



Department of
Primary Industries
Food Authority

NSW Food Authority

NSW Shellfish Committee

Charter and Procedural Guidelines

February 2017

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 is established to provide the NSW Food Authority (the Authority) with a consistent and concise forum 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 of the food safety scheme.

The NSW Shellfish Committee will also consider biosecurity, international engagement and any other matter of interest and relevance to the NSW shellfish industry.

2 PURPOSE OF THIS DOCUMENT

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

The charter and procedural guidelines document is kept under review, in consultation with the Shellfish 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 NSW Shellfish Committee membership is designed to bring expertise and new ideas to enhance strategic focus and issue resolution across the shellfish sector.

4 TERMS OF REFERENCE, ROLE AND FUNCTION OF THE COMMITTEE

The primary objective of the NSW Shellfish Committee is to contribute to the Authority's goal of ensuring the production and sale of shellfish that is safe and suitable for human consumption by advising on policy and practices introduced into shellfish food safety schemes and developed through a consultative process.

The NSW Shellfish Committee has the function of consulting with the NSW Food Authority on food safety schemes under the *Food Act* 2003 relating to the shellfish industry.

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

- undertaking consultation with the Food Authority for the purposes of section 105 of the Act in relation to the shellfish food safety scheme,
- the ongoing review of the operation of the shellfish food safety scheme.

The NSW Shellfish Committee will also consider biosecurity, international engagement and any other matter of interest and relevance to the NSW shellfish industry.

Where considered appropriate, the NSW Shellfish Committee may establish sub-committees to address specific issues between scheduled NSW Shellfish Committee meetings.

In addressing issues the NSW Shellfish Committee will take into account, where appropriate, the policies and practices of interstate and overseas government food agencies and industry organisations.

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

The Authority will provide the Minister with advice on issues that come before the NSW Shellfish Committee.

In 2012 the Department of Primary Industries Peak Oyster Advisory Group was disbanded. The NSW Shellfish Committee members are also asked to offer input into fisheries management and sustainability matters previously discussed by this group.

4.1 Conduct guidelines for members

The document *NSW Government Boards and Committees Guidelines (July 2013)*¹ outlines the fundamental values and principles that define the standards of behaviour expected of members of NSW government committees.

4.2 Member liability and risk management

NSW Shellfish Committee members must exercise a reasonable degree of care, skill and diligence in carrying out their role. Indemnification by the State of NSW of NSW Shellfish Committee members against the costs of legal proceedings relating to NSW Shellfish Committee functions may be agreed between NSW Shellfish Committee and the CEO, of the Authority.

4.3 Evaluation and performance review of the Committee

Performance monitoring is a fundamental responsibility of every public body. The NSW Shellfish Committee will have a clear program of activity and explicit criteria against which to assess its own performance. The NSW Shellfish Committee will monitor and evaluate its performance. This should involve evaluating:

- The performance of the NSW Shellfish Committee as a whole.
- NSW Shellfish Committee's strategic direction, capacity, integrity and performance of its charter responsibilities.

5 COMMITTEE COMPOSITION

5.1 Committee membership

NSW Shellfish Committee members are appointed by the CEO of the Authority. The membership is drawn from a broad skills base across the shellfish sector. Each member

¹ NSW Department of Premier and Cabinet, *NSW Government Boards and Committees Guidelines (July 2013)* available at <http://www.dpc.nsw.gov.au>

has expertise in specific fields enabling them to provide the Authority with a broad range of advice encompassing the shellfish food regulatory issues.

5.2 Selection of Committee members

The selection of members is at the discretion of the CEO of the Authority, 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.

5.3 Membership of the Committee

The Committee is to consist principally of persons from the shellfish industry appointed by the Authority. The Authority may also appoint as members of the Committee:

- such members of staff of the Authority as the Authority determines, and
- such other employees of the Department of Trade and Investment, Regional Infrastructure and Services as the Food Authority determines, and;
- such representatives of other bodies or organisations as the Food Authority determines.

Observers require approval of the NSW Food Authority prior to attending the meeting.

6 MEETINGS

There are to be four scheduled meetings of the NSW Shellfish Committee in a calendar year. Issue working groups may be set up to deal with specific subjects.

6.1 Chair

The Food Authority is to appoint a Chairperson of the Committee from the members of the Committee.

6.2 Notice of a meeting

Meetings are called by the Authority. Extraordinary meetings may be called in consultation with the NSW Shellfish Committee.

6.3 Meeting venue

Meetings will usually be held at the Authority's office in Newington. Meetings may be held at other metropolitan or regional locations depending on agenda items being considered or to coincide with a site visit, if appropriate.

6.4 Meeting length

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

6.5 Meeting responsibilities

- Members are appointed in their representative capacity in relation to their industry sector and business.
- Members are expected to be professional, accountable and transparent in all dealings with the NSW Shellfish Committee.

- Members will be responsible for reporting and communicating to their associations/companies/forum on the activities and outcomes of the NSW Shellfish Committee.

Members will be responsible for providing representation and feedback from their association/company/forum on issues discussed and outcomes relevant to the NSW Shellfish Committee.

6.6 The Agenda

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

The agenda will be prepared in the following order:

- welcome and apologies
- conflict of interest
- procedural matters – confirmation of draft outcomes, agreement on agenda
- business arising from previous meeting
- agenda Items
- general business
- next meeting

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

The Chair may amend the order of the agenda, having regard to priorities identified.

6.7 Attendance

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.

The alternate delegate:

1. Must be licenced with the Authority or work for a licensee, where the absent appointed member is subject to a food safety scheme; or
2. Must work within the same association/company/industry of the absent member and be representative of the opinion of their association/company/industry;
3. Where relevant, have no outstanding licence fees with the Food Authority and/or have no existing or pending ongoing compliance issues with the Food Authority.

If a member misses the two meetings per year, 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 debate is to be through the Chair.

6.9 Quorum

A quorum for a NSW Shellfish Committee meeting is a majority of the members at that time.

6.11 Outcomes

A record of the NSW Shellfish 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.

The Chair must confirm that in his/her initial opinion, the outcomes of the NSW Shellfish Committee meeting are true and accurate before they can be distributed as a draft. Draft outcomes must, where practical, be confirmed as final outcomes at the next meeting of the NSW Shellfish Committee.

The Chair will then ask the NSW Shellfish Committee at its next meeting if there are any errors or omissions. The meeting will then adopt the outcomes as a true and accurate record following any amendments.

6.12 Out of session meetings

It is not anticipated that out-of-session meetings will be required; however in the event that consultation on urgent matters is necessary an out-session meeting may be called. These may be in the form of teleconferences, video, or face-to-face meetings. Alternatively the Chair can request members to provide written submissions on a matter before providing relevant advice to applicable parties/entities.

6.13 Administrative support for the Committee

The Authority will provide administrative 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 NSW Shellfish Committee business;
- maintain files and records of meetings, and
- prepare a record of the outcomes of the NSW Shellfish Committee meetings for approval by the Chair.

7 COMMUNICATION

The Authority will prepare a record of the outcomes of the NSW Shellfish Committee meetings and circulate to members. Additionally, confirmed outcomes from NSW Shellfish Committee meetings will be placed on to a dedicated web page for access by industry and interested parties.

7.1 Confidentiality

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

- any business discussed whilst a NSW Shellfish Committee is “in camera”,
- any papers that are distributed as “confidential” or “for NSW Shellfish Committee” use only”, and
- any preliminary draft outcomes.

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 meetings, the meeting will normally be scheduled to allow adequate arrival and departure times for members. Where an early start or late finish of a meeting is envisaged, 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 where required.

Reimbursements for vehicle mileage will be made on the basis of current Government rates, and may be taxable according to Australian Taxation Office guidelines. Members must provide the Authority with a copy of current registration and comprehensive insurance papers in order to make a vehicle mileage claim. Reimbursement of meeting expenses (at current rates) is not taxed and will be paid directly into the member’s nominated bank account.

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

8.2 Sitting fees

Members will be paid a sitting fee determined in accordance with Government guidelines³. The Authority will provide details of how this fee and associated expenses may be claimed. That is, by submitting a tax invoice, or by completing a meeting claim form supplied by the department. The department will 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.

³ NSW Public Service Commission, *NSW Government Boards and Committees – Current Remuneration as at 9 November 2013* available at www.psc.nsw.gov.au