

Victorian Agriculture Advisory Council

Terms of Reference

(October 2015)

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Overview

1. Introduction

1.1 The Victorian Agriculture Advisory Council is established to provide strategic advice to the Minister for Agriculture on agriculture industry pressures, seasonal and economic conditions and impacts, and industry and rural adjustment.

2. Definitions

2.1 “Council” means the Victorian Agriculture Advisory Council.

2.2 “Department” means the Department of Economic Development, Jobs, Transport and Resources.

2.3 “Guidelines” refers to the Appointment and Remuneration Guidelines for Victorian Government Boards Statutory Bodies and Advisory Committees.

2.4 “Member” means a person appointed as Chair or Member to the Council by the Minister unless otherwise specified.

2.5 “Minister” means the Minister for Agriculture.

2.6 “Secretariat” means officers in the Department providing administrative support to the Council.

2.7 “TOR” means the Terms of Reference for the Victorian Agriculture Advisory Council.

- the development and use of seasonal and social conditions monitoring;
- the impact of adverse conditions for farming and rural communities, including sharing relevant qualitative and quantitative data and information;
- appropriate and targeted Government programs and initiatives, and the timing and withdrawal of additional activities when required;
- how farmers and communities can better prepare for adverse conditions;
- relevant Victorian Government policies; and
- alignment of Victorian policies with national policies or reforms.

3. Role and Scope of the Council

3.1 The Council's scope is the agricultural sector, excluding processing and manufacturing.

3.2 The Minister seeks the Council's advice on emerging issues impacting the agricultural sector and rural communities. This includes advice regarding:

- agriculture industry pressures;
- market access and barriers;
- seasonal and economic conditions and impacts;
- industry and rural adjustment;
- skills and workforce issues;
- mental health and wellbeing issues;
- animal welfare and management issues;

Council membership

4. Membership

Members

- 4.1 The Council will consist of up to ten members (including the Chair) with experience and knowledge relevant to Victorian agriculture and who are appointed by the Minister and whose terms and conditions will be fixed in the Instrument of Appointment.
- 4.2 The Council will include:
- a. the Chair;
 - b. a representative from the Victorian Farmers Federation; and
 - c. members with expertise in agriculture, industry development, rural adjustment, banking, economics, farm management, household and community health and welfare, regional development or small business.

5. Term of office

- 5.1 Unless otherwise determined by the Minister, the term of office of each member shall be up to three years, except where a replacement member is appointed, in which case the term of office for that member shall be the balance of the term of office of the replaced member.
- 5.2 Reappointment of a member to the Council for a consecutive term will be at the Minister's discretion.

6. Nominations to the Council

- 6.1 The Minister may appoint members to the Council at his/her discretion.
- 6.2 The Minister may consult with the Department about organisations where nominations may be sought when considering the composition and balance of the Council.

7. Selection criteria of Members

- 7.1 Members are selected for appointment by the Minister based on their:
- ability to contribute constructively to the role of the Council;

- ability to represent the views of key industry or community stakeholders in an effective, credible and authoritative manner;
- understanding of the Victorian agricultural industry and rural communities;
- relevant experience;
- understanding of public policy; and
- ability to think strategically.

8. Vacancies

- 8.1 The office of a Member becomes vacant if the Member is absent from two consecutive meetings of the Council without the Chair's approval, or, in the case of the Chair, without the Minister's approval.
- 8.2 A Member may resign his or her office by letter delivered to the Minister.
- 8.3 A vacancy may be filled by the Minister for the remainder of the term.

9. Suspension or removal from office

- 9.1 The Minister may suspend a Member from office.
- 9.2 The Minister may terminate a Member's appointment if the Member in the Minister's view:
- becomes incapable of performing his or her role; or
 - is negligent in the performance of his or her role; or
 - engages in improper conduct; or
 - fails to disclose a pecuniary interest as required by Departmental process; or
 - has a perceived conflict of interest; or
 - for any other reason.

10. Chair

Appointment

10.1 The Minister will appoint the Chair from the Members appointed to the Council.

Responsibilities

10.2 The Chair:

- directs and facilitates the business of the Council;
- calls Council meetings (anticipated to occur twice yearly);
- determines the agenda for each meeting in consultation with the Secretariat;
- may invite any individual to attend, observe and/or submit advice at a Council meeting;
- presides at meetings, including maintaining order and guiding the meeting through the agenda;
- encourages the participation of all Members;
- acts as the contact person between the Council and the Minister;
- presents reports and recommendations from the Council to the Minister;
- liaises with the Secretariat;
- assists the Council 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 Council by the Minister.

10.3 In the absence of the Chair, the membership may elect from those attending for a member to preside as Chair at that meeting.

11. Members

Role and Responsibilities of Members

11.1 Each Member is responsible for:

- attending Council meetings and contributing to the work of the Council by preparing for meetings;
- notifying the Chair and Secretariat before the meeting if the Member is unable to attend a meeting;
- consulting with, and representing, their stakeholders regarding issues raised at Council;
- providing feedback on the work of the Council to their stakeholders regarding issues raised at Council;
- providing qualitative, and if necessary quantitative impact assessments to the Minister when requested; and
- adhering to principles of good governance and conduct.

11.2 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 community and be willing to attend and actively participate in meetings.

11.3 A Member should advise the Chair and the Minister 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 Council. Such a change may prompt the Minister to review a Member's appointment.

12. Absences

12.1 If a Member is likely to be absent for more than one meeting of the Council in any twelve month period, they must seek permission from the Chair for the leave of absence.

12.2 A Member who is absent from the Council on more than one occasion in any twelve month period without advance notice or reasonable cause may be removed from the Council at the Minister's discretion.

12.3 See Clause 10.3 regarding the absence of a Chair.

13. Conduct of meetings

Meetings

13.1 The Council will meet twice yearly, coinciding with autumn and spring.

Special Meetings

13.2 The Minister may request that the Council be convened for a specific or urgent purpose.

Out-of-session Meetings

13.3 The Minister may request that Members participate in meetings by teleconference or consider out-of-session papers distributed by the Chair.

Quorum

13.4 A quorum for a meeting is a majority of the Council Members at that time.

Invited Individuals

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

13.6 The Department will organise for experts to brief the Council as required, for example on climate, economic conditions, or specific industry, agronomic or animal welfare issues.

14. Advisory function of the Council

14.1 The Council is an advisory body, not a decision-making body.

14.2 The Council's work is not necessarily about achieving consensus, but rather helping to inform Government's deliberations and to identify areas where Members hold differing views.

14.3 A Member may require any Council advice provided to the Minister to note a dissenting view.

15. Confidentiality

15.1 The Council aims to operate in an environment where Members feel able to speak frankly and confidentially.

15.2 All Council papers are confidential and should not be distributed, copied or discussed publicly except by the Chair, unless already in the public domain or the Council unanimously consents to the disclosure.

15.3 Members are required to sign a Confidentiality Agreement.

15.4 Invited attendees at Council meetings may be requested to sign a Confidentiality Agreement.

15.5 Deliberations of the Council, correspondence between the Minister or the Department and the Council, and Departmental papers supplying information relating to business matters before the Council, shall be subject to the signed Confidentiality Agreement, unless otherwise stated by the Minister.

15.6 Members should be aware that all material relating to the Council (for example meeting papers, correspondence, expense claims) will be placed on file by the Department and is subject to the *Freedom of Information Act 1982*.

15.7 A Member who fails to treat Council business with an appropriate level of confidentiality and discretion may have their appointment reviewed by the Minister and their appointment to the Council terminated.

15.8 A Member's obligation of confidentiality survives the Member's resignation, retirement or removal from the Council and a Member shall not, without the express approval of the Minister, expose any information accruing from membership.

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

16.1 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 Council.

16.2 Where a Member has any direct or indirect interest in any matter of business before the Council 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.

16.3 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.

16.4 A copy of the Conflict of Interest Policy Framework, Victorian Public Sector is at www.ssa.vic.gov.au/products/view-products/conflict-of-interest-policy-framework.

17. Media enquiries

17.1 Any enquiries to the Council from the media should be referred to the Chair, via the Department Secretariat.

17.2 A Member who is approached by the media in relation to the work of the Council should not discuss the Council's deliberations or work program and should refer the enquirer to the Chair.

Financial arrangements

18. Classification and funding of the Council

18.1 The Council has been established in accordance with the Guidelines as a Group C Band 2(b) body.

19. Remuneration and reimbursement of expenses

19.1 The Chair and members will be paid sitting fees in accordance with the provisions, as prescribed by the Guidelines, Group C Band 2(b).

19.2 Member's reasonable expenses, such as travel expenses, may be arranged through the Council Secretariat in accordance with rates that apply to employees of the Department for the provision of allowances for travelling and personal expenses.

20. Insurance of Members

20.1 Under Part 1 of Schedule 1 to the *Workplace Injury Rehabilitation and Compensation Act 2013*, an appointed Member of the Council is deemed to be an employee of the Crown while attending meetings or while undertaking any directed or approved activity on behalf of the Council.

21. Secretariat

21.1 The Department will provide Secretariat support to the Council at the direction of the Chair, including preparation of all meeting notices, agendas and meeting papers, and coordination of agreed actions.

21.2 The Secretariat is the central point of contact for all Council related issues and queries.

21.3 The Secretariat will record minutes of each meeting. The minutes will record meeting outcomes and not the details of each Member's contribution. Subject to approval of the Chair, draft minutes will be circulated to Members for comment not more than two weeks after each meeting.

21.4 The Secretariat will ensure that meeting papers are provided two weeks before a scheduled meeting of the Council

Probity

22. Probity checks for prospective Members

22.1 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; and
- providing a current Curriculum Vitae.

22.2 Once appointed, all Members must complete a Declaration of Private Interests form each year.

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

23.1 The Code of Conduct for Victorian Public Sector Employees of Special Bodies¹ (the Code) sets out guidelines for Members.

23.2 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;

¹ A copy of the Code of Conduct for Victorian Public Sector Employees of Special Bodies is available online at www.ssa.vic.gov.au/products/view-products/codes-of-conduct

- avoid conflict of interest from occurring; and
- observe confidentiality protocols.

24. Acceptance of Gifts and Hospitality Policy

24.1 The Gifts, Benefits and Hospitality Policy Framework sets out guidelines for Members.

24.2 While Members have roles and duties separate to their role on the Council, this policy relates to matters that Members encounter during the performance of their duties as a Member.

24.3 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.

24.4 A copy of the Gifts, Benefits and Hospitality Policy Framework is at http://www.ssa.vic.gov.au/images/stories/product_files/683_PSSC_gifts_framework.pdf