



## **NSW Food Authority**

### **NSW Vulnerable Persons Food Safety Scheme Consultative Committee**

### **Charter and Procedural Guidelines**

**September 2015**

**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 Vulnerable Persons Food Safety Scheme Consultative Committee (the Committee) has been established to provide the NSW Food Authority (the Authority) with a consistent and concise forum for consulting on matters relating to the vulnerable persons food safety scheme, including:

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

## **2 Purpose of this document**

This document sets out detailed 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.

The charter and procedural guidelines 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.

Membership of the Committee is designed to bring expertise and new ideas to enhance strategic focus and issue resolution across the vulnerable persons sector.

## **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 provision safe and suitable for food to the vulnerable persons sector, by advising on policy and practices introduced into vulnerable persons food safety schemes and developed through a consultative process.

The Committee has the function of consulting with the Authority on food safety schemes under the Food Act 2003 relating to the vulnerable persons sector.

Committee is also consulted on other matters covered by the provisions of the NSW Food Regulation relating to vulnerable persons. This may include:

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

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

In addressing issues the 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 discuss current issues at each Committee meeting.

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

#### **4.1 Conduct guidelines for members**

The document *NSW Government Boards and Committees Guidelines* (July 2013)<sup>1</sup> 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**

Committee members must exercise a reasonable degree of care, skill and diligence in carrying out their role. Indemnification by the State of NSW of Committee members against the costs of legal proceedings relating to Committee functions may be agreed between the 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 Committee has a clear program of activity in relation to the vulnerable persons food safety scheme and its application across the sector to achieve its outcomes. The Committee will monitor and evaluate its performance in order to determine the extent to which it is assisting the Minister and Government in achieving agreed outcomes. This should involve evaluating:

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

### **5 Composition of the Committee**

#### **5.1 Committee membership**

Committee members are appointed by the CEO of the Authority. The membership is drawn from a broad skills base across the vulnerable persons sector. Each member has expertise in specific fields enabling them to provide the Minister and the Authority with a broad range of advice encompassing vulnerable persons food safety 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 two years.

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

### **5.3 Membership of the NSW Vulnerable Persons Food Safety Scheme Consultative Committee**

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

- such members of staff of the Food Authority as the Food 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.

## **6 MEETINGS**

Meetings are called by the Chair of the Committee. Ordinarily there will be two scheduled meetings of the Committee in a calendar year. Issue specific working groups may be set up to deal with specific issues.

### **6.1 Chair**

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

### **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 at the Authority 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 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 Committee.
- Members will be responsible for reporting and communicating to their associations/companies/forum on the activities and outcomes of the Committee.
- Members will be responsible for providing representation and feedback from their association/company/forum 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 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, 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; or
2. Must work within the same association/company of the absent member and be representative of the opinion of their association/company;
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 Committee meeting is a majority of the members at that time.

### **6.10 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.

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 at the next meeting of the Committee.

The Chair will then ask the 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.

### **6.11 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.

### **6.12 Administrative support for the Committee**

The Authority will provide 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 the outcomes of the Committee meetings for approval by the Chair, and subsequently forward advice to the Minister.

## **7 COMMUNICATION**

The Authority will prepare a record of the outcomes of the Committee meetings for circulation to members. Additionally, confirmed outcomes from 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 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 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)*<sup>2</sup>. 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.

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<sup>2</sup> NSW Department of Finance and Services, *Review of Meal, Travelling and Other Allowances (PSIR C2012-03)* available at [www.industrialrelations.nsw.gov.au](http://www.industrialrelations.nsw.gov.au)