

Import Industry Finance Consultative Committee Terms of Reference



Committee Title

The name of the Committee is the Import Industry Finance Consultative Committee (hereafter referred to as the Committee).

Authority

This Committee is authorised by the Department of Agriculture and Water Resources (the department) Chief Finance Officer (CFO).

Sunset

The Committee has been established as part of the ongoing governance structure of the departments Biosecurity cost recovery arrangement.

Objectives

To promote understanding of the department's Biosecurity cost recovery arrangement within the context of Australian Government cost recovery policy and the industry operating environment.

To partner with stakeholders in understanding the costs of the department's regulatory activities and services and the relationship to fees and charges imposed for the recovery of those costs.

To partner with stakeholders in monitoring the financial performance of the department's Biosecurity cost recovery arrangement including through regular reporting and analysis.

To explore, identify and promote opportunities to improve the efficient and effective administration, provision and consumption of the department's cost recoverable regulatory activities and services.

The purpose of the Committee is to facilitate consultation on the overall financial performance of the Biosecurity cost recovery arrangement and the operational activities which impact the arrangement.

Review

These terms of reference will be reviewed every three years, or as required through direction by the Committee or Chair.

Responsibilities

The primary responsibilities of the Committee are to:

- Discuss and review annual budget expectations and 'mid-year' budget updates
- Discuss and review quarterly cost recovery performance reports
- Discuss and review proposals to amend a cost recovery arrangement or charging policy
- Discuss and review any other relevant materials to assess or inform the performance of a cost recovery arrangement (e.g. volumetrics and cost drivers)
- Discuss future operating and capital investments
- Discuss and review papers detailing issues and proposals nominated by members for the consideration of the Committee
- Report relevant issues to other stakeholders or Committees
- Discuss innovations and improvements in financial arrangements for the consideration of the department of Agriculture and Water Resources Cargo Consultative Committee

The Committee will be guided by the Australian Government Cost Recovery Guidelines.

Membership

Members may be appointed to a consultative committee as:

- a. An endorsed representative – where a person is endorsed by a stakeholder organisation to be its participating representative. The organisation may be government or non-government.

- b. An individual - the person participates on the basis of his or her personal skills, experience, knowledge and expertise but does not represent an organisation; an individual would only be appointed a member of the Committee where the skill set of the individual was diverse to that of the endorsed representative group. Alternatively, an individual may be invited to attend a meeting as an Advisor (refer to Advisors/Observers section) to contribute to a particular issue.

The Committee will also include appropriate departmental representatives including Senior Executive Service officers. The chair is the CFO of the department. Should the chair be unable to attend, the next highest ranking officer from the department will chair the meeting.

The department will notify existing Committee members when an endorsed representative or individual has been invited to join the Committee.

Terms of Appointment

The department will seek nominations for industry representatives from relevant industry associations and sectors directly impacted by cost recovery. Nominations will be considered and approved by the CFO of the department.

Appointment of members shall be for an initial term of three (3) years. After the initial three year term, members will need to be re-nominated by their relevant industry body for a further three (3) years. There is no limit on the number of future terms any member may serve.

Members may resign at any time by giving the Chair written notice of resignation.

Should a member resign or their appointment be terminated, a casual vacancy appointment can be made by the department. Term of the appointed casual vacancy will cease at the same time as the previously resigned/terminated member. A member appointed to a casual vacancy position is considered a full member for the duration of their term.

A member may nominate an alternate (proxy) if he or she is unable to attend a meeting.

Termination of Membership

The CFO of the department may terminate a member's appointment to the Committee if the member:

- becomes bankrupt
- subject to the majority view of the Committee, the member fails to fulfill his or her obligations as a member of the Committee
- fails to comply with confidentiality agreements or who is found to have an undeclared conflict of interest
- fails to attend for three consecutive attendance days of the Committee, except where a leave of absence is granted by the Chair

A member whose appointment has been terminated may submit a request for review to the Secretary within 30 days of the CFO's decision to terminate the appointment. This request must be made in writing and identify the grounds on which the member believes the decision should be reviewed.

The Secretary will finalise a review of the decision within 30 days of receipt of the request.

Advisors/Observers

Other officers may be invited to attend meetings as observers at the discretion of the Chair to provide information and advice to the Committee.

Proxies

Committee members may delegate attendance to a proxy with prior express permission of the Chair. The attendance of proxy members and approval by the Chair will be noted at the beginning of Committee meetings and included in the minutes.

Frequency of Meetings

The Committee will meet every three months or as agreed by the Committee. Additional meetings may be arranged, if required.

Administration

Secretariat

The department will supply an officer to provide secretarial services to the Committee.

Meetings

Meetings will generally be held face to face. However, meetings may be held via telephone or video conference where face to face meetings are not practical.

The meeting format and location will be decided by the Chair prior to the finalisation of the meeting agenda.

All issues and proposals for the Committee's consideration must be supported by an agenda item. The Chair will agree to papers prior to the finalisation of the meeting agenda. New issues or proposals may not be accepted after finalisation of the agenda and may be referred for consideration at the next meeting.

Confidentiality

Members and observers may, on occasion, be provided with sensitive material. Members and observers must not disclose this information to anyone outside the Committee without the Chair's express permission and shall treat this material with the utmost care and discretion.

All members, proxies and observers must sign a Confidentiality Agreement. Members must sign the agreement on appointment to the Committee.

The confidentiality agreement signed will be valid for a member's time on the Committee. Observers and proxies must sign the agreement prior to their attendance at a meeting.

Declaration of Interests

Where a member has, or could be perceived to have, a direct financial or other interest in matters under consideration that may be regarded as affecting his or her ability to act in the best interest of the Committee, that member should make a declaration of that interest.

Examples of actual or perceived conflicts of interest include, but are not limited to:

- Financial interests – for example, company directorships or partnerships, shareholdings, trusts or other significant sources of income.
- Personal interests – this includes situations where the advice given by a member could be actually, or perceived to be, influenced by the member's personal involvement.

Members should declare any interest, business or otherwise that may be perceived as affecting their ability to act in the best interest of the Committee on appointment as a member. Members must disclose to the Chair any situation that may give rise to needing to declare an interest as soon as possible after that situation arises.

Declarations of interests will be recorded in the minutes of each meeting and the Chair may request members to remove themselves from the deliberations of the Committee about the matter.

Any member with a declared interest will work proactively with the Chair to ensure it does not affect their ability to act in the best interest of the Committee.

Departmental representatives are subject to confidentiality and conflict of interest obligations via the APS Code of Conduct. Any breach will generally be dealt with by the Commonwealth as an employment matter.