

NSW Food Authority
NSW Shellfish Committee
Charter and Procedural Guidelines

March 2024

Important Note -

It is expected that members will make every effort to attend meetings. Where attendance or alternative teleconferencing arrangements are not possible, an alternate delegate may be proposed by the member in writing to the Chair within a reasonable timeframe and at least two days before the meeting. The Chair must approve the alternate delegate prior to the meeting.

For further information including criteria for the alternate delegate, see the Attendance clause contained within this document.

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1 Introduction

The NSW Shellfish Committee (the Committee) is established under Clause 145 of the *Food Regulation 2015* to provide the NSW Food Authority (the Authority) with a forum for consulting on matters relating to the provisions of the seafood safety scheme as it relates to shellfish, including:

- (a) the continuing operation of the food safety scheme; and
- (b) any proposed amendment to the food safety scheme.

The Committee's functions are limited to those relating to consultation and advice. The Committee does not have a budget and nor does it advocate or make representations or make decisions on behalf of the NSW Food Authority. It can however raise matters of significance that may require consideration by the NSW Government or other NSW Government Departments.

It should also be noted that the NSW Department of Primary Industries also convenes a range of other committees to provide advice on specific issues of relevance from time to time.

2 Purpose of this document

This document sets out guidelines and procedures for the Committee so that it operates in an efficient and effective manner. It also sets out the purpose of the Committee, its operational aims and its key mode of operation.

This charter and procedural guideline document is kept under review, in consultation with the Committee. Revisions and changes are approved by the Chief Executive Officer (CEO) of the Authority.

3 Background

Section 105 of the *Food Act 2003* requires the Authority to consult with industry sectors affected by a regulatory food safety scheme, in accordance with provisions of that scheme.

The Committee's membership is designed to bring expertise and new ideas to enhance strategic focus and issue resolution across the NSW shellfish sector. While the national nature of the shellfish sector means that national issues will sometimes be in play, Committee advice should primarily relate to issues within the remit of the NSW Government.

4 Terms of reference, role and function of the Committee

The primary objective of the Committee is to contribute to the Authority's goal of ensuring the production and sale of shellfish products that are safe and suitable for human consumption, by advising on policy and practices introduced into provisions of the seafood safety scheme as it relates to shellfish and developed through a consultative process.

The Committee has the function of consulting with the Authority and providing advice on food safety schemes relating to the shellfish industry.

The Committee is also consulted on other shellfish industry matters covered by the provisions of the NSW Food Regulation, which may include:

- undertaking consultation with the Authority for the purposes of section 105 of the Act in relation to the provisions of the seafood safety scheme as it relates to shellfish; and
- ongoing review of the operation of the provisions of the seafood safety scheme as it relates to shellfish.

Where appropriate, Committee consideration may include policies and practices of interstate and overseas government food agencies and industry organisations.

Where appropriate, Committee members will provide industry updates and discuss current issues at each Committee meeting.

The Authority will provide the Minister with advice on significant issues raised by the Committee.

Other government agencies may seek to use the broad expertise and experience of the Committee members to obtain advice on matters beyond the scope of the provisions of the seafood safety scheme as it relates to shellfish, or to share information. In all cases these items will be clearly marked in the agenda and Committee members will be asked for their consent to provide such advice. Advice on matters not within the Committee's legislative remit cannot be viewed as committee advice but rather as advice provided by individuals. For transparency, those bringing forward such items need to be aware that meeting outcomes are made public.

As previously indicated, the NSW Department of Primary Industries also convenes a range of other committees to provide advice on specific issues of relevance from time to time.

4.1 Conduct guidelines for members

The document *NSW Government Boards and Committees Guidelines (July 2015)*¹ outlines the fundamental values and principles that define the standards of behaviour expected of members of NSW Government committees.

4.2 Evaluation and performance review of the Committee

Performance monitoring is a fundamental responsibility of every public body. The Authority will monitor the Committee's performance during each term, evaluate this information at the end of each term and use this evaluation to inform the composition of and appointments to the subsequent Committee. Evaluation criteria will include:

- Performance of the Committee as a whole;
- Engagement of individual Committee members; and
- The Committee's integrity and capacity to perform its charter responsibilities.

4.3 Privacy of Committee members and related record keeping

While the Government's requirement to protect privacy and personal information applies to information about Committee members, there is also a need for transparency regarding legislated arrangements to consult with the shellfish industry.

¹ NSW Department of Premier and Cabinet, *NSW Government Boards and Committees Guidelines (July 2015)* available at <http://www.dpc.nsw.gov.au>

All collection and use of all personal information is subject to informed consent. Accordingly, members should take note that Committee members will be asked to provide this informed consent on the following basis:

- Each Committee nominee's name, email, phone number and nominating organisation/company will be collected for the purpose of appointing members to the Committee;
- Committee member names, emails and telephone numbers will be retained during the term of the Committee for the purposes of contacting Committee members, however this information will not automatically be published (see below) and will be deleted at the expiry of each Committee term;
- The organisation/company that has nominated each member or to which the member belongs may be published in Committee outcome notes, the Authority website and the Authority's Annual Report;
- Committee member names, emails and telephone numbers will not be published unless members request this and provide written authorisation.

These publication details will be established and recorded at the start of each Committee term. All membership organisation details will be removed from the Authority's website when each Committee term expires. Committee meeting outcome notes and the Authority's Annual Reports will continue to exist as official records.

5 Composition of the Committee

Committee members are appointed by the Chief Executive Officer (CEO) of the Authority. Members are drawn from a broad skills base across the shellfish sector to ensure the Committee has access to the expertise it needs to provide the Authority with advice across the range of shellfish industry issues relevant to the provisions of the seafood safety scheme as it relates to shellfish.

Appointment of Committee members is at the discretion of the CEO, having regard to applicable appointment standards for boards and committees in the NSW public sector. Members are appointed for a term of up to three years.

The CEO may also invite other persons to attend meetings:

- staff of the Authority and the NSW Department of Primary Industries; and
- representatives of other bodies or organisations the CEO determines to be appropriate.

6 Meetings

Meetings are called by the Chair of the Committee. Ordinarily there will be up to four scheduled Committee meetings in each calendar year.

Extraordinary Committee meetings may also be scheduled and issue specific working groups may be set up to deal with specific issues.

6.1 Chair

Meetings will be chaired by the CEO Food Authority or a proxy as required.

6.2 Notice of a meeting

Meetings are called by the Chair of the Committee. Extraordinary meetings may be called in consultation with the Committee.

6.3 Meeting venue

Meetings will usually be held online via Microsoft Teams or a similar platform or at the Authority office in Newington.

6.4 Meeting length

Meetings will be normally scheduled as half to full day meetings.

6.5 Member responsibilities

Members are appointed in their representative capacity in relation to their industry sector and / or organization / business.

Members are expected to be professional, accountable and transparent in all dealings with the Committee (in line with rules of debate at 6.8 below).

Members will be responsible for reporting and communicating to their organisations / companies on Committee activities and outcomes.

Members will be responsible for providing representation and feedback from their organisations / companies on issues discussed and outcomes relevant to the Committee.

6.6 The Agenda

The agenda will be set by the Authority in consultation with the Committee and will be distributed electronically by the Authority.

If members wish to propose items for discussion, the items must be nominated to the NSW Food Authority no less than two weeks before the meeting. The inclusion of agenda items will be subject to the approval of the NSW Food Authority and Chair. Inclusion of items will need to have regard to the items currently and previously listed for discussion.

Any proposed agenda item must be accompanied by an agenda paper containing a concise written explanation of the matter for discussion and, where appropriate, a proposed outcome for the Committee's consideration. The agenda paper must respect that Committee functions are limited to those relating to consultation and advice, and that the Committee does not have a budget and nor does it advocate or make representations or make decisions on behalf of the NSW Food Authority. It is the responsibility of the member that raised an agenda item to provide an agenda paper on that item.

The agenda will typically be prepared in the following order (but may be varied as required):

- welcome and apologies
- conflict of interest - members should inform the Chair in writing of the agenda item that the conflict relates to and the proposed action to manage it
- procedural matters and agreement on agenda
- business and action items arising from previous meeting
- agenda items

- general business
- standing items
- other business
- next meeting

Any relevant discussion papers, reports, correspondence etc. will be sent to Committee members with the draft agenda for each meeting.

The Chair may amend the order of the agenda before or during a meeting, having regard to prevailing priorities or Committee member feedback or needs.

6.7 Attendance

It is expected that Committee members will make every effort to attend meetings. Where attendance is not possible, an alternate delegate may be proposed by the member in writing to the Chair (via the Secretariat) within a reasonable timeframe and at least two days before the meeting. The Chair must approve the alternate delegate prior to the meeting.

The alternate delegate:

1. Must be licenced with the Authority or work for a licensee; or
2. Must be a member or work within the same organisation/company of the absent member and be able to represent the opinion of the organisation/company;
3. Where relevant, have no outstanding licence fees with the Authority and/or have no existing or pending ongoing compliance issues with the Authority.

If a member misses the two meetings per year without providing an alternate delegate, they will be asked to show cause as to why they should continue to be a member. A replacement representative will be sought if the member cannot show cause.

6.8 Rules of debate

Conventional rules of debate will apply. Meetings will be conducted in an orderly fashion, with good manners and common decency. All discussion/debate is to be through the Chair.

6.9 Outcomes

A record of the Committee meeting will consist of the issue being discussed and outcome recorded. Action items that arise from any discussion will also be recorded. Dissenting views may be recorded if requested.

The Chair must confirm that in his/her initial opinion, the outcomes of the Committee meeting are true and accurate before they can be distributed as a draft. Draft outcomes must, where practical, be confirmed as final outcomes using an 'out of session' process, where the Chair will seek Committee Members' input regarding any errors or omissions before adopting the outcomes as a true and accurate record.

6.10 Out-of-session meetings

Extraordinary or out-of-session meetings are not usually required but can be useful to consult on urgent matters.

Alternatively, the Chair may ask members to provide written submissions or advice on urgent or important matters.

6.11 Administrative support for the Committee

The Authority will provide Committee executive officer support. Authority staff will be available to attend meetings and participate in working groups to provide technical expertise and/or advice as required.

The Authority will:

- organise meetings;
- prepare the meeting agenda;
- prepare and circulate any background, discussion or options papers following consultation with the Chair;
- assist the Chair in preparing correspondence, reports, etc. of relevance to Committee business;
- maintain files and records of meetings; and
- prepare a record of Committee meeting outcomes and actions.

7 Communication

Committee meeting outcomes and actions will be circulated to members. Additionally, confirmed outcomes from Committee meetings will be published on the Authority's website for access by industry and interested parties.

7.1 Confidentiality

It is incumbent upon Committee members to respect the confidential nature of:

- any business discussed whilst a Committee is "in camera";
- any papers that are distributed as "confidential" or "for Committee use only"; and
- any preliminary or draft outcomes prior to their confirmation by the Committee.

8 Financial Management

8.1 Travel, accommodation and meals

Members of Boards and Committees are reimbursed the cost of travel, accommodation and meals associated with their role on the Board as per the allowances detailed in the NSW Department of Finance and Services' *Review of Meal, Travelling and Other Allowances (PSIR C2012-03)*². When expenses are paid as 'actuals' (claimed by member after the expense is incurred) the Member is required to obtain tax invoices, receipts etc, to enable the agency to claim input tax credits, otherwise the agency will only cover the non-GST component of any allowances claimed by a member. Members, therefore, have an obligation to keep all documents relating to their claims. Wherever possible, the Authority will organise and pay for travel arrangements.

In the case of one-day face-to-face meetings, the meeting will normally be scheduled to allow members adequate time to travel to and from the meeting. Where it is envisaged a

² NSW Department of Finance and Services, *Review of Meal, Travelling and Other Allowances (PSIR C2012-03)* available at www.industrialrelations.nsw.gov.au

meeting will start early or finish late, approval may be sought for the member to arrive the evening before or leave on the following day. In such cases, the Authority will organise and pay for accommodation and meals as required.

Reimbursement for use of a member's vehicle for travel to a Committee meeting will be made on the basis of current Government rates and may be taxable according to Australian Taxation Office guidelines. Members making such a claim must provide the Authority with a copy of current registration and comprehensive insurance papers. Reimbursement of meeting expenses (at current rates) is not taxed and will be paid directly into the member's nominated bank account.

8.2 Sitting fees

While there is provision for members to be paid a sitting fee determined in accordance with Government guidelines, these guidelines were developed in an era where all meetings occurred face to face and invariably involved considerable travelling time to attend meetings. Meetings currently occur online, unless there is a specific reason to meet face to face, and it is not anticipated that sitting fees will apply to online meetings, noting that online meetings are for relatively short periods and provide mutual benefits for the Authority and members.

The Authority will provide details of how the sitting fee and associated expenses may be claimed for face-to-face meetings. That is, by submitting a tax invoice, or by completing a meeting claim form supplied by the Authority. The Authority will also need to be advised of the Australian Business Number (ABN) or Tax File Number accordingly and also details of the member's Superannuation Fund. Payment will be paid directly into the member's nominated bank account. Please note that taxation rules change from time to time and the Authority will apply the current rules as directed by the Australian Taxation Office.