

Wine Industry Ministerial Advisory Committee

Terms of Reference
October 2015



© The State of Victoria Department of Economic Development, Jobs, Transport and Resources



This work is licensed under a Creative Commons Attribution 3.0 Australia licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Environment and Primary Industries logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

Printed by Department of Economic Development, Jobs, Transport and Resources

Accessibility

If you would like to receive this publication in an alternative format, please telephone the Customer Service Centre 136 186, via the National Relay Service on 133 677 www.relayservice.com.au.

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Contents

Overview	2
<hr/>	
1. Definitions	2
2. Purpose	2
3. Scope	2
4. Role	2
5. Advisory function of the Committee	2
Committee membership	3
<hr/>	
6. Membership	3
7. Nominations to the Committee	3
8. Selection criteria of Members	3
9. Term of office	3
10. Vacancies	4
11. Removal from office	4
12. Chair	4
13. Members	5
14. Conduct of meetings	5
15. Voting	6
16. Confidentiality	6
17. Freedom of Information and Information Privacy	6
18. Conflict of Interest Policy Framework of the Victorian Public Sector	6
19. Media enquiries	7
Financial arrangements	7
<hr/>	
20. Classification and funding of the Committee	7
21. Remuneration and reimbursement of expenses	7
22. Secretariat	7
Probity	7
<hr/>	
23. Probity checks for prospective Members	7
24. Code of Conduct for Victorian Public Sector Employees of Special Bodies	8
25. Acceptance of Gifts and Hospitality Policy	8

Overview

1. Definitions

- 1.1 “Committee” means the Wine Industry Ministerial Advisory Committee.
- 1.2 “Department” means the Department of Economic Development, Jobs, Transport and Resources.
- 1.3 “Guidelines” refers to the *Appointment and Remuneration Guidelines for Victorian Government Boards Statutory Bodies and Advisory Committees*.
- 1.4 “Member” means a person appointed as Chair, Deputy Chair or Member to the Committee by the Minister.
- 1.5 “Minister” means the Minister for Agriculture.
- 1.6 “Secretariat” means officers in the Department providing administrative support to the Committee.
- 1.7 “TOR” means the Terms of Reference for the Wine Industry Ministerial Advisory Committee.

2. Purpose

- 2.1 The purpose of the Committee is to provide advice on opportunities for and issues affecting the long term performance and sustainability of the Victorian wine industry.

3. Scope

- 3.1 The scope of the Committee will include all agriculture and regional development related issues affecting the long term performance of the Victorian wine industry. Issues may include, but are not limited to, research, development and extension, biosecurity, regional investment, skills and workforce, infrastructure, regulation, trade, tourism and environment

4. Role

- 4.1 The role of the Committee is to:
 - identify and prioritise opportunities for and issues impacting on the long term performance and sustainability of the sector;
 - provide advice and guidance to assist the Minister to advocate on behalf of the Victorian wine industry;
 - provide advice and guidance to assist the Minister and the Department in developing and evaluating new and existing funding commitments, and other initiatives;
 - facilitate effective communication between the Minister and the Victorian wine industry;
 - facilitate effective relationships with wine industry stakeholder groups to inform and assist the Committee in its deliberations as required; and
 - provide advice on other matters as requested by the Minister.

5. Advisory function of the Committee

- 5.1 The Committee is an advisory body, not a decision-making body.

Committee membership

6. Membership

- 6.1 The Committee will consist of a balance of industry representation and skills based Members. The Committee will consist of eight to thirteen Members appointed by the Minister and whose terms and conditions will be fixed in the instrument of appointment.
- 6.2 The Members will include:
 - representatives from key wine industry organisations and groups;
 - Members with expertise in relevant areas including wine making, grape growing, local government, research science, extension, wine trading, marketing, packaging, logistics, and tourism; and
- 6.3 Members must be willing to work openly, cooperatively and effectively as part of a small, but diverse group committed to providing sound and valid advice to the Minister. Members of the Committee will be required to participate in high level dialogue with relevant stakeholders on issues within the scope of the Committee.
- 6.4 Industry representatives will be expected to represent the interests of the whole wine sector, not just the interests of their organisation.
- 6.5 The Committee will comply with the recent Victorian Government announcements to ensure gender equity in all paid government boards.

7. Nominations to the Committee

- 7.1 The Minister will select Members to the Committee at her/his discretion.
- 7.2 The Minister/Department may seek nominations through targeted industry consultation and an expression of interest process.
- 7.3 Potential nominations may be sought from the Victorian Women's Register.

8. Selection criteria of Members

- 8.1 Members will be appointed by the Minister taking into account the need for a balance of industry representation and expertise. Consideration will be given to ensuring fair industry representation and a cross-section of skills and knowledge that will fulfil the duties required in the terms of reference.
- 8.2 Due process and the principles of merit selection are to be observed in the appointment process.
- 8.3 Members will be appointed based on their:
 - ability to represent the views of key industry stakeholders in an effective, credible and authoritative manner;
 - expertise and experience in relevant areas including wine making, grape growing, local government, research science, extension, wine trading, marketing packaging, logistics and tourism; and
 - skills and personal attributes required for effective analytical, review and Committee performance.

9. Term of office

- 9.1 The term of office of each Member shall be up to three years as determined by the Minister. Where a replacement Member is appointed the term of office for that Member shall be the balance of the term of office of the replaced Member.
- 9.2 Reappointment of a Member to the Committee for a consecutive term will be at the Minister's discretion.

10. Vacancies

- 10.1 The office of a Member becomes vacant if the Member is absent from two consecutive meetings of the Committee without the Chair's approval, or, in the case of the Chair, without the Minister's approval.
- 10.2 A Member may resign her or his office by letter addressed to the Minister.
- 10.3 The Minister may elect to appoint a new Member to fill a vacancy for the remainder of the term.
- 10.4 If the exiting Member is from one of the representative organisations, that organisation may be approached for an alternative Member to be nominated.
- 10.5 The Department may consider the list of previous applicants from the Expression of Interest process that may be suitable to fill a vacancy, before seeking further applications.
- 10.6 See Clause 12.3 regarding the absence of a Chair.

11. Removal from office

- 11.1 The Minister may terminate a Member's appointment if the Member in the Minister's view:
 - becomes incapable of performing her or his role; or
 - is negligent in the performance of her or his role; or
 - engages in improper conduct; or
 - fails to disclose a pecuniary interest as required by Departmental process; or
 - has a conflict of interest that cannot be managed; or
 - for any other reason.

12. Chair

Appointment

- 12.1 The Minister will select and appoint a Chair and Deputy Chair from amongst the Members.

Responsibilities

- 12.2 The Chair:
 - directs and facilitates the business of the Committee;
 - calls Committee meetings;
 - determines the agenda for each meeting in consultation with the Secretariat;
 - may invite any individual to attend, observe and/or submit advice at a Committee meeting;
 - presides at meetings, including maintaining order and guiding the meeting through the agenda;
 - encourages the participation of all Members;
 - acts as the representative person for the Committee to the Minister;
 - presents reports and recommendations from the Committee to the Minister;
 - liaises with the Secretariat;
 - assists the Committee to understand and carry out its role; and

- facilitates an orderly and constructive discussion between Members on matters within these Terms of Reference and referred to the Committee by the Minister.

12.3 In the absence of the Chair, the Deputy Chair will preside as chairperson.

13. Members

13.1 The primary function of Members is to provide the highest level of advice to the Minister based on their skills, experience and knowledge. It is expected that Members will provide their expertise for the benefit of the business in hand.

13.2 Each Member is responsible for:

- attending Committee meetings and contributing to the work of the Committee;
- making the necessary commitment of time to ensure they have understood sufficient information to participate in matters for consideration by the Committee;
- consulting with stakeholders and networks regarding issues raised at Committee;
- providing feedback on the work of the Committee to stakeholders regarding issues raised at Committee;
- representing the Committee in a professional and ethical manner;
- providing qualitative and quantitative information, if necessary, to inform the work of the Committee;
- notifying the Chair and Secretariat before the meeting if the Member is unable to attend a meeting; and
- adhering to principles of good governance and conduct.

13.3 Members are expected to work constructively with other Members who may have different views. Members must possess a high degree of integrity, have good standing in the industry, and be willing to attend and actively participate in meetings.

13.4 A Member should advise the Chair and the Secretariat as soon as possible of any change in employment or other relevant personal circumstances which may affect their ability to participate as a Member of the Committee. Such a change may prompt the Minister to review a Member's appointment.

14. Conduct of meetings

Meetings

14.1 Formal meetings of the Committee will be conducted regularly. The Secretariat will arrange the first meeting once all Committee appointments have been made by the Minister.

14.2 The Committee will propose a meeting schedule which will facilitate the Committee meeting its objectives. It is expected that the Committee may meet at least 3 times per year as required.

14.3 The Minister may direct the Committee to meet at any other time and for any other purpose; and may require Members to consider out-of-session papers.

14.4 The Secretariat will organise the time and venue for all meetings with at least 1 month notice provided to all Members, except out-of-session meetings that may have shorter timeframes.

Work plan

14.5 The Committee will develop a work plan that identifies and prioritises issues and requirements for action.

Quorum

14.6 A quorum for a meeting is 50 per cent of the total members.

Invited Individuals

- 14.7 The Minister or the Chair may invite an individual to attend, observe and/or submit advice at a Committee meeting.

15. Voting

- 15.1 A decision of the Committee should be reached by consensus. In the absence of agreement a decision will be on the basis of the majority view.
- 15.2 The Chair will retain a casting as well as deliberative vote. Appointed Members will have a single vote.
- 15.3 No person at a meeting, other than an appointed Member may have the right to vote.

16. Confidentiality

- 16.1 Any document provided to Members, marked confidential, must be maintained in the strictest confidence and not released to any person without prior approval from the Secretariat or Minister.
- 16.2 Any confidential Committee discussions must be maintained in the strictest confidence and not discussed with any person without prior approval from the Secretariat or Minister. Prior to the discussion, the Chair will advise the Committee that a confidential matter is about to be discussed and will remind all Members of their obligations to maintain the confidentiality of those discussions.
- 16.3 Members and invited individuals may be required to sign a Deed of Confidentiality.

17. Freedom of Information and Information Privacy

- 17.1 Members should be aware that all documents relating to the Committee (for example meeting papers, correspondence, expense claims) will be placed on file by the department and will be subject to the Freedom of Information Act 1982.
- 17.2 Members should also be aware that electronic documents and social media messages could be the subject of a request for production under the Freedom of Information Act 1982.
- 17.3 The Committee and its conduct is subject to the Privacy and Data Protection Act 2014.

18. Conflict of Interest Policy Framework of the Victorian Public Sector

- 18.1 This policy framework seeks to ensure the highest standards of integrity in the public sector by setting out guidelines on how to identify and manage conflicts of interest in public duty. Conflicts of interest can be real, perceived or potential conflicts between the personal business interests of a Member and that Member's duty to act in the interests of the Committee.
- 18.2 Where a Member has any direct or indirect interest in any matter of business before the Committee which may be construed as giving rise to personal, financial or other gain, that Member should declare that interest to the Chair or Secretariat in writing before participating in any meeting.
- 18.3 Where a Member so declares, the Chair may:
- refuse the Member the right to speak to the business;
 - refuse the Member the right to vote on that business; and/or
 - require the Member to withdraw from a meeting for the period of discussion and resolution of that business.
- 18.4 A copy of the Conflict of Interest Policy Framework, Victorian Public Sector is at <http://vpssc.vic.gov.au/resources/conflicts-of-interest-and-duty/>

19. Media enquiries

- 19.1 Members must not speak to the media about the business of the Committee without prior permission from the Secretariat.
- 19.2 Any direct media enquires must be forwarded to the Chair who will then seek the permission of the Secretariat to respond.
- 19.3 Members must represent the Committee in a professional and ethical manner.

Financial arrangements

20. Classification and funding of the Committee

- 20.1 The Committee has been established in accordance with the Guidelines as a Group C Band 2(b).

21. Remuneration and reimbursement of expenses

- 21.1 This Committee is categorised as a Group C Band 2(b) Committee, under the Guidelines.
- 21.2 Eligible Members will be paid sitting fees in accordance with provisions of the Guidelines as fixed by the Minister.
- 21.3 Expenses will be paid in accordance with rates that apply to employees of the Department for the provision of allowances for travelling and personal expenses as fixed by the Minister.

22. Secretariat

- 22.1 The Department will provide Secretariat support to the Committee, including preparation and provision of all meeting notices, agendas and meeting papers, and coordination of agreed actions.
- 22.2 The Secretariat is the central point of contact for all Committee related issues and queries.
- 22.3 The Secretariat will record minutes of each meeting. The minutes will record meeting outcomes.
- 22.4 The Secretariat is the central point of contact for all matters relating to the Committee.
- 22.5 The Secretariat must be invited to attend all formal meetings between the Minister and any member of the Committee, including the Chair.

Probity

23. Probity checks for prospective Members

- 23.1 Prospective Members are subject to probity checks to include:
 - completing a Declaration of Private Interests;
 - completing a Diversity Information and Privacy Consent Form (nominees consenting to have their details collected by the Victorian Government for appointment purposes);
 - consenting to the release of a National Police Record to the Department;
 - an Australian Securities & Investment Commission (ASIC) check (banned or disqualified directors check);

- an Australian Financial Security Authority (AFSA) check (bankruptcy check); and
 - providing a current Curriculum Vitae.
- 23.2 Once appointed, all Members must complete a Declaration of Private Interests form each subsequent year and at times when their personal circumstances change.

24. Code of Conduct for Victorian Public Sector Employees of Special Bodies

- 24.1 The Code of Conduct for Victorian Public Sector Employees of Special Bodies (the Code) sets out guidelines for Members (a copy of the Code of Conduct for Victorian Public Sector Employees of Special Bodies is available online at <http://vpsc.vic.gov.au/resources/codes-of-conduct/>)
- 24.2 The Code states that in performing duties as a Member it is expected that Members:
- act with honesty and integrity;
 - act in good faith;
 - act fairly and impartially;
 - use information appropriately;
 - use the position appropriately;
 - act in a financially responsible manner;
 - exercise due care, diligence and skill;
 - comply with the establishing legislation;
 - demonstrate leadership and stewardship;
 - avoid conflict of interest from occurring; and
 - observe confidentiality protocols.

25. Acceptance of Gifts and Hospitality Policy

- 25.1 The Gifts, Benefits and Hospitality Policy Framework sets out guidelines for Members.
- 25.2 While Members have roles and duties separate to their role on the Committee, this policy relates to matters that Members encounter during the performance of their duties as a Member.
- 25.3 The policy sets out guidelines on whether to accept or decline a gift, benefit or hospitality to avoid the perception that someone may be seeking to influence a Member.
- 25.4 A copy of the Gifts, Benefits and Hospitality Policy Framework is at <http://vpsc.vic.gov.au/resources/gifts-benefits-and-hospitality-policy-framework/>