

Role of the Commission

ACIAR Commission Guidelines

Introduction

The Commission provides collective strategic high-level expert advice to the Minister. These Guidelines are intended to provide operational details to assist with the operation of the Commission. These Guidelines should be read in conjunction with the *Australian Centre for International Agricultural Research Act 1982*, as amended, (ACIAR Act) and the ACIAR Statement of Intent.

Consistent with its statutory obligations the Commission provides advice to the Minister in relation to:

- ACIAR programs and policies with respect to agricultural research;
- funding with respect to research programs, training schemes in relation to the research programs and the international agricultural research centres; and
- program and funding priorities and strategies.

The Commission can provide advice to the Minister, on the Minister's request, on any other matter relating to the ACIAR legislation. [ACIAR Act: Commission Part III]

In these ACIAR Commission Guidelines, the Commission describes processes for:

- A. its own tasks and activities;
- B. guidance on the management of the relationship between the Commission and the Policy Advisory Council;
- C. guidance on the management of the relationship between the Commission and CEO;
- D. its expectations about the role of the CEO; and
- E. enforcement and adoption of these Guidelines.

Governance arrangements for ACIAR are addressed in the Statements of Expectations and Intent.

A. Commission tasks and activities

Government

1. The Commission is accountable to the Australian Government.
2. The Commission will ensure that it receives regular information from ACIAR regarding the issues and concerns of the Government.

Constitution of the Commission [ACIAR Act: Commission Part III]

3. The Commissioners are appointed by the Governor-General on the recommendation of the Minister for Foreign Affairs.
4. The Commission consists of: (a) a Chair (who may or may not be the CEO); and (b) six other Commissioners, including the ACIAR CEO and normally including the Director General of AusAID.
5. The Commission membership provides a diversity of expertise and comprises suitably qualified scientific, development assistance and industry experts to rigorously assess ACIAR's research programs and policies and provide advice to the Minister.
6. Four Commissioners constitutes a quorum for a meeting of the Commission.

Role of the Commission

7. The Commission will fulfil its statutory obligations and deliver on its functions by providing strategic advice to the Minister, including in the following areas:
 - ACIAR's strategic directions and planning approvals with a particular emphasis on the Annual Operational Plan (AOP) and the longer-term Corporate Plan.
 - Assessments of ACIAR funding levels and resource allocations developed in the context of the AOP to achieve a best fit of expenditures across the various partner countries and the agricultural research areas which are managed by the Centre.
 - Research strategies and prioritisation at the program level. This could include provision of advice on particular research and development themes and actions to meet specific government priorities and/or requirements in partner countries as they arise, when requested by the Minister or the Department of Foreign Affairs and Trade (DFAT).
 - Country strategies, bearing in mind the necessity for ACIAR strategies to:
 - align with the overall strategy of the broader Australian aid program in each country;
 - accommodate the development needs and requirements of partner countries; and
 - reflect the availability of relevant technical skills within Australian partner organisations.
 - Advice on overall program implementation and strategies to enhance future communication and adoption pathways for ACIAR projects. This includes monitoring of program performance and evaluation results and lessons learned for future directions.
 - Promotion of ACIAR and its key relationships both in Australia and overseas. Commissioners can support the Minister and CEO in maintaining key relationships and establishing new partnerships for ACIAR in Australia and overseas.
 - Providing wider advice to the Minister (and DFAT) as requested on matters related to the ACIAR Act.
8. The Commission should have access to information as required to facilitate their strategic advisory role, including information on ACIAR's budget – proposals, priorities, formulation and performance.

9. The Commission will be informed on the ACIAR audit work program including the strategic audit program and its outcomes and, at the first meeting of each financial year, informed on the compliance audit plans for the coming year.

Conduct [ACIAR Act: Commission Part III]

10. Each Commission member will ensure that no action is taken that has the effect of placing his or her interests in priority to the interests of ACIAR. This will include written notice to the Minister of any direct or indirect pecuniary interest that may conflict with the proper performance of the Commissioners' functions to the Minister or the Commission and disclosure of the nature of the interest, as soon as possible after the facts have come to the Commissioner's knowledge, to a meeting of the Commission. The Commissioner must not be present during any deliberation or take part in any decision by the Commission on the matter. The disclosure of interest must be recorded in the minutes of the Commission meeting.
11. Members will commit to the collective group decision-making processes of the Commission. Commissioners will debate issues openly and constructively and be free to question or challenge the opinions presented at meetings where their judgement differs from that of others.
12. The Commission will hold at least four meetings in each financial year.
13. Voting at a meeting of the Commission will be by a majority of the Commissioners present and able to vote.
14. The Commission will generally meet at ACIAR House in Canberra although the Commission may meet in a partner country or an Australian state or territory and incorporate high-level stakeholder meetings and field visits to 'research for development' projects in the meeting agenda.
15. Meeting papers will be distributed in hard copy format at least one week in advance of the meeting. The duration of meetings will generally be three-quarters of a day dependent on the agenda.
16. Commissioners will use all reasonable endeavours to attend Commission meetings in person. Members unable to attend a meeting must advise the Chair as soon as practicable and Commissioners available but unable to physically attend the meeting, may take part in the meeting by teleconference facility.
17. Commissioners will periodically meet without the presence of the CEO and representatives of executive management when required.
18. Secretariat support will be provided to the Commission by ACIAR staff including: meeting arrangements and logistical support; preparation and distribution of agenda papers, minutes, correspondence, briefing and submissions to the Minister; and managing the paperwork for appointments.

Chair [ACIAR Act: Commission Part III]

19. The Chair will ensure the efficient and effective conduct of the Commission business.
20. The Chair will facilitate the work of the Commission at its meetings and be responsible for ensuring that the principles and processes of the Commission are maintained.

21. The Chair will set the agenda for each meeting in consultation with the CEO. Each year the Commission will develop a one-year forward agenda for its statutory four meetings each year.

Delegation by the Commission

22. The Commission can delegate by resolution all or any of its functions or powers under the Act to a Commissioner. The ACIAR Act [Part III, Division 4, 16J] specifies the scope of any delegation and deals with evidentiary matters.

B. Commission and the Policy Advisory Council [ACIAR Act: PAC Part IV]

23. The Policy Advisory Council (PAC) provides separate advice to the Minister on the agricultural problems of developing countries; the Council's membership is largely drawn from stakeholders in ACIAR's main partner countries.
24. To provide clarity of purpose and distinction of roles, between the Commission and the PAC, a person cannot be appointed as a Commissioner and as a member of the PAC. This provision is in keeping with the intention of not duplicating membership between the Commission and the PAC.
25. Membership consists of the President, Director General of AusAID (where the Director General is not a member of the Commission) or his/her nominee and 9 to 11 others. A substantial number of members are residents of main stakeholder countries and the members are appointed by the Minister.
26. A feature of the PAC membership is the high-level participation from key partner countries which provides for more specialised input on partner countries' national priorities for agricultural research and development and provides a direct consultative and advisory mechanism with and for the Minister. The advisory role of the PAC will complement rather than overlap the Commission's role.
27. The PAC will meet at least annually or more frequently if required and will endeavour to have the meeting coincide with one of the Commission meetings. The combined membership will also meet as a larger group to address matters of mutual interest. These Commission–PAC interactions will maintain linkages between the bodies, close dialogue and ensure strong and effective cooperation. The Commission Chair and members will also interact with PAC members throughout the year at other venues including through the Consultative Group on International Agricultural Research and its centres.
28. The Minister will arrange for a copy of any advice provided by the PAC to be provided to the Commission.

C. Commission and CEO relationship [ACIAR Act: CEO Part V]

29. The CEO is directly accountable to the Minister for the overall performance of the Centre.
30. In line with the above provision, the CEO is exclusively responsible for the administrative and financial management of ACIAR, reflecting the adoption of the executive management structure.

31. The CEO may be appointed as both the CEO and a Commissioner (including the Chair—see para 4). The CEO is a member of the Commission, thereby ensuring consistency in advice to the Minister. In the interests of maintaining flexibility, the Chair of the Commission could be appointed as the CEO.
32. The Commission does not have a role in the governance of the Centre. Instead, the Commission will provide a forum for strategic high-level dialogue to ensure expert advice is provided to the Minister on program formulation, priority setting, program and financial performance, and funding. This separation of roles between the Commission and the CEO reflects the new governance and accountability arrangements.

CEO performance

33. The Minister will determine performance pay based on the recommendations of the Portfolio Secretary, drawing from advice from the Commission Chair. The Commission will contribute to evaluation of CEO performance and to the formal performance appraisal each year, based on a work plan agreed for the performance period by the Commission Chair. This performance appraisal and remuneration will be in accordance with guidelines issued by the Remuneration Tribunal.
34. The CEO must prepare an annual report to the Minister on the operations of the Centre, containing financial statements and an audit report pertaining to those statements as well as all directions given by the Minister to the CEO and the Commission. The Minister must table a copy of the annual report in both Houses of Parliament.
35. Throughout the annual work cycle, the CEO will keep the Commission informed systematically in an open and transparent manner on the progress being made by ACIAR in achieving the objectives of the AOP.
36. The CEO will advise the Chair on all appointments of Research Program Managers, the Deputy CEO and the CFO.
37. The CEO will keep the Chair informed of developments that the CEO reasonably interprets could have significant longer-run implications for ACIAR.
38. The CEO will be responsible for ensuring that strong working relationships are maintained with partner countries. The CEO will be responsible for counterpart relations with agency heads in these partner countries.
39. The CEO will work closely and cooperatively with the DFAT and AusAID executive teams to ensure that ACIAR staff operate in a collegial manner with the Portfolio agencies and that ACIAR programs are an active component of the whole-of-government Official Development Assistance (ODA) efforts.
40. The CEO will advise the Commission towards the end of each financial year on the implementation of the AOP for that year and the ACIAR progress towards the Statements of Expectations and Intent that have been agreed with the Minister.

CEO recruitment

41. When the office of the CEO is vacated, the recruitment process will be led by the Portfolio Secretary. The Australian Public Service (APS) Commissioner (or his or her representative) will always be a full member of the assessment panel. The Portfolio Secretary decides on the composition of the assessment panel (other than the APS Commissioner). It is advisable that the Chair of the Commission or another member of

the Commission and/or the President of the PAC be on the assessment panel and participate in the selection process. ACIAR will fund all recruitment costs and provide secretariat support.

D. CEO limits

42. The Minister provides directions to the CEO concerning the performance of his/her functions, including the strategic direction of the Centre.
43. The CEO will always be guided by the provisions of the *Australian Centre for International Agricultural Research Act 1982*, *Financial Management and Accountability Act 1997*, *Public Service Act 1999* and the relevant subordinate instruments.
44. The CEO will not allow the culture of ACIAR to develop or subsist in a way that condones dishonest conduct or lack of integrity, respect or dignity in relationships among those involved in or effected by ACIAR activities.
45. The CEO will ensure decisions or actions are taken that maintain or enhance the reputation of ACIAR.
46. The CEO will ensure that ACIAR operates with appropriate policies, information systems and procedures to ensure that all key stakeholders – the Minister, DFAT and AusAID – receive timely and accurate information concerning progress against the AOP. The Minister's agreement to the AOP will be necessary each year, and Commission endorsement will be secured prior to it being provided to the Minister.

E. Enforcement

47. Under the ACIAR Act, the Minister is able to issue directions to the CEO (section 5A) and the Commission (section 16K). Also under the ACIAR Act (section 16k), the Governor-General may terminate the appointment of a Commissioner for misbehaviour or physical or mental incapacity and the Governor-General must terminate the appointment if a Commissioner becomes bankrupt and in related matters; is absent from three consecutive meetings of the Commission without leave of absence; or does not comply with disclosure of interests guidelines. These Guidelines are intended as a working document to clarify and guide the operations of the CEO, Commission and the engagement with the PAC, until otherwise amended.