



**Agreement on the Conservation of Albatrosses and Petrels**  
*Interim Secretariat provided by the Australian Government*

**First Meeting of Advisory Committee**  
*Hobart, Australia, 20 – 22 July 2005*

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*Agenda Item No .7*  
*ACAP/AC1/Doc.10*  
**Advisory Committee Chair / Interim Secretariat**

**Advisory Committee Rules of Procedure**



## **Advisory Committee Rules of Procedure**

Article IX (5) of the ACAP Agreement provides for the Advisory Committee to establish rules of procedure.

The first session of the Meeting of the Parties (MOP1) considered draft rules of procedure for the Advisory Committee (Attachment 1 to paper ACAP/MOP1/Doc.17). These rules of procedure were noted and referred to the Advisory Committee for further consideration and agreement (paragraph 9.2 of MOP1 report).

In the interim it was agreed that the Rules of Procedure for the Meeting of the Parties would apply to the Advisory Committee.

Since MOP1, the Advisory Committee has considered and refined its draft Rules of Procedure.

## **Action by Advisory Committee**

The Advisory Committee is asked to consider and adopt (with amendments if considered appropriate) the draft rules of procedure in Attachment A.

## **ATTACHMENT A**

### **DRAFT RULES OF PROCEDURE FOR THE ACAP ADVISORY COMMITTEE**

#### **PART I**

#### **MEETINGS, DELEGATES, OBSERVERS, SECRETARIAT**

##### **Rule 1: Meetings**

1. The Advisory Committee (hereafter referred to as the 'Committee') shall meet annually, unless decided otherwise by the Committee or instructed by the Meeting of Parties, preferably in association with another event that would reduce the travelling costs of participants.
2. At each Meeting, the Committee shall decide on the date, location and duration of the next Meeting. The Secretariat shall notify Parties of these details not less than 120 days before the next Meeting.

##### **Rule 2: Delegates**

1. A Party to the Agreement (hereafter referred to as a 'Party') shall be entitled to appoint one member of the Committee (thereafter referred to as a Committee Member) and such advisors as the Party may deem necessary. Contracting Parties shall submit the names of these delegates to the Secretariat through their coordinating authorities by the start of each Meeting.
2. The voting rights of a Party shall be exercised by its appointed Committee Member. In the absence of the Committee Member, an advisor may be appointed by the Committee Member to act as an alternate over the full range of the Committee Member's functions.
3. The appointed Committee Member or alternate shall be available for consultation between Meetings.

##### **Rule 3: Observers**

1. All signatories to the Agreement, other States which are not Parties, any member of the Asia Pacific Co-operation Forum in respect of Article VIII, paragraph 15 of the Agreement, the United Nations, any specialised agency of the United Nations, any regional economic integration organisation and any Secretariat of a relevant international institution, particularly regional fisheries management organisations, may send observers to Meetings.

2. Any other body or individual concerned with albatross and petrel conservation or with the conservation and management of living marine resources may request admittance as observers to Meetings. Appropriate written applications for attendance should be received by the Secretariat at least 90 days before any Meeting, and circulated to Parties by the Secretariat forthwith. Parties shall inform the Secretariat of their acceptance or rejection of all applications no less than 60 days before that Meeting. An applicant shall be permitted to attend unless one third of the Parties that respond object to the application.
3. The Committee may, as appropriate, invite any other body or individual qualified in albatross and petrel conservation and management to participate in a Meeting as an observer.
4. Observers shall have the right to participate in Meetings, but not to vote.
5. Seating limitations and the financial capacity of the host Party may require that no more than two observers from any non-Party State, or organisation be present at Meetings.

**Rule 4: Secretariat**

1. Unless otherwise instructed by the Parties, the Secretariat shall service the Advisory Committee.

**PART II**

**OFFICERS**

**Rule 5: Chair**

1. The Committee shall elect a Chair and a Vice-chair from among the Committee Members or their advisors.
2. After election, the Chair and Vice-chair of the Committee shall hold office until the first Meeting of the Advisory Committee following the next session of the Meeting of Parties.
3. The Chair and Vice-chair may be nominated for re-election at the end of a term of office. The Chair and Vice-chair shall not normally hold office for more than three consecutive terms.

**Rule 6: Presiding officer**

1. The Chair shall preside at all Meetings of the Committee.

2. If the Chair is absent or is unable to discharge the duties of Presiding Officer, the Vice-chair shall deputise.
3. In the event that both the Chair and the Vice-chair are absent or unable to discharge the duties of Presiding Officer, the appointed members present shall elect a Chair from amongst the Committee Members and their advisors for the duration of that Meeting.
4. If the Presiding Officer is a member of the Advisory Committee for whom no alternate has been appointed or an appointed alternate is not present, the Presiding Officer may vote.

### **PART III**

#### **RULES OF ORDER AND DEBATE**

##### **Rule 7: Powers of presiding officer**

1. In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at Meetings:
  - a) open and close the Meeting;
  - b) direct the discussions;
  - c) ensure the observance of these Rules;
  - d) accord the right to speak;
  - e) put questions to the vote and announce decisions;
  - f) rule on points of order; and
  - g) subject to these Rules, have complete control of the proceedings of the Meeting and the maintenance of order.
1. The Presiding Officer may, in the course of discussion at a Meeting, propose:
  - a) time limits for speakers;
  - b) limitation of the number of times the members of a delegation or an observer may speak on any question;
  - c) the closure of the list of speakers;
  - d) the adjournment or the closure of the debate on the particular subject or question under discussion;
  - e) the suspension or adjournment of any Meeting; and
  - f) the establishment of discussion and drafting groups on specific issues.

##### **Rule 8: Right to speak**

1. The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the Committee Members.
2. A Committee Member, advisor or observer may speak only if called upon by the

Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.

3. A speaker shall not be interrupted, except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during his speech to allow any participant or observer to request elucidation on a particular point in that speech.

#### **Rule 9: Procedural motions**

1. During the discussion of any matter, a Committee Member may call a point of order, and the point of order shall be immediately, where possible, decided by the Presiding Officer in accordance with these Rules. A Committee Member may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling, shall stand unless a majority of the Parties present and voting decides otherwise. A delegate calling a point of order may not speak on the substance of the matter under discussion.
2. The following motions shall have precedence in the following order over all other proposals or motions before the Meeting:
  - a) to suspend the Meeting;
  - b) to adjourn the Meeting;
  - c) to adjourn the debate on the particular subject or question under discussion;
  - d) to close the debate on the particular subject or question under discussion.

#### **Rule 10: Arrangements for debate**

1. The Meeting may, on a proposal by the Presiding Officer or by a Committee Member, limit the time to be allowed to each speaker and the number of times anyone may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
2. During the course of a debate the Presiding Officer may announce the list of speakers, and, with the consent of the Committee, declare the list closed. The Presiding Officer may, however, accord the right of reply to any individual if a speech delivered after the list has been declared closed makes this desirable.
3. During the discussion of any matter, a Committee Member may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a Committee Member may speak in favour of, and a Committee Member of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

4. A Committee Member may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other individual has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a Committee Member from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
5. During the discussion of any matter a Committee Member may move the suspension or the adjournment of the Meeting. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the Meeting.

### **Rule 11: Taking of Decisions**

The Presiding Officer shall put to all Committee Members all questions, proposals and actions requiring decisions. Decisions shall be adopted by consensus or, if consensus cannot be achieved, by voting.

## **PART IV**

### **VOTING**

### **Rule 12: Methods of Voting**

1. Without prejudice to the provisions of Rule 2, Paragraph 2, each Committee Member shall have one vote.
2. The Committee shall normally vote by show of hands at a meeting, but any Committee Member may request a roll-call vote. In the event of a vote between Meetings, there will be a postal or email ballot.
3. At the election of officers, any Committee Member may request a secret ballot. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.
4. Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast by Committee Members present and voting.
5. If votes are equal, the motion or amendment shall not be carried.
6. If, during the course of a person being elected to a position, no candidate obtains the required majority in the first ballot, a second ballot shall be taken between the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.



7. The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by the Secretariat. Voting by email or postal ballot shall be co-ordinated by the Secretariat.
8. After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Committee Member on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Committee Members to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

### **Rule 13: Majority and voting procedures on motions and amendments**

1. All votes on procedural matters relating to the forwarding of the business of the Meeting shall be decided by a simple majority of Parties.
2. Financial decisions within the limit of the power available to the Committee shall be decided by a three-quarter majority among those Parties present and voting.
3. Amendments to the Rules of Procedure require a three-quarter majority among Parties present and voting.
4. All other decisions shall be taken by simple majority among Parties present and voting.
5. When an amendment is moved to a proposal, the amendment shall be voted on first. If the amendment is adopted, the amended proposal shall then be voted upon.

## **PART V**

### **LANGUAGES AND RECORDS**

#### **Rule 14: Working languages**

1. English, French and Spanish shall be the working languages of any Committee meeting and working groups.
2. If requested by any Party, speeches made in any of the working languages shall, as feasible, be interpreted into another working language.
3. The official documents of the meeting shall be distributed in the working languages. Information papers will not normally be translated.

#### **Rule 15: Other languages**

1. A speech may be made in a language other than a working language if the speaker provides for interpretation into a working language. Interpretation by the Secretariat into another working language may be based upon the first interpretation.
2. Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages, this translation being trustworthy.

#### **Rule 16: Documents**

1. The documents for each meeting of the Committee shall be distributed to the Parties in the working languages by the Secretariat at least 30 days before the opening of the Meeting. If documents are to be translated by the Secretariat, they shall be sent to the Secretariat by those submitting them at least 60 days in advance of the Meeting. Information papers will not normally be translated.
2. At the discretion of the Chair, documents may be accepted after these deadlines, but not later than a week before the Meeting. Such documents shall be submitted in all working languages.
3. Wherever practicable, documents will be distributed electronically.

#### **Rule 17: Records**

1. Records of the Meeting shall be circulated to all Parties in the working languages of the Meeting.
2. Committees and working groups shall decide upon the form in which their records shall be prepared.

### **PART VI**

#### **OPENNESS OF DEBATES**

#### **Rule 18: Committee meetings**

Subject to seating availability, all Meetings shall be open to the public unless two thirds of the Parties present and voting at the Meeting decide that a session be closed to the public.

### **PART VII**

#### **WORKING GROUPS**

**Rule 19: Establishment of working groups**

1. The Committee may establish such working groups as may be necessary to enable it to carry out its functions. It shall appoint a Convenor of each working group and define its terms of reference. It may also define the composition of each working group. The Convenor may co-opt members to the working group.
2. As a general rule, meetings of working groups shall be limited to the Committee Members, their advisors, members appointed by the Committee and to members co-opted by the Convenor of the working group.

**Rule 20: Procedure**

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of working groups.