](#).

The Knowledge Panel helps deliver a strategic, evidence-based approach to managing NSW marine and coastal waters and estuaries. It does this by assisting the Authority formulate advice for the Ministers responsible for the marine estate. The Knowledge Panel is tasked by and reports directly to the Authority.

Members

In appointing Knowledge Panel members, the relevant Ministers must seek to include persons with expertise in the fields of ecological, economic, cultural or social sciences, which may include coastal land use planning. The Knowledge Panel includes an independent chair and up to five members with relevant expertise to support evidence based decision-making and address key knowledge gaps.

Current membership includes:

- Independent Chair
- Ecological expert in marine biological science
- Economic expert in natural resource management
- Aboriginal expert in Sea Country management
- Social expert in natural resource management.

Ex-officio observer:

- Chair, Marine Estate Management Authority

Additional independent experts can also be engaged by the Authority, Knowledge Panel or NSW Government agencies as required for specific projects or tasks.

Term of appointment

Knowledge Panel members are appointed for a period up to four years.

Under the NSW Government Boards and Committee Guidelines as good practice, members should not serve more than two consecutive terms on a board or committee. For reappointments beyond two terms, a member reappointment submission to Cabinet is required including the justification as to why this is recommended.

Operating protocols

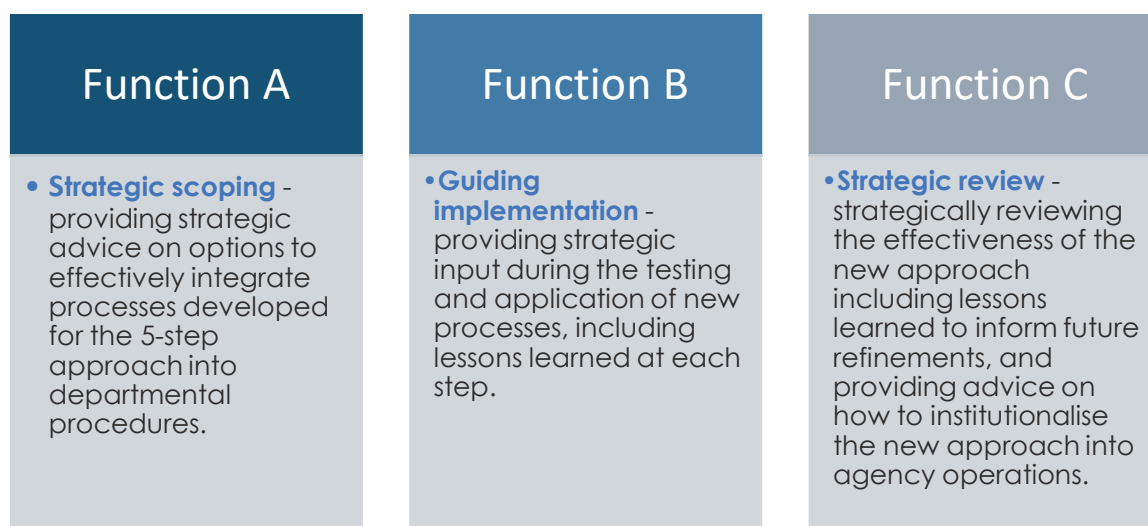
Knowledge Panel members will follow the same operating protocols as MEMA outlined above.

Strategic functions

The role of the Knowledge Panel is to provide independent expert advice on matters referred to it by the Authority that considers ecological, economic, cultural and social sciences.

The Knowledge Panel contributes to the identification of key knowledge gaps and supports evidence based decision-making, value-adds ecological, economic, cultural or social expertise and provides strategic insights into the work of NSW Government on the management of the marine estate. It will do this by focusing on the following strategic functions.

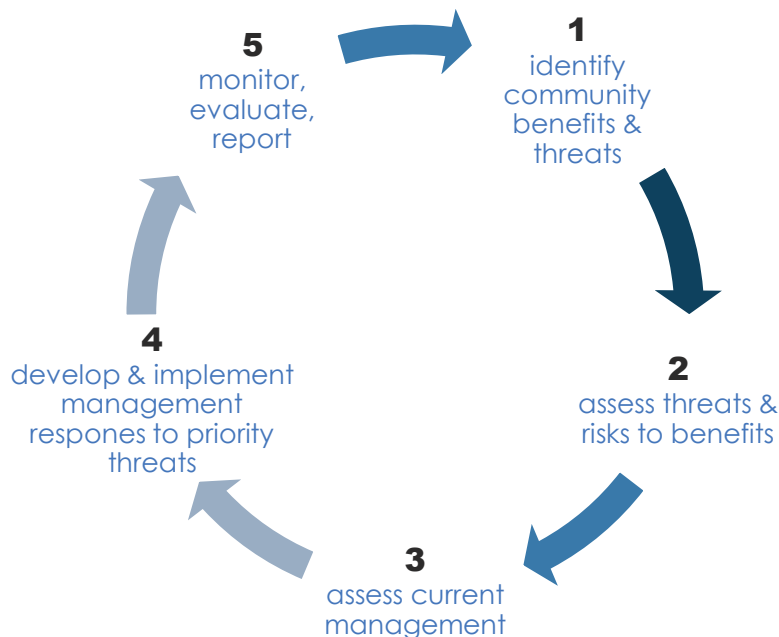
Figure 2 Knowledge Panel strategic functions



The Knowledge Panel may provide advice on marine estate matters including, the implementation of the Marine Integrated Monitoring Program and Marine Estate Management Strategy, as well as threat and risk assessments, marine planning and community engagement.

The Knowledge Panel will contribute to the Authority's vision of 'a healthy coast and sea managed for the greatest wellbeing of the community now and into the future' by applying a holistic, evidence based 5-step decision-making approach into NSW Government policies and programs.

Figure 3: 5-step decision-making approach⁸



Marine Estate Agency Steering Committee

The Marine Estate Agency Steering Committee (MASC) was established in 2014 to provide guidance to project leaders and support interagency working groups in the delivery of priority marine estate projects and management of risks.

MASC includes senior officers from each Authority member agency and meets as needed.

MASC, in consultation with the Chair of the Authority and the Knowledge Panel, assists with the scoping of Authority and Knowledge Panel agenda items and associated papers and has its own Terms of Reference.

Interagency Working Groups

MASC and project leaders are supported by expert input and advice from Interagency Working Groups (IWGs).

IWGs are established as needed. Membership of IWGs will be determined by the Authority member agencies and may change from time to time.

⁸ [Managing the NSW Marine Estate: Purpose, underpinning principles and priority setting](#) (p8-9).