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SUSTAINABLE BIOSECURITY FUNDING ADVISORY PANEL

TERMS OF REFERENCE

Version 1.0 | July 2024

PURPOSE

The Sustainable Biosecurity Funding Advisory Panel (Panel) is a forum through which key biosecurity stakeholders can advise, guide and support the Secretary of the Department of Agriculture, Fisheries and Forestry (the department), as the Director of Biosecurity, on biosecurity priorities, policy and funding. It is also a forum for the department to report regularly to panel members about how Commonwealth biosecurity is funded and how funding is being used.

AIM

The aim of the forum is to increase transparency of biosecurity funding and enable members to:

- provide genuine input into matters related to **Commonwealth** biosecurity funding and the **Commonwealth's** contribution to Australia's biosecurity system, and
- provide feedback to the department about its biosecurity priorities, expenditure, and potential new funding streams.

The forum aims to be an open line of communication between members and the department about biosecurity funding priorities and expenditure.

SCOPE AND LIMITATIONS

The Panel acts in a consultative and advisory capacity. The Panel's advice will not be sought or considered in relation to administrative decisions under the *Biosecurity Act 2015* (the Act).

It is a matter for biosecurity officials whether to have regard to the Panel's advice when making decisions, including for the general administration of the Act.

See "Roles and Responsibilities for the Panel" for further guidance related to Scope and Limitations.

MEMBERSHIP

Chair / Facilitator

The Chair of the Panel will be the Deputy Secretary, Biosecurity, Operations and Compliance Group, of the department. The Chair can delegate the role to another departmental officer as needed.

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Members

Members of the Panel comprise a representative from the following organisations:

- Animal Health Australia Industry Forum
- Australian Dairy Farmers
- Australian Forest Products Association
- Australian Fresh Produce Alliance
- Australian Grape and Wine
- Australian Pork Limited
- Cattle Australia
- Centre of Excellence for Biosecurity Risk Analysis
- Commonwealth Scientific and Industrial Research Organisation
- Cotton Australia
- Freight and Trade Alliance
- Grain Producers Australia
- GrainGrowers Limited
- International Forwarders and Customs Brokers Association
- Invasive Species Council
- Plant Health Australia Industry Forum
- Seafood Industry Australia
- Sheep Producers Australia
- WoolProducers Australia.

Membership

Changes to membership will be considered by the Chair with Panel input, and will be subject to approval by the Minister for Agriculture, Fisheries and Forestry. Membership will be reviewed every 12 months.

Proxies

Panel members may nominate a proxy from their organisation to attend meetings in their absence. The purpose of the proxy is to enable progression of meeting objectives and they are authorised decision-making powers on behalf of their member. Members must nominate proxies to the panel secretariat in writing in advance of the meeting taking place.

Proxies are expected to debrief the Panel member they are representing as soon as practicable following the meeting.

Quorum

A quorum of the Panel will comprise of the Chair and 10 members.

Observers

The Chair, members, or the department may request that representatives from their organisation attend a full meeting or specific agenda items as an observer. Requests are to be made in writing to the Secretariat and to be approved by the Chair.

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ROLES AND RESPONSIBILITIES

The Panel

The Panel will:

- provide advice to the Secretary of the department, as the Director of Biosecurity, to inform the department's biosecurity funding priority setting.
- support the Commonwealth Government to progress biosecurity priorities.
- provide views on the strategic direction of the department's biosecurity functions.
- provide views on the department's biosecurity revenue and expenditure, cost recovery mechanisms and charging levels.
- provide views on key program performance, including efficiency and effectiveness indicators where available, as set out in the department's annual performance statements and/or other information developed by the department.
- provide views on effectiveness of the Panel and its operations.
- provide views on the use of funds for specific issues of relevance to their industry or organisation, noting the scope of the Panel and the decision-making role of the Director of Biosecurity.

Note:

- To inform the Panel's advice, the department will provide relevant financial information and reports as part of the papers for each meeting.
- The Panel's advice will generally not be sought on, or considered in relation to, individual administrative decisions under the Act and the *Public Governance, Performance and Accountability Act 2013*.
- The Panel is not a decision-making body for the setting of government policy, or decisions under the *Biosecurity Act 2015* or *Public Governance, Performance and Accountability Act 2023*.

Chair

The Chair (or their proxy) will:

- Chair meetings and undertake other chairing duties as required, including making decisions about managing conflicts of interest.
- provide the Panel with information about biosecurity funding and how that money is invested in the biosecurity system.
- provide the Secretary, as the Director of Biosecurity, and their executive with information about the biosecurity priorities identified by the Panel.

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- provide briefings to the Secretary, departmental Executive Board and the Minister for Agriculture, Fisheries and Forestry on the progress and outcomes of Panel meetings as appropriate.
- publish a Chair's note following each meeting.

Members

Members (or their proxies) will:

- have authority to represent their organisation at meetings, and undertake Panel business as required.
- proactively raise issues affecting their industries/sectors.
- be professional, accountable and transparent in all dealings with the Panel.
- demonstrate commitment to their industry/organisation/sector by ensuring that key messages arising from discussions with the department are communicated to stakeholders and their members, noting the confidentiality requirements as set out in these Terms of Reference.
- attend meetings and video/teleconferences or arrange for a proxy to attend.
- meet timelines for Panel action items designated to them.
- engage with the secretariat in advance of meetings to put forward items for the agenda.
- prepare and submit papers to the secretariat in advance of meetings, as required.
- provide comment on/endorsement of papers as required.
- provide advice on their organisation's views about biosecurity priorities.
- disclose and manage actual or perceived conflicts of interest.

Department of Agriculture, Fisheries and Forestry

The department will:

- seek to ensure other key Commonwealth Government agencies have opportunity to be represented when whole-of-government issues are raised.
- meet timelines for Panel action items designated to them.
- provide an annual report of biosecurity funding and expenditure as outlined under "Reporting".
- develop meeting papers and relevant financial reports to enable informed advice from the Panel.

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Secretary of the Department of Agriculture, Fisheries and Forestry (Director of Biosecurity)

The Secretary will:

- receive Panel advice regarding biosecurity funding priorities, in conjunction with any other relevant considerations, such as Commonwealth legislation and frameworks.

Note:

- It is a matter for the Secretary, as the Director of Biosecurity (or other decision-makers as relevant) as to whether to have regard to the Panel's advice when making decisions under relevant legislation, or for the administration of the *Biosecurity Act 2015* and whether to follow or not follow that advice.

Secretariat

The department will provide secretariat services for the Panel. The secretariat can be contacted via SecretariatBSF@aff.gov.au; meeting invitations and materials will be sent from this email address.

The secretariat will:

- operate in consultation with the Panel Chair and members as appropriate.
- maintain a current list of members, observers, and alternative representatives.
- coordinate and manage Panel business including:
 - collating, quality checking, circulating and maintaining documentation as required, including templates and papers
 - arranging meetings and taking minutes at each meeting
 - coordinating Panel meeting agendas and preparing meeting records
 - undertaking and maintaining electronic filing of key documents
 - maintaining action registers and following up with Panel members on outstanding issues.

The secretariat will circulate minutes of each meeting to members for endorsement as part of the papers for the following meeting. Minutes will summarise discussions and record recommendations made by the Panel and shall not purport to be a transcript of discussion.

CONDUCT

As a member of the Panel, each Panel member must adhere to the following conduct.

- Demonstrate honesty and integrity and to act with care and diligence in all dealings.
- Demonstrate mutual respect and courtesy to work toward outcomes of shared purpose.

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- Comply with all Australian laws, and use government resources in a proper and lawful manner.
- Share information and insights in an open and transparent manner for the benefit of the work of the Panel, and the greater good of national biosecurity.
- Comply with confidentiality requirements where required.
- Refrain from making or causing any comment or statement on any Panel matter to any member of the media on behalf of the Panel (the secretariat will coordinate information through the department's media channels).
- Disclose any conflict of interest and take reasonable steps to avoid any conflict of interest in connection with the work of the Panel, refer to conflicts of interest section.
- Not gain, or seek to gain, a benefit or advantage for the member or for any other person or organisation through the improper use of inside information derived from the work of the Panel.
- Not gain, or seek to gain, benefit or advantage from a member's duties, status, power or authority in relation to the Panel.

WORK PLAN

The Panel will have an annual work plan that guides its meetings per year. The work plan can also be updated outside this period if the need arises.

OPERATIONAL PROCEDURES

Meetings

The Panel will meet preferably face-to-face three times a year, but virtual attendance may be accommodated as required. Virtual meetings may be convened at other times if requested and agreed to by the Chair.

The secretariat will circulate the draft minutes and draft action list to members for comment within three (3) weeks of the conclusion of each meeting. The secretariat and any members with actions assigned are to progress actions arising from the meeting as required.

Record-keeping

The secretariat is responsible for maintaining electronic records of the Panel, which may inform decision-making of government. The secretariat and Panel members must be aware that all papers of the Panel, including agenda, meeting papers, discussion points, emails, and attachments may be subject to a Freedom of Information request. This includes draft and final versions of papers and electronic records. Documents will be marked with the appropriate security classification.

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Review of Terms of Reference

The Panel Terms of Reference will be reviewed after 12 months from the date of initial endorsement, or as required/requested by the Chair.

Financial expenditure

It is the responsibility of members to ensure they can represent their organisation appropriately and to attend meetings. Membership roles are unpaid and on a voluntary basis. Each Panel member will be responsible for their own costs associated with attending meetings.

REPORTING

The department will provide an annual report of biosecurity funding and expenditure to the Panel in August-September of each year, unless otherwise agreed by the Chair.

The Panel will provide advice about biosecurity priorities and use of funding for the following financial year (as per the workplan), as well as the operation of the Panel at 12 months.

Additional reporting will be provided to enable informed discussion and advice as per the work plan and meeting agendas.

DECISIONS

Where decisions are required from the Panel, they shall be made by majority vote of the members (or their proxies) present.

CONFIDENTIALITY

Meeting papers and information discussed in the meeting are able to be shared unless they are specifically classified, and identified as 'in confidence', 'confidential', or 'protected'.

Similarly, any information or material provided by Panel members during Panel meetings or out-of-session for the purposes of Panel business are treated as public, unless specified as 'in confidence', 'commercial in confidence', 'confidential', or 'protected' by the providing member.

Any confidential information or material prepared and provided by the department to the Panel during Panel meetings or out-of-session for the purposes of Panel business are subject to the terms outlined in the Confidentiality Deed.

Panel members, their proxies, and observers are required to sign a Confidentiality Deed with the department.

CONFLICTS OF INTEREST

It is acknowledged that every Panel member will have an inherent conflict of interest due to their role as a representative of their industry/organisation/sector.

Panel members must maintain the highest possible standards of integrity in relation to their Panel membership. In working to protect Australia's biosecurity interests, members have a responsibility to be aware of their obligations to avoid conflicts of interest where possible, when participating as a Panel member, and actively manage those potential conflicts of interest that cannot be avoided.

If a Panel member becomes aware of an actual or perceived conflict of interest, the member must notify the secretariat, or the Chair immediately in writing and fully disclose relevant information relating to the conflict. To assist with this Panel members will be asked to complete a Conflict of Interest Form. The Chair, in consultation with the member, will determine what steps are reasonably required to resolve or otherwise deal with the conflict. This may include the member being excused from a specific discussion or refraining from voting on a particular issue, if relevant. Panel Members must not use information obtained for commercial advantage.

If the Chair becomes aware of an actual or perceived conflict of interest arising in exercising their function, the Chair must notify the Panel members immediately and fully disclose relevant information relating to the conflict. The Secretary (the department), in consultation with the Chair, will determine what steps are reasonably required to resolve or otherwise deal with the conflict.

BACKGROUND

On 28 February 2024 the Minister for Agriculture, Fisheries and Forestry, Minister Watt, announced a new Sustainable Biosecurity Funding Panel. The role of the Panel is to provide transparency of biosecurity expenditure and give biosecurity stakeholders, including producers and importers, input into biosecurity priority setting.

Membership of the Panel is drawn from major agriculture, fisheries and forestry sectors, importers, environmental and research organisations. Minister Watt invited 22 agricultural industry, import industry, environmental and research organisations to be members of the Panel. Those that have accepted to date are listed under membership.