

Primary Sector Council

Terms of Reference

16 August 2018

Background

The Primary Sector Council (the Council) has been established to provide independent strategic advice to the government on the primary sector and to develop a sector-wide vision and facilitate the development of plans for each of the sectors.

New Zealand's primary industries are currently experiencing change and pressures which are presenting challenges such as changing consumer expectations and disruption from new technologies that are creating an uncertain future for traditional primary producers. The Council will support the primary sectors to navigate these challenges and maximise future opportunities.

Possible factors for consideration are sustainability, industry development, Māori agribusiness, future value creation, technological innovations, global markets, social licence and rural resilience.

Functions of the Council

1. The Council is a Ministerial advisory group for the purposes of the Cabinet guidelines on committees and appointments.
2. The Council has the following functions:
 - a) Exercise thought leadership to identify emerging and future issues, opportunities and challenges for the Minister of Agriculture to consider;
 - b) Provide strategic advice on key issues, opportunities and challenges for the primary industries as agreed with the Minister of Agriculture;
 - c) Develop a primary sector vision and guide development of sector strategies; and
 - d) Periodically assess the progress on issues, opportunities, challenges, and vision.
3. The Council does not hold decision-making powers and decisions will remain with ministers or chief executives as appropriate.
4. The Council will be disestablished when the functions of the Council have been completed or when the Council is otherwise no longer required, as determined by the Minister of Agriculture.

Membership

5. The Council consists of:
 - a) Up to 15 members, including the Chair; and
 - b) Up to 3 additional annually rotating observers.
6. Members and observers shall be appointed by the Minister of Agriculture.
7. Members of the Council shall be appointed for a term of up to two years, with the start date and the term specified in the notice of appointment for each member.
8. The Minister of Agriculture has the right to designate the Chair of the Council. If the Minister chooses not to exercise that right, then the Chair shall be elected by simple majority of those members present at the next meeting when an election is required.
9. If the Chair is absent from a meeting, the Chair may designate an Acting Chair for that meeting. If the Chair does not designate an Acting Chair, then the Acting Chair shall be elected by simple majority of those members present at the next meeting when an election is required.
10. The Chair may resign from the Council by notifying the Minister of Agriculture in writing.
11. A member may resign from the Council by notifying the Chair in writing.

Subgroups

12. The Chair may, with agreement from the Minister for Agriculture, create subgroups from Council members to progress specific deliverables or consider specific topics.
13. A subgroup shall have a lead Council member determined by the Chair with agreement from the Minister of Agriculture.
14. The Minister of Agriculture may direct a subgroup to report to a Minister. If the Minister does not so direct, the subgroup shall report to the Chair.
15. A subgroup shall be disestablished when the function of the subgroup has been completed, as determined by the Minister of Agriculture.

Meetings of Council and subgroups

16. Meetings shall be held in Wellington for full days.
17. The Chair with agreement from the Minister of Agriculture may hold a meeting in another location.
18. Council meetings shall be held quarterly.
19. The Minister of Agriculture may amend the frequency of Council meetings for a reasonable period in agreement with the Chair.
20. The meeting frequency for subgroups shall be agreed between the Minister of Agriculture and the Chair on a case-by-case basis.
21. The Council shall operate on the basis of consensus and, where it is not possible to achieve a consensus, on the basis of majority vote with the Chair having the final casting vote. Only those members present at a meeting may vote at that meeting.
22. Because members and observers are appointed in their personal capacity rather than as representatives of organisations, no proxies shall be permitted to attend in place of members or observers, except at the discretion of the Chair.
23. The Chair, Acting Chair or subgroup lead shall have the discretion to cancel or defer a meeting if insufficient members are able to attend.

Remuneration and expenses

24. Members shall be remunerated for their attendance at Council meetings and for attendance at any meetings of subgroups, at the following daily rates (before tax):
 - \$800 for Chair
 - \$500 for other members
 - \$625 for a member acting as Chair or leading a subgroup
25. Members shall, with the agreement of the Chair, be remunerated *pro rata* against the daily rate for representing the Council at public, industry or media events.
26. Members shall not be remunerated for time spent in travel to and from meetings or events, except where a member has to travel for more than a total of three hours in the course of a normal business day, in which case reimbursement for travel time will be calculated *pro rata* against the daily rate.

27. Observers shall not be remunerated for meeting attendance, events, or associated travel time.
28. For meetings of both the Council and any subgroups, and for events, members and observers shall be reimbursed for out-of-pocket travelling, meal and accommodation expenses actually and reasonably incurred, following submission of a receipt. The expectation is that standards of travel, accommodation, meals and other expenses are modest and appropriate to reflect public sector norms.

Administration and budget

29. MPI shall provide a secretariat which will be responsible for:
 - a) Supporting the Chair and subgroup leads to prepare meeting agendas;
 - b) Recording meeting minutes and action points;
 - c) Circulating meeting packs (agenda, minutes and any papers required);
 - d) Creating or commissioning papers for the Council meetings as required;
 - e) Procuring research and guest speakers on behalf of the Council if required;
 - f) Providing logistical support such as booking travel, accommodation, catering and conference venues as required; and
 - g) Administering remuneration and reimbursement as required.
30. MPI will hold an operating budget on behalf of the Council to fund its operations. Any expenditure or financial commitment by the Council must have prior approval from MPI.

Roles and Responsibilities

31. The Chair has the following roles and responsibilities:
 - a) Agree a forward work programme with the Minister of Agriculture and oversee the progression of the work in conjunction with the MPI secretariat;
 - b) Set meeting agendas, with the assistance of the MPI secretariat, and sign off meeting minutes;
 - c) Chair meetings, encouraging and modelling open communication where all members contribute effectively;

- d) Determine, with assistance from the MPI secretariat, what action is appropriate if a member has a potential conflict of interest; and
 - e) Represent the Council in any meetings with the Minister of Agriculture, MPI or other stakeholders, as required.
32. All Council members and observers have the following roles and responsibilities:
- a) Make every effort to attend each meeting and report anticipated absences to the MPI secretariat;
 - b) Prepare adequately prior to each meeting and participate actively in meetings, contributing to actions when agreed;
 - c) Bring matters of significance to the attention of the Council and use professional perspectives to undertake analysis or prepare advice as required;
 - d) Maintain a broad knowledge of the issues and interests that relate to the operations of the Council, taking an overall primary industries view, not regarding themselves as representatives or advocates for particular sectors or interests;
 - e) Comply with the Standards of Conduct in Appendix 1; and
 - f) Complete the conflict of interest declaration form in Appendix 2 and return it to the MPI secretariat.
33. In the event of a serious breach of any of these Terms of Reference or the Standards of Conduct in Appendix 1, the Minister of Agriculture may remove a member from the Council.

Appendix 1: Standards of Conduct

All members and observers are expected to adhere to the following principles:

Conflicts of interest

A conflict of interest will occur when a member's or an observer's private interest interferes, or appears to interfere, with an issue that faces the Council. A conflict of interest will also occur when there is a possibility that a benefit may apply to a sector, industry or organisation that they represent. A conflict of interest may be real or perceived.

Any situation that involves or may be expected to involve any real or potential conflict of interest must be declared immediately to the Chair, as soon as the conflict arises, using the form in Appendix 2.

At the discretion of the Chair, members and observers may participate in discussions about issues in which they have declared a conflict of interest.

Confidentiality and media

In order for the Council to operate effectively, members and observers must maintain the confidence of the group, including maintaining confidentiality of matters discussed at meetings, and any information or documents provided to the group. With the agreement of the Chair, members and observers may share information about the business of the group.

Where information is already in the public domain (through no fault of a member or observer), the confidentiality requirements do not apply to that information.

Members and observers must refrain from representing the Council, or commenting on the business of the Council, to the media.

The Chair may seek agreement from the Minister of Agriculture for the Council to release a media statement on any matter related to these Terms of Reference.

With the prior agreement of the Minister of Agriculture, a member may participate in a media interview or make some other public statement about the business of the Council.

Privacy Act 1993

Members and observers must at all times comply with the requirements of the Privacy Act 1993 and keep information about identifiable individuals confidential.

Official Information Act 1982

All information provided to the Council will be treated as official information under the Official Information Act 1982 and, subject to the requirements of that Act, may be released to the public if there are no grounds for withholding it.

If information is required to be released under the Official Information Act 1982 it will only be released to the extent necessary.

If MPI is considering releasing information under the Official Information Act 1982, MPI will consult with the person who provided the information before making a final decision on release.

Corporate opportunities

Members and observers must not exploit any opportunity that is discovered through access to information within the Council for their own personal gain or that of any industry, sector or organisation that they represent.

Transparency

All information should be provided in a manner that is timely, precise and easily understandable.

Fair dealing

Members and observers shall deal fairly with each other and shall not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts or any other unfair dealing practices.

Advocacy

Members and observers should avoid actively promoting a standpoint or cause of their industry and should rather participate in meetings with the aim of reaching an outcome that is acceptable to all participants.

State Services Standards of Integrity and Conduct

MPI staff have statutory demands under the State Services Standards of Integrity and Conduct. In the case of any conflict between the obligations outlined there and the ones in this document, those of the Standards and Integrity of Conduct shall preside.

Alternative obligations

Any alternative rules or statutes that govern members' or observers' standards of conduct shall continue to apply, but in any case of conflicting duties the Chair must be notified as soon as reasonably possible.

Appendix 2: Conflict of Interest declaration form

Primary Sector Council - Conflict of Interest Declaration Form

An actual conflict of interest arises in a situation where a candidate's private interest interferes or appears to interfere with an issue that faces the Primary Sector Council (the Council). Perceived or potential conflicts of interest exist in situations where a candidate of the Council, a family member or a close personal relation has private interests that interfere or appear to interfere with an issue that faces the Council.

A conflict of interest arises in a situation where there is a possibility that a benefit may apply to a sector, industry or organisation that a candidate may represent.

Name:	
<input type="checkbox"/> I declare that there are no conflicts of interest could compromise my objectivity, judgement, integrity or ability to perform the responsibilities of the Council.	
<input type="checkbox"/> I declare the following situation(s) that would cause a conflict of interest to exist	
Please describe how this conflict of interest will be managed:	
<input type="checkbox"/> I declare the following situation(s) that may be perceived as a conflict of interest	

Please describe how this conflict of interest will be managed:

Date:

Signed: