

# **Biosecurity Queensland Ministerial Advisory Council Terms of Reference and Charter**

**July 2022**

## List of Acronyms and Abbreviations

|                    |  |
|--------------------|--|
| <b>BQ</b>          | <b>Biosecurity Queensland (a service of the Department of Agriculture and Fisheries)</b> |
| <b>BQMAC</b>       | <b>Biosecurity Queensland Ministerial Advisory Council</b>                               |
| <b>DAF</b>         | <b>Queensland Department of Agriculture and Fisheries</b>                                |
| <b>EOI</b>         | <b>Expression of Interest</b>  |
| <b>Member</b>      | <b>Person appointed by the Minister to BQMAC</b>   |
| <b>Minister</b>    | <b>Minister for Agricultural Industry Development and Fisheries</b>                      |
| <b>Secretariat</b> | <b>Biosecurity Queensland Ministerial Advisory Council Secretariat</b>                   |
| <b>Strategy</b>    | <b><i>Queensland Biosecurity Strategy: 2018-2023</i></b>                                 |
| <b>TOR</b>         | <b>Terms of Reference</b>  |

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## 1. Functions

State and national reviews have identified that biosecurity risks of pests and diseases are increasing due to the growth of travel and trade. Plant and animal diseases, pest plants and animals, and contaminants have the potential to negatively impact on the Queensland economy, its environment, human health and social amenity. Freedom from destructive pests and diseases is vital to protecting our environment and ensuring market access for our agricultural industries.

The Queensland Government has partnered with other levels of government, industry and community groups to develop the *Queensland Biosecurity Strategy 2018-2023*, a shared strategic direction for addressing biosecurity risks. The Strategy's six themes are: (i) Collaborative governance and leadership; (ii) Every Queenslanders plays their part; (iii) Empowered to act; (iv) Bright ideas and better ways; (v) Valuing and building on our investments; and (vi) Better intelligence systems.

The functions of the Biosecurity Queensland Ministerial Advisory Council (BQMAC) are to:

- provide leadership for the development, implementation, and monitoring of action plans under the Strategy
- provide advice to the Minister on the performance of the biosecurity system within Queensland
- provide leadership for any review, refresh, finalisation or replacement of the Strategy
- engage with relevant stakeholders to develop positions which reflect Queensland's interests in the reform of the National Biosecurity System and its underpinning Intergovernmental Agreement
- consider other issues referred by the Minister or raised by Members or Biosecurity Queensland (BQ).

## 2. Membership

### 2.1 Members

The BQMAC will consist of up to ten ordinary members, an independent chairperson and the Chief Biosecurity Officer (*ex-officio member*). The BQMAC will comprise one member from each of the following peak biosecurity organisations:

- Agforce
- Queensland Farmers' Federation
- Local Government Association of Queensland
- Peak Environment Biosecurity Group (e.g Natural Resource Management Regions Queensland, Queensland Conservation Council or Invasive Species Council)

By virtue of their office (*ex officio*) the Chief Biosecurity Officer of BQ, or his or her delegate, will be an *ex-officio* member of BQMAC and have full voting rights.

The remaining six Members will be selected by the Minister, to provide in his or her opinion, the strongest overall expertise and skills required for the role, responsibilities and accountabilities and to achieve BQMAC's functions.

## 2.2 Member Roles and Responsibilities

The role of Members is to:

- a. Build and maintain relationships with other levels of government, other relevant community stakeholder groups, other industries and national forums to fulfil the functions of BQMAC
- b. Take into consideration: national and international trends; best practice; current industry capability and experience; scientific knowledge; practicalities; and public opinion
- c. Provide independent views on the health of the biosecurity system and up-to-date and relevant advice on biosecurity issues that may affect Queensland's environment or industry
- d. Champion industry participation and solutions in response to emerging biosecurity issues in preference to regulatory measures.

Members will be accountable to the Minister.

## 2.3 Chairperson

The Minister will select the Chairperson.

## 2.4 Secretariat

A Secretariat is required to connect Strategy matters to BQMAC for appropriate governance and oversight. The Secretariat will ensure that BQMAC advice on broad or emerging biosecurity issues can be provided to the Minister when required.

## 3. Term of Appointment

The Minister appoints Members to BQMAC. The term of appointment of BQMAC Members is three years from the date of appointment.

## 4. Filling Temporary Vacancies

A Membership vacancy within BQMAC may occur in the following circumstances:

- (i) resignation,
- (ii) removal, or
- (iii) death

Where a Membership vacancy has arisen due to any of the circumstances presented above, there will be a temporary replacement of Membership. The vacancy will be temporarily filled by a BQ nominee for a period of 6 months until the vacancy is formally filled through a Recruitment Process. The due processes for replacement of Membership must be followed in accordance with the *Queensland Cabinet Handbook*.

## 5. Removal of Members

Attendance records of Members will be provided in the annual report. If a Member is consistently unable to attend meetings the Minister may, at any time, request an explanation or remove the Member from BQMAC. As BQMAC will be expected to meet for at least four, and up to six occasions per year (once every two or three months), it is expected that Members who do not attend *at least* fifty per cent of the total number of meetings in a calendar year period may be considered for removal from BQMAC.

In addition, Members must act in a fiduciary capacity. This means that Members have an obligation to:

- act honestly and to exercise powers for their proper purposes
- avoid actual or potential conflicts of interest
- act in good faith
- exercise diligence, care and skill.

Members may be removed from BQMAC if they are found to be contravening any of their fiduciary obligations. Members may also be subject to removal from BQMAC if they are found to be insolvent and/or disqualified as a director by the Australian Securities and Investments Commission.

## 6. Remuneration

Given the Strategy's emphasis upon joint contribution and efforts members that are either employees or elected representative members of an industry or government body, will be ineligible for payment of fees.

Members are eligible to be reimbursed for reasonable out-of-pocket expenses including domestic travel and accommodation costs in accordance with *'Remuneration Procedures for Part-Time Chairs and Members of Queensland Government Bodies'*.

Where a BQMAC "expert" Member meets the eligibility criteria for payment of daily fees, this will be determined on an individual basis in accordance with the remuneration procedures.

## 7. Confidentiality

When appointed to BQMAC, each Member must sign an agreement indicating their acceptance of certain terms and conditions of their role as a BQMAC Member. All BQMAC Members must understand that due to the nature of the function of BQMAC, all Members may be exposed to highly sensitive and confidential issues. This may include, for example, information relating to a third party, sensitive information relating to government policies or financial interests, and information that attracts legal professional privilege or provides Members access to internal Government working documents. The confidentiality of such information must be respected by all Members as required by their fiduciary obligations.

## **8. Conflict of Interest**

All members are required to declare any real or perceived financial, professional or personal interests that may influence their objectivity in their decision making with regard to any business to be discussed by BQMAC. Declarations are to be made:

- (i) Prior to their appointment - by making a written declaration of all real or potential interests as part of the member application process;
- (ii) As matters arise - by declaring all real or potential interests and the nature of that interest to the Chair directly or via the Secretariat as soon as is reasonable after they become aware of that their objectivity could be impacted;
- (iii) At each meeting (as an early item of the meeting agenda) - by declaring all interests (real or perceived) which could affect their objective decision making in relation to any items on the meeting agenda or any other matter relating to membership of the Council.

The BQMAC Chairperson may use their discretion about how a conflict of interest is managed, including by requiring the Member to excuse himself or herself from the room when a particular issue, which is the subject of a conflict of interest, is discussed. The expertise of BQMAC Members means that the potential for a conflict of interest may be relatively common. When deciding how to exercise discretion, the BQMAC Chairperson should seek to achieve an appropriate balance between the importance of avoiding the perception that BQMAC's advice is biased with ensuring BQMAC's advice is informed by relevant expertise.

All declarations of interest (as part of the appointment process, between or at meetings), and how the BQMAC Chairperson will manage them, need to be recorded in the relevant meeting minutes. Members may make a verbal declaration or may provide a written declaration on the template provided in Annexure 1.

## **9. Business Operations**

### **9.1 Budget**

A budget will be allocated for each financial year to allow for meetings to be held every 2 – 3 months. BQ will negotiate funding for BQMAC projects, such as consultancies, where there is a demonstrated need.

### **9.2 Quorum**

In the absence of the Chairperson at any BQMAC meeting, the Members that are present at that meeting shall appoint one Member within that meeting to preside at the meeting. The acting Chairperson shall not be an *ex officio* Member.

A quorum for BQMAC will comprise at least six Members. A quorum is required at every meeting where an issue of significance is being considered by BQMAC, or, when a decision is to be made and/or voted on by BQMAC.

### **9.3 Observers**

Queensland Government officers may be invited to attend meetings to provide advice on policy and technical issues or observe agenda items relevant to their portfolio responsibilities.

## 9.4 Secretariat

The Secretariat will request Members to provide agenda items prior to each meeting and distribute the agenda and relevant issue papers to Members at least one week but preferably two weeks prior to each meeting.

The Secretariat will maintain accurate minutes of the meeting and forward to all Members within two weeks of the conclusion of a meeting. The minutes will identify outcomes and actions including responsibilities and timeframes. The minutes for each meeting will be subject to Members' approval at the following meeting.

## 9.5 Sub-committees and task groups

BQMAC will establish from time-to-time time-limited sub-committees and expert and task groups to facilitate effective operations. All sub-committees and expert and task groups, are listed in Annexure 1 which is to be reviewed annually.

## 10. Reporting Arrangements

The BQMAC will provide an annual report to the Minister within three months after the end of the financial year to which the report relates. The annual report must include:

- TOR for BQMAC
- full list of current and previous Members throughout that financial year, number of meetings held and breakdown of attendance
- summary of significant events for the year
- significant issues considered and outcomes achieved by BQMAC
- overview of significant advice provided to the Minister by BQMAC
- full budget statement for BQMAC
- future issues, risks and recommendations for improving BQMAC effectiveness
- future issues, risks and recommendations for the implementation of the Strategy

The BQMAC must conduct its annual reporting requirements in accordance with the *Annual Report Requirements for Queensland Government Agencies*.

## 11. Performance Monitoring

Performance monitoring of BQMAC shall be undertaken annually by BQ to ensure the expectations, delegations and output of BQMAC meetings are in accordance with delivery of strategic outputs identified in this TOR. It is expected that performance monitoring issues shall be raised by the *ex officio* Member to BQMAC Members as they arise.

## 12. Financial Accountability

Financial requirements for BQMAC and its Members shall be in accordance with the *Financial Accountability Act 2009* and other relevant legislation specified within the *Queensland Cabinet Handbook* and the *Annual Report Requirements for Queensland Government Agencies*.

## 13. Review

The TOR for BQMAC and Membership appointments for BQMAC shall be reviewed before 30 June 2025.

## ANNEXURE 1

### Declaration of Interests – Biosecurity Queensland Ministerial Advisory Council (BQMAC) member

Private and in confidence

Name: \_\_\_\_\_

\_\_\_\_\_

Date of declaration: \_\_\_\_\_

You need to disclose *only* those interests held by you, your partner and /or dependents about which you have knowledge and that you consider may have a bearing, or be perceived to have a bearing, on your ability to properly and impartially discharge the duties of membership.

Sections of the form that are not relevant to the disclosure of your interests should be left blank.

Shareholdings in public and private companies

| <b>e.g. Member, partner, dependent</b> | <b>Name of company</b> |
|--|------------------------|
|  |                        |
|  |                        |
|  |                        |

Family and business trusts and nominee companies

|  | <b>Name of trust/nominee company</b> |
|--|--------------------------------------|
|  |                                      |
|  |                                      |
|  |                                      |

Bonds, debentures and like investments

|  | <b>Type of investment</b> | <b>Investment body</b> |
|--|---------------------------|------------------------|
|  |                           |                        |
|  |                           |                        |
|  |                           |                        |

**Savings and investment accounts**

|  | Nature of account | Bank/Institution |
|--|-------------------|------------------|
|  |                   |                  |
|  |                   |                  |
|  |                   |                  |

**Partnerships**

|  | Name of partnership |
|--|---------------------|
|  |                     |
|  |                     |
|  |                     |

**Real estate**

|  | Precise address |
|--|-----------------|
|  |                 |
|  |                 |
|  |                 |

**Directorships in or employment by a public or private company**

|  | Name of company | Position held |
|--|-----------------|---------------|
|  |                 |               |
|  |                 |               |
|  |                 |               |

**Other assets**

|  | Description of asset |
|--|----------------------|
|  |                      |
|  |                      |
|  |                      |

**Other substantial sources of income**

|  | Source of income |
|--|------------------|
|  |                  |
|  |                  |
|  |                  |

**Other interests**

|  | Description of interest |
|--|-------------------------|
|  |                         |
|  |                         |
|  |                         |

Liabilities

|  | Nature of liability | Creditor |
|--|---------------------|----------|
|  |                     |          |
|  |                     |          |
|  |                     |          |

Organisational memberships (except membership of an industrial organisation and/or political Party)

|  | Name of organisation | Membership status |
|--|----------------------|-------------------|
|  |                      |                   |
|  |                      |                   |
|  |                      |                   |

Other information, which may be of assistance:

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**Member certification:**

I certify that:

- a) the information provided in this statement, properly reflects, to my knowledge, my interests and/or the interests of my partner and/or dependents that may have a bearing, or be perceived to have a bearing, on my ability to properly and impartially discharge the duties of my office; and
- b) a copy of this declaration has been provided to the Chair of the Biosecurity Queensland Ministerial Advisory Council (BQMAC); and
- c) I understand that if there is a change to the interests after giving this declaration, I shall provide a revised version of the statement as soon as possible to the Chair of the Biosecurity Queensland Ministerial Advisory Council (BQMAC) .

**Signature**

**Date**

/ /

ANNEXURE 2

BQMAC Sub-committees and Expert and Task Groups

| Name                                  | Initiation Date | End Date     | Reporting Arrangement  |
|---------------------------------------|-----------------|--------------|------------------------|
| Invasive Plants and Animals Committee | 1 July 2022     | 30 June 2025 | Annual report to BQMAC |