



Australian Government

Department of Agriculture, Fisheries and Forestry

The National Standard for Organic and Bio-dynamic Produce

**National Standards Advisory
Committee
Terms of Reference**

31 August 2023



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1. Purpose

The purpose of this document is to set the Terms of Reference for the National Standard Advisory Committee (Committee). Additionally, to reinforce the procedure to establish a uniform method for systematic review and evaluation of the National Standard for Organic and Biodynamic Produce (National Standard) to ensure its continued adequacy, effectiveness, and improvement.

2. Background

The National Standard is Australia's technical export standard for organic and bio-dynamic goods and provides the basis for equivalence (government-to-government) arrangements with trading partners. The National Standard is owned by the Australian Government and is currently under management by the Department of Agriculture, Fisheries and Forestry (thedepartment).

The National Standard provides the requirements for the labelling of goods which either state, or simply imply they have been produced under organic or bio-dynamic systems. The National Standard includes requirements for production, processing, storage, transportation, labelling and importation of goods and aligns (where possible) with the requirements of our international trading partners.

The Committee is a technical committee that supports the department with technical advice and by being responsible for making recommendations to the department on changes to the National Standard. At the time of the department taking carriage of the National Standard, The Committee, formally known as the National Standard sub-Committee (NSsC) had in place a Terms of Reference, being NSsC Terms of Reference (Updated in 2021). This document will replace the previously noted Terms of Reference.

3. Definitions

1. **Certifying Body** means a body responsible for issuing a formal recognition (such as a certificate) proving that the certification meets the National Standard.
2. **Chair** means the person engaged by the department to Chair the National Standard Advisory Committee.
3. **Committee** means National Standard Advisory Committee
4. **Committee Member** means a person engaged by the department to the National Standard Advisory Committee other than the Chair and Secretary.
5. **DAFF** means Department of Agriculture, Fisheries and Forestry.
6. **Department** means the Federal Department responsible for the Organic Exports Program and National Standard.
7. **Member** means a person engaged by the department to the National Standard Advisory Committee, including the Chair, Secretary and Committee Members.
8. **National Standard** means the National Standard for Organic and Bio-dynamic Produce.
9. **NSAC** means the National Standard Advisory Committee.
10. **Organisational/Business group** means inter-related businesses such as a main company with a subsidiary company/or two businesses owned by the primary company.
11. **Secretary** means the person engaged by the department as Secretary to the National Standard Advisory Committee.
12. **ToR** means Terms of Reference.



4. Introduction

The National Standard Advisory Committee (Committee) is responsible for:

- evaluation of submissions correctly lodged with the department on amendments to the National Standard in a transparent, impartial and non-partisan manner;
- making recommendations on changes to the National Standard;
- matters related to the interpretation of that standard;
- periodic review of the National Standard; and
- making recommendations as to additional Standards required to ensure industry and national best practices are maintained.

The Committee is an advisory committee and does not have the authority to amend the National Standard. The role of the Committee is as subject matter experts (SME) in support of the department. All changes, amendments, updates or other, to the National Standard must be approved by the department.

In its review, the department may:

- have regard to the recommendations made by the Committee;
- obtain public comment; and
- consult with industry, including the department and approved Certifying Bodies, to provide additional expertise or information.

5. Committee

5.1 Membership

The Committee membership shall consist of a Chair, Secretary and up to 12 core members, all of whom will have a genuine commitment and knowledge to enhance the organic and bio-dynamic industry.

The Committee shall comprise of not more than one employee from an organisation or organisational/business group. The Committee membership in principle should include at least one though no more than one member from the following organic and bio-dynamic industry sectors:

- Rangeland producers
- Broadacre production
- Livestock producers
- Horticulture producers
- Viticulture production
- Preparation (as defined in the National Standard)
- wholesale and Retailers
- Export and Import
- Input Manufacturing
- Consultants
- Scientists and researchers
- International Standard and regulation



As Committee positions become vacant, the department shall invite individuals to nominate for membership of the Committee. Nominating persons will provide their *curriculum vitae* along with a history of their work experience, a cover letter outlining why they would like to join the committee, how they will benefit the committee and details of two referees.

The department will form a committee member selection committee which as a minimum will consist of a representative from the department, the Chair and 1 representative with relevant experience.

Committee membership is precluded from:

- senior leadership of an organic organisation/certifier.
- key spokespersons for an organic organisation/certifier.
- anyone who actively engages in public debate about submissions to the National Standard.
- any individual opposed to organic and/or bio-dynamic principles.

5.2 Committee Members

A Committee Member shall be engaged by the department for a period of 4 years, renewed each year, or for such shorter period as may be elected by the department. Extensions are allowed up to a cumulative maximum of 8 years. However, the department can agree additional extensions for any committee member. At all times Committee Members shall adhere to the executed notice of engagement and the Members Code of Conduct which is attached in appendix A.

The primary function of Committee Members is to offer sound and impartial advice relating to applications to amend the National Standard, or in considering scheduled revisions to the National Standard. The Committee Members may also look at extending the National Standard or adjunct Standards that are complimentary to the National Standard.

Committee Members may assist the department with advice, where it's within their area of expertise, on items outside the National Standard. The department must advise the Committee if this request is to be confidential to the Committee or if the Committee can seek external advice.

Committee Members shall:

- attend meetings and if they are unable to attend a meeting are to provide an explanation to the Secretary as to why.
- make themselves available to lead Working Groups.
- maintain active involvement in the work of the Committee.
- respect the rules of procedure.
- listen to all points of view from other Committee Members. And respect other participants and maintain an open-minded attitude towards other opinions.
- undertake and complete tasks allocated.
- prepare and submit reports when requested or required.
- support the Chair, Secretary, and all other Committee Members in the conduct of their responsibilities.



5.3 Replacement Committee Member

Should a Committee Member elect to retire or resign during their tenure, they shall advise the Chair and Secretary in writing. The Secretary will then formally notify the department. If they elect to retire or resign mid-term the department will nominate a replacement member upon review of the immediate past applicants, to complete the retiring member's term.

If there are no relevant applicants from the immediate past applicants, the department will appoint a member, as agreed by the department, to complete the retiring member's term.

5.4 Reappointment of the Members

Not less than three (3) months prior to the expiry of the term of appointment of the specific Committee member, and subject to the continuance of the Committee, the department shall call for nominations in accordance with 5.1 for the next term of appointment.

5.5 Removal of Committee Members:

The Chair of the Committee may recommend to the department the removal of a Committee Member when a member:

- fails to attend three (3) consecutive meetings, without an approved formal leave of absence or
- does not comply with confidentiality requirements, or
- doesn't comply with the members code of conduct or
- acts publicly in an inappropriate manner.

On the recommendation of the Chair, the department may remove a member of the Committee. If a Committee Member is removed from office 5.4 Replacement Committee Member guidelines will apply.

The department may at any time propose or remove a committee member without requiring a recommendation from the Chair.

6. Chair

The Chair shall be engaged by the department for a period of 4 years, renewed each year, or for such shorter period as may be elected appropriate by the department. Extensions are allowed up to a cumulative maximum of 8 years. At all times the Chair shall adhere to the executed notice of engagement and the Members Code of Conduct which is attached in appendix A.

The Chair shall:

- act in a purely independent capacity, divesting themselves of a position;
- guide the Secretary of the committee in performing their duty;
- conduct committee meetings with a view to reaching agreement on points or actions;
- ensure at meetings that all points of view expressed are summed up so that they are understood by all present;
- ensure at meetings that all decisions are clearly formulated and made available in written form by the Secretary for confirmation during the meeting;



- provide timely and sufficiently detailed updates to the department on committee meetings, out of session discussions and works flow process;
- ensure that policies and strategic decisions of the department are implemented in the committee;
- ensure the establishment and/or ongoing maintenance of a strategic plan covering the activities of the committee;
- ensure appropriate, consistent implementation and application of the committee's strategic plan;
- assist in the case of an appeal against a committee decision.

In case of unforeseen unavailability of the Chair at a meeting, a session Chair may be elected by the committee members present.

The Chair will be remunerated by the department to an amount agreed by the department which can be amended from time to time in line with Federal Government policy.

7. Secretary

The Secretary shall be engaged by the department for a period of 4 years, renewed each year, or for such shorter period as may be elected appropriate by the department. Extensions are allowed up to a cumulative maximum of 8 years. At all times the Secretary shall adhere to the executed notice of engagement and the Members Code of Conduct which is attached in appendix A.

The role of the Secretary is to support the Chair and the Committee Members in ensuring the smooth functioning of the Committee. The Secretary also acts as an information and reference point for the Chair and Committee members, clarifying committee practice and decisions, confirming ToR requirements, and retrieving relevant documentation.

The Secretary shall:

- ensuring meetings are effectively organised and works with the Chair, committee members and the department to prepare meeting agenda and requirements which should all be issue a minimum of 7 days prior to any meeting.
- take and keep accurate minutes and action notes, including recording conflicts of interest) from meetings and distribute to all members within 2 weeks of each meeting.
- receive applications issued from the department to amend the National Standard, in liaison with the Chair, check all relevant information is included, and distribute to Committee members.
- facilitate contact between the department and the applicant of a submission if more information is required.
- collate information and distribute to Members for consideration and comment.
- be a formal liaison point between the applicant and Committee while an application is being reviewed by the Members.
- draft correspondence to be approved by the Chair before distribution.
- record all incoming and outgoing correspondence for review at regular meetings.
- obtain all invoices from Members and forward them to the department for payment.

The Secretary will be remunerated by the department to an amount agreed by the department



which can be amended from time to time in line with Federal Government policy.

8. Committee Charter

The Committee will formally meet four times a year, one of which will be a face-to-face meeting. Meetings shall be conducted in accordance with this ToR with members respecting the rights and contribution of individuals.

At each meeting the committee will review submissions received for amendments to the National Standard since its last meeting. Noting, submissions to amend the National Standard will only be reviewed by the Committee four times a year at these meetings, unless a review is deemed urgent by the department. If require, out of session work can be undertaken or a special meeting of the Committee will be held.

The Committee may consult with relevant agencies, private organisations or individuals, pertaining to submissions received to amend the National Standard, or the scheduled review of the National Standard. Applications marked as “Commercial in Confidence” must be handled by the committee in a manner and form agreed to by the department.

In reviewing, drafting, or incorporating amendments to the National Standard, the Committee may :

- establish working groups for submissions that require a broader input from industry expertise.
- seek approval from the department of the intention to form a working group.
- consult with industry experts outside the committee.

In reviewing submissions, Committee Members will consider:

- a. matters in relation to the production, processing, packaging, and transportation of certified organic produce; and
- b. relevant science and best practice; and
- c. matters relating to parity and equivalence with international standards and importing country requirements; and
- d. other relevant matters of standards and protocol affecting the Australian organic industry and government as it relates to export; and
- e. broader economic impacts, and
- f. other issues (including though not limited to, unintended restrictions on trade, and reputation of the Australian organic exports industry).

The Committee via the Secretary will report to the department on a minimum every 3 months, and must provide the department meeting minutes and if required a meeting report, within 30 days following a Committee meeting.



8.1 Working Groups of the Committee

When the Committee establishes a need for a Working Group the NSAC will select a Working Group leader and identify appropriately qualified people from the NSAC to join the Working Group.

The Committee will request authorisation from the department on the formation of the Working Group and the Working Group make up i.e the proposed Working Group members.

The department will seek members of the working group via a call for applications or by other means available via department resources.

A Working Group will make a recommendation/s to the NSAC which will then make the final recommendation to the department on the matter being considered.

In forming a Working Group the Committee must ensure:

- The leader of the working group is to be a member of the NSAC.
- The leader of the Working Group is to request the department to seek nominations for potential members for the Working Group and is to submit final selections to the NSAC for approval.
- The working group shall have, preferably, a minimum of 5 members including the working group leader.

8.2 Confidentiality of Papers and Committee deliberations:

- a. Correspondence between the department and the Committee shall remain confidential.
- b. Submissions to the Committee can be identified as commercial- in-confidence or as holding commercial-in-confidence parts and must be clearly marked as such. Such a request is to be approved by the department.
- c. Committee members can confirm publicly available information only.
- d. The Committee shall not share any information outside of the Committee, except where it is set out in the Terms of Reference, or is directly connected to Committee's role (and is approved by the Chair).
- e. All current Committee members, Working Group members or members resigning or retiring from the Committee shall not, without the express written consent of the department, expose any document, matter or thing relating to Committee deliberations during or following the cessation of their tenure.
- f. All Committee members and Working Group members will be required to sign a Confidentiality Agreement to maintain the confidentiality on all Committee or working group deliberations.



8.3 Conflict of Interest (COI):

Committee members should always act in the best interests of the whole organic and bio-dynamic industry. Where a Committee member has a direct or any indirect interest in any matter of business before the Committee, which may be construed as personal, financial, or other gain; that interest shall be declared to the Committee and recorded in the Committee Minutes.

Where a Committee Member has a perceived or real conflict of interest, the final decision around those members participation in certain committee discussions where the conflict is apparent, will be at the discretion of the department.

Where a Committee Member declares a conflict of interest, the Chair will agree with the balance of the Committee, based on a majority vote, to:

- a. allow the member to be involved in the discussion; or
- b. refuse the member the right to vote on that issue before the Committee; or
- c. request the member to withdraw from a meeting for the period of discussion and resolution of that application/review of the National Standard.

All decisions will be recorded for reporting to the department on the Committee's final decision.

If a member of the Committee does not declare a conflict of interest that the Chair believes should have been declared, the Chair may recommend any of the above listed actions.

The Secretary and the department will maintain a register of conflicts of interest declared by Committee Members and ensure that the Committee records in its minutes any declared conflicts of interest and the actions taken.

8.4 Intellectual Property

All documentation generated throughout the process of the Committee remains the Intellectual Property of the department.

9 Business Operations

9.1 General Meetings

Subject to any directions from the department, and necessary amendment to schedule by other reasonable causes, formal general meetings of the Committee shall be conducted at a time and venue to be determined by the Chair and Secretary.

Committee Members will avail themselves of communication tools such as e-mail to enable them to fully participate in the Committee communications.

Committee Members will present to a meeting having read all papers prior to the meeting and be prepared to engage in decisions to be made at that meeting. This may involve additional research by Committee Members. Not less than four Committee meetings will be conducted per calendar year. These meetings will be primarily electronic meetings with one face-to-face meeting per year when feasible.



9.2 Special Meetings

The department or the Committee may elect to conduct a special meetings, if circumstances or the nature of business is urgent or extraordinary. The Committee may elect to hold additional face to face meetings, with the prior approval of the department.

9.3 Meeting Agenda

The Chair shall cause, through the Secretary, meeting agendas setting out standing business before the Committee. The agenda and any supporting papers are to be circulated not less than 7 days prior to a general meeting or a special meeting.

Required information submitted within 14 days of the meeting, will be entered onto the agenda under "Adoption of Agenda" so that it can be reviewed and acted upon only with majority consent of the committee.

9.4 Meeting Minutes

The Chair via the Secretary shall circulate to Committee members as soon as practicable after each meeting, and no longer than 30 days after the meeting, minutes specifying each item of business discussed, summarising essential items of discussion and recording any actions, decisions reached, or advice resolved.

Committee members will have 2 weeks to comment on the draft Committee minutes, if no comments are received in this timeframe the Secretary will issue the final version of the minutes which will be ratified by a vote at the following meeting. Comments made by committee members will be considered by the Secretary and Chair.

9.5 Standard Operating Procedure

The Committee shall review applications and new work items in line with the Standard Operating Procedure as shown in Appendix B.

9.6 Quorum

A Quorum of the Committee is constituted by the attendance of the Chair, or member presiding over a meeting, and 70% of the current Committee membership. Fractions of persons shall be rounded down.

No meeting of the Committee shall commence or continue unless a quorum is present.

Any duly convened meeting at which a quorum is present shall be competent to consider and resolve any business of the Committee and shall have and may exercise all the functions of the Committee.

9.7 Voting

Matters arising at a meeting of the Committee should ideally be determined by consensus. However, if this is not possible, matters arising shall be determined by 70% majority of the members present at the meeting.

No person at a meeting, other than an official Committee member, may have the right to vote.



9.8 Correspondence

Relevant correspondence from, and to, the Committee shall be circulated by the Secretary as and when received. Correspondence conveying the Committee's advice to the department shall be completed as soon as practicable after the meeting at which that advice was resolved. This will be done by the Committee's secretary within the minutes of the meeting.

9.9 Planning

The Committee should establish a planning framework for its business, including scheduled reviews of parts of the National Standard. The Chair of the Committee, in consultation with the Committee, will provide a proposed annual plan and timetable for the department's consideration and approval.

10 Financial Arrangements

10.1 Reimbursement of Expenses

Committee members shall be entitled to economy travel and accommodation costs associated with any face to face meeting. Meals during the time away at the face to face meeting may also be claimed.

To be entitled for full travel and accommodation costs, Committee members may book travel in advance to take advantage of best pricing and must be approved by the department. Alternatively, the department may make travel arrangements on behalf of the members, options will be discussed with members prior to booking.

10.2 Sitting Fees

Committee Members will be paid sitting fees to attend or participate in meetings.

Committee Members payment or reimbursement will only occur when Committee Members meet their obligations as set out in these Terms of Reference.

11 Indemnity

The department will hold indemnity insurance for the Committee.



APPENDIX A

Members Code of Conduct

This code of conduct requires that a committee member and any working group member must comply with the following requirements.

- Be aware that their private interests, both financial and personal, could conflict with their duty as a committee member. Committee members must declare a conflict of interest, whether it is real or apparent to the Department of Agriculture, Fisheries and Forestry (the Department) and committee secretariat.
- Not improperly use their position, status, power, or authority to gain a benefit or advantage for themselves or others. Generally, committee members should not accept gifts or benefits (which in some instances may be seen as a bribe) without seeking advice from the Department or the committee secretariat.
- Treat everyone, including other committee members, the Department's officers, and guests, with courtesy and respect.
- Display an awareness of and sensitivity to the diversity of the Australian community. It is unlawful to discriminate against people on the grounds of disability, sex, marital status, pregnancy, family responsibility, race, color and national or ethnic origin.
- Exercise reasonable care when giving information or advice. This applies equally to written or verbal advice. The standard of care required relates to the nature of the enquiry and the possible consequences that may arise if the advice given is incorrect.
- Have a duty to take reasonable care for their own health and safety and to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons at the workplace. They also must comply, so far as they reasonable can, with any reasonable instruction given by the person conducting the business or undertaking to allow the person to comply with the *Work Health and Safety Act 2011*.
- Use commonwealth resources in an appropriate manner.
- Comply with all applicable Australian laws.
- Maintain appropriate confidentiality as advised from time to time by the Department or the committee secretariat and not make improper use of inside information; and the member's duties, status, power or authority, in order to gain or seek to gain, a benefit or advantage for the member or any other person.
- Comply with any other conduct requirements that is prescribed by the committee.
- Refrain from contacting the Minister for Agriculture members of parliament or the Secretary of the Department concerning committee matters. Any approach is to be made through the Department.
- Refrain from making or causing any comment or statement concerning any committee matter to any member of the media. The committee secretariat or chairperson will coordinate such comments through the Department's media channels.



APPENDIX B

Standard Operating Procedure

Definitions

Accepted submission - means the submission is accepted to go to public comment and formal review by the NSAC.

Rejected submission - means the submission does not meet the criteria to alter the National Standard.

Approved submission - means that the submission has been approved by the NSAC as a recommendation to the Department for Inclusion in the National Standard.

Decision Making Process

The following processes outline the procedures for decision making by the NSAC on submissions to alter the National Standard.

1. Submission received by the NSAC Secretariat from Department of Agriculture Fisheries and Forestry (DAFF).
2. Once an application is received the NSAC Chair and Secretariat will assess the application for completeness.
3. If the NSAC Chair and Secretary decide that further information or clarifications are required, the applicant will be informed by the NSAC Secretariat. The applicant will need to resubmit their submission within 14 days.
4. The NSAC Chair and Secretary can recommend that the submission is placed on the NSAC agenda prior to receiving the additional information.
5. If the application has all the required information, the NSAC Secretariat will advise the applicant, and place the submission on the agenda for the next NSAC meeting.

Submissions Review

1. In the initial review of a submission, the NSAC will **only** decide if the submission is valid if it meets one of the following criteria:
 - a. The submission is allowed in an international organic standard
 - b. The submission is allowed in an overseas organic country regulation
 - c. The submission meets the general principles and fundamental principles for organic/bio-dynamic processes.



2. If **one** of the above is met the NSAC will accept the submission for further review and recommend to the department to progress the submission for public comment.
3. The department will inform the applicant that the submission will be listed for public comment on the department website and industry informed through industry organisations, certifiers and the department mailing list.
4. The NSAC may request the applicant for further information during the public comment period and decision-making process.
5. Following the public comment period of 6 weeks the NSAC will formally review the submission to make an informed decision taking into consideration the public comments and recommend to the department that the submission is **approved or rejected**.
6. If a decision on the submission cannot be made at the NSAC meeting following the public comment period, the NSAC will record the reasons for delaying its decision on the submission.
7. The decision of the NSAC will be reported to the department within 14 days of the NSAC meeting setting out the reasons for the recommendation to alter the National Standard, along with a summary of the decision-making process on Work Item request form which will include:
 - Dates the submission was received from the department
 - Date/s that the submission was reviewed by NSAC
 - An overview of the submission
 - Declaration of COI's and actions for the member declaring a COI
 - Time spent on reviewing the submission and coming to a recommendation
 - Date submission put out for public comment
 - Summary of the public comments received
 - Voting of the NSAC
 - Reasons for approving or rejecting the submission
 - If a decision is not reached reasons why

The Chair of the NSAC will attend the department meetings to answer any questions in relation to the submissions.

8. The department will confirm that the NSAC procedures have followed the NSAC and the NSAC decision making processes as outlined in the NSAC standard operating procedure.



The department is responsible for ensuring due process has occurred and that there are sound reasons for the NSAC decision.

9. The NSAC recommendation will be assessed by the department and a decision made to accept or reject the recommendation/s made by the NSAC.

The recommendation/s to the department will be in track changes to the National Standard.

10. The department may complete a 2nd round of public comment to ensure the organic industry accepts the NSAC recommended alterations.
11. The department will notify NSAC of the acceptance of the recommendation/s within 30 days or 80 days if a 2nd round of public comment is deemed necessary.
12. The department will inform the applicant of the final decision.
13. The Organic Industry will be informed through the department channels of the final decision.

Rejected Submissions

1. In the initial review of a submission the NSAC may decide to recommend to rejection of the submission if it does not meet any of the following criteria:
 - a. The submission is not allowed in an international organic standard
 - b. The submission is not allowed in an overseas country regulation
 - c. The submission does not meet the general principles and fundamental principles for organic/bio-dynamic processes.
2. The decision by the NSAC to reject the submission will be reported to the department setting out the reasons for recommending the rejection, along with a summary of the decision-making process which will include the reasons for the recommendation, on Work Item Request Form.
3. The department will confirm that the NSAC procedures have been in compliance with the NSAC processes and procedures as set out in the NSAC standard operating procedure.
4. The NSAC recommendation to reject the submission will be forwarded to the department.
5. The NSAC recommendation will be assessed by the department and a decision made to accept or reject the recommendation/s made by the NSAC.
6. If agreed or disagreed, the department will inform the applicant of the decision on the submission stating the reasons.
7. The applicant is able to re-submit the application addressing the reasons stated in the rejection letter.



Communication responsibilities between DAFF and NSAC

All correspondence sent to applicants regarding submissions to alter the National Standard by both the department and the NSAC will be cc'd to the Secretariat of each organisation.

NSAC responsibilities

1. NSAC Secretariat is responsible for communicating with applicants during the process from receiving the application from the department to:
 - a. Review of the submission
 - b. Request for further information
2. The NSAC Secretariat is responsible for updating the National Standard track changes for recommendations to the department.

DAFF responsibilities

1. The department is responsible to ensure that the NSAC procedures have followed the NSAC decision making processes as outlined in this document.
2. The department is responsible for advising NSAC of new submissions.
3. The department is responsible for the public comment consultations for submissions.
4. The department is responsible for advising NSAC of the results of the public comment consultations.
5. The department is responsible for the final decision of a recommendation from NSAC.
6. The department is responsible for advising applicants of the final decision on their submission to alter the National Standard.
7. The department to decide as to the layout of the National Standard.
8. The department will formally respond in writing to the NSAC following its meeting addressing issues raised by the NSAC and/or any other issues raised.



Australian Government

Department of Agriculture, Fisheries and Forestry

Change Register

Date	Changes	Made by
31/08/2023	DAFF Issue as Final	OEP (DAFF)