FOOD STANDARDS Australia New Zealand
Te Mana Kounga Kai – Ahitereiria me Aotearoa

Food Standards Australia New Zealand Board

Charter

December 2025

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1. Introduction

Food Standards Australia New Zealand (FSANZ) (the Authority) is a statutory authority within the Australian Government Health portfolio, established by an Act of the Australian Parliament – the Food Standards Australia New Zealand Act 1991 (FSANZ Act).

Section 115 provides the affairs of the Authority are to be conducted by a Board to be known as the Board of Food Standards Australia New Zealand. The Authority's primary purpose is to develop draft food standards for Australia and New Zealand, in accordance with the FSANZ Act.

2. Purpose

The purpose of this Charter is to detail the role, responsibilities, composition and duties of the FSANZ Board in addition to providing guidance to Board members to ensure the effective operation and accountability of the Board as the Authority.[1]

The Charter, read in conjunction with the Board Governance Manual, serves as the overaraching policy document to govern the FSANZ Board.

3. Authority & scope

The FSANZ Act sets out the object, functions and powers of the Authority.[2] The Charter is derived from the FSANZ Act by the Board.

The functions, operations and governance of the Authority are also subject to the requirements set out by the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) in addition to other governing legislation. The Board members collectively are the 'Accountable Authority' of the Authority (see section 12 of the PGPA Act).

The PGPA Act regulates the governance arrangements for Corporate Commonwealth Entities such as FSANZ, and establishes planning, performance and accountability requirements. Board members are deemed 'officials' for the purposes of the PGPA Act.[3]

Annexure 1 sets out the Board's functions and powers in accordance with the FSANZ Act.

4. Delegations of authority

The Board has delegated authority under the FSANZ Act. It may delegate to a member of the Board, or to a senior member of the staff of the Authority, all or any of its powers under this Act, other than its powers to act on behalf of the Authority in accordance with the requirements of section 150 of the FSANZ Act. The FSANZ Board Delegation 2024 Instrument sets out the specific requirements for the delegation of powers derived from the FSANZ Act.

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[1] S115, *Food Standards Australia New Zealand Act, 1991*.
[2] S3, s13, s14, *Food Standards Australia New Zealand Act*, 1991.
[3] S25 *Public Governance, Performance and Accountability Act 2013* (PGPA Act)

5. Role of the Board

5.1 Composition

Section 116 of the FSANZ Act prescribes a 12 member Board. The membership of the Board as follows:

- a Chair
- the Chief Executive Officer (CEO), an ex officio member
- 10 other members drawn from a range of specialist areas

5.2 Appointment

Under section 117 of the FSANZ Act, all members of the FSANZ Board other than the CEO are appointed by the Australian Minister for Health (the Minister) in consultation with the Food Ministers' Meeting and the New Zealand lead minister.

The Minister determines the period of appointment up to four years, and any appointed Board member is eligble for reappointment for an additional term. Should the Minister not make a decision to reappoint a member before the cessation of a members first term, the members term is extended for a period of 6 months.

5.3 Termination

Section 127 of the FSANZ Act prescribes the circumstances Board member appointments may be terminated by the Minister including:

- Misbehaviour
- Physical or mental incapacity
- Bankruptcy
- Failure to disclose interets
- Enagement in paid employment which, in the Ministers opinion, conflicts with the proper performance of the member's functions
- Absence from duty for extended unapproved periods.

The appointment of a Board member may also be terminated under section 30 of the PGPA Act which deals with terminating the appointment of an accountable authority, or a member of an accountable authority, for contravening general duties of officials.

5.4 Resignation

Under section 126 of the FSANZ Act, a Board member may resign by instrument in writing delivered to the Minister.

5.5 Board member remuneration

The remuneration paid to Board Members is determined by the Remuneration Tribunal in accordance with the *Remuneration Tribunal Act 1973* and section 119 of the FSANZ Act.

5.6 Responsibilities & duties

The Board is accountable to the Australian Government for the governance, overall strategy and performance of the Authority and has a range of responsibilities and duties derived from its legislated obligations.

Sections 15 to 19 of the PGPA Act require the Board to govern the Authority in a way that promotes the proper use and management of public resources for which the Authority is responsible, promotes the achievement of the purposes of the Authority, and promotes its financial sustainability. In making decisions for these purposes, the Board must take into account the effect of those decisions on public resources generally.

A list (including but not limited to) the Board's responsibilitie and duties can be found at **Annexure 2**.

5.7 Role of the Board Chair

In addition to their duties and activities undertaken as a Board member, the Chair will:

- provide leadership for the Board and the Authority's staff
- facilitate and, with the Board, set strategic priorities for the Authority
- encourage the identification of issues that need to be discussed by the Board and ensure time is available either during or in association with Board meetings for these discussions to occur
- ensure meetings are managed efficiently and effectively and that all items on the agenda are appropriately discussed
- encourage members to prepare for and participate in meetings fully and effectively
- actively encourage members to maintain and improve their non-executive director skills
- act as mentor and advisor, and facilitate professional development, of individual members
- provide support for and liaise with the CEO on Board and other appropriate matters
- liaise and communicate with the Minister, the Food Ministers' Forum and individual ministers
- promote the effectiveness of the Board's deliberations and liaise with stakeholders
- be the spokesperson for the Board
- in accordance with agreed procedures, lead a recruitment process to select and appoint a CEO for the Authority
- monitor, assess and provide feedback on the performance of the CEO in consultation with Board members

5.8 Role of the CEO

The CEO is responsible for the day-to-day administration of the Authority and the control of its operations[4]. The role of the CEO includes:

- the agency head, as the employer under the PS Act, incorporating decisions relating to employment

[4] Subsection 129(1) of the FSANZ Act.

- providing leadership to the Authority's staff
- maintaining regular contact with the Chair and keeping the Chair informed of developments which might require action to be taken on the Board's behalf
- reporting regularly to the Board on key issues affecting the Authority, including operational and management matters
- overseeing planning, including identifying aims and objectives and the strategies required to achieve the Authority's mission
- presenting the Authority's budget, and assumptions behind the budget, for the Board's approval, and managing the Authority's resources
- acting as the spokesperson and representative for the Authority in public and to stakeholders
- articulating the Authority's vision and creating the right internal climate for staff
- attracting, recruiting and retaining high performing staff.

5.9 Role of the Secretariat

The Board is supported by the Board Secretariat who is responsible for the day-to-day management and operations of the FSANZ Board. The role of the Board Secretariat includes:

- arranging all Board and Committee meetings and ensuring that proper and accurate minutes are taken of those meetings
- preparing and maintaining draft minutes, action plans, work plans and monitoring the completion of actions arising from Board and Committee meetings
- ensuring Board members have access to and receive all papers for Board and Committee meetings
- maintaining records of Board and Committee minutes, resolutions and correspondence
- managing the Board's declarations and conflicts of interest in accrodance with the requirements of the FSANZ Act and PGPA Act
- supporting the Chair of the Board and all Board Members in relation to any and all administrative and other requirements
- acting as a liaison point between the Board and FSANZ staff
- organising and facilitiating the induction and professional development of the Board
- monitoring compliance of FSANZ Board members activites

6. Committees

6.1 Committees

The Board may establish such committees[5] as it sees fit to assist it in carrying out its functions, and may abolish any such committee. The Board may form ad-hoc sub-committees or working groups to consider specific matters and to operate for a fixed or limited term. Sub-committees or working groups are advisory and do not have authority to make decisions on behalf of the Board.

The Board has established the Finance, Audit and Risk Maangement Committee in

[5] Section 118 of the FSANZ Act.

accordance with section 45 of the PGPA Act.

6.2 Committee Charters

The Board will adopt a charter for each committee that is formed. The Charter will be reviewed by the Board at least once in every two year period. The Charter will set out the responsibilities delegated by the Board to the committee, its composition and operations. Each committee may assist with discharging specific responsibilities of the Board and make recommendations to the Board for a decision in relation to any matter within its responsibility.

7. Board Meetings

7.1 Frequency

The Board must hold such meetings as are necessary for the efficient performance of its functions.[6] The Board has agreed to meet face-to face at least 4 times a year and convene through videoconferences as required.

7.2 Presiding at Board meetings

The Chair of the Board will preside over all Board meetings they are present[7]. If the Chair is not present at a Board meeting and is unable to nominate a deputy, the Board members present will appoint a member to preside over the meeting.[8]

7.3 Voting at Board meetings

If a decision is to be determined by voting, it shall be decided by the majority of votes of Board members who are eligible to vote and are present and voting.[9] The Chair, or the member presiding at a meeting if the Chair is not present, has a deliberative vote and, if necessary, also has a casting vote.[10]

7.4 Quorum

A majority of the members appointed to the Board shall constitute a quorum at a meeting of the Board.[11]

7.5 Agenda, minutes and work plan

The preparation of all meeting agendas is coordinated by the Board Secretariat, under the direction of the meeting Chair, and in consultation with the CEO.

Key actions will be reviewed before the end of the Board meeting to ensure they are agreed by the Board. The minutes of meeting will be endorsed by the Board as the official record of the meeting. The Committee will develop a forward Board work plan that includes the dates, location and proposed agenda items for each meeting for the forthcoming year, and that covers all the responsibilities outlined in this Charter.

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[6] Subsection 122(1) of the FSANZ Act. However, the Chair of the Board may convene a Board meeting at any time (paragraph 122(2)(a), and must convene a Board meeting if at least three other members make a request in writing for a Board meeting to be held (paragraph 122(2)(b)).
[7] Subsection 122(3) of the FSANZ Act.
[8] Subsection 122(4) of the FSANZ Act.
[9] Subsection 122(6) of the FSANZ Act.
[10] Subsection 122(7) of the FSANZ Act
[11] Subsection 122(5) of the FSANZ Act

7.6 Resolutions without meetings

The Board may consider and make a decision matters without a meeting, with the exception of decisions relating to Applications and Proposals (see 7.7). A resolution is taken to have been passed if:

(a) without meeting, a majority of the number of members indicate agreement with the resolution in accordance with the method determined by the Board; and

(b) that majority would, if present at a meeting of the Board, have constituted a quorum.

7.7 Out-of-session Board approval

Section 124 of the FSANZ Act authorises the Board to pass resolutions other than at a formal meeting. It provides a resolution shall be deemed to have been passed at a formal meeting of the Board if:

- a consensus in accordance with the method determined by the Board; and
- if one or more Board members vote 'No', the draft regulatory measure shall be listed for consideration and approval at the next Board meeting.

7.8 Board Communiqués

At the conclusion of every Board meeting, a Communiqué is approved for publication which summarises the Board's Decisions and provides any information relevant to stakeholders.

8. Board conduct & performance

8.1 Code of Conduct & interaction with Authority staff

As statutory office holders, Board members are bound by the APS Code of Conduct only to the extent they are assisted by, or deal with, APS employees in a supervisory capacity or other capacity related to the Board members' day-to-day working relationship with APS employees. APS employees are governed by the PS Act which requires them to adhere (as a matter of law) to principles including:

- honesty and integrity;
- equitable service to the public;
- provision of frank and comprehensive advice;
- a strong emphasis on responsiveness to the government, the Parliament and the community;
- party-political impartiality
- staffing based on merit.

Without limitation to Board members legal obligations applicable to their conduct as a Board member, Board members must:

- behave in a manner that is consistent with the standards required of FSANZ employees under the APS Code of Conduct; and
- comply with all FSANZ policies and procedures specified as applicable to Board members.

8.2 Conflicts of interest

FSANZ Board members are subject to a number of legislative provisions relating to conflicts of interest. These include:

- FSANZ Act;
- the PGPA Act and the PGPA Rule; and
- the Public Service Act 1999 and Public Service Regulations in limited circumstances.

Section 125 of the FSANZ Act and section 29 of the PGPA Act prescribe the requirements for the disclosure of material personal interests for FSANZ Board members and the requirement to publish a register of interests on FSANZ's website.

In addition, FSANZ Board members are also subject to conflict of interest obligations that arise from their fiduciary duties to FSANZ.

Board members must disclose material personal interests, percieved and potential conflicts as soon as the relevant facts have come to light.

The Board as a whole has responsibility to manage disclosures in accordance with the Authority's Management of Conflicts of Interest Policy for FSANZ Board members.

A Board member who has a material personal interest in a matter being considered or about to be considered by the Board outside of a formal meeting under section 124 of the FSANZ Act must, as soon as practicable after becoming aware of the relevant facts, disclose the nature of that interest to the Minister.

Maintaining trust and confidence in decision-makers is critical and the Board takes a very conservative and transparent approach to managing conflicts of interest. Board members must take all reasonable steps to avoid material personal interests and, in the spirit of the Board's pro-diclosure culture, should disclose all conflicts of interest, including potential or percieved conflicts.

The Minister may terminate the appointment of a Board member who fails to comply with disclosure obligations without reasonable excuse.

8.3 Gifts and benefits

The receipt of a gift or benefit may result in an actual or perceived conflict of interest, or be seen as a benefit gained through duties, status, power or authority.

Board members must declare the receipt of any gifts and benefits in accordance with the requirements of the FSANZ Gifts and Benefits Policy and their duties derived from the PGPA Act.

All declared items will be recorded in the master Gifts and Benefits Register and gifts or benefits received with a value of $100 or more will be published on the FSANZ website in accordance with the Australian Public Service Commission (APSC) guidance material.

8.4 Confidentiality

All Board meeting material including gendas, meeting papers and minutes for are marked with the information security classification “OFFICIAL” (unless a higher information security classification is applicable).

Board papers and discussions at Board meetings are confidential. Board members are not authorised to disclose any confidential information that they receive in their capacity as Board members to third parties except with the prior consent of the Board, Chair or CEO.

Board members are responsible for preventing unauthorised access of all confidential information in their possession. Board members must notify the Chair if they believe confidential information has been accessed by any unauthorised person.

8.5 Communications with third parties

To ensure the effective operation of the Board, Board members must foster a collective working relationship based on trust and openness. Protocols for communication amongst Board members, between the Board and management, and between the Board and stakeholders, are agreed and reviewed from time to time.

The Chair is the spokesperson for the Board and the CEO is the spokesperson for FSANZ. Other Board Members should not comment to third parties about FSANZ’s strategy, operations or views on particular issues without the prior consent of the Chair.

The Chair is the principal representative for communication between FSANZ, the Minister and the Finance Minister, by means of both written reports and face-to-face meetings. The Chair keeps the Board informed of responses received from Ministers and of any meetings.

From time to time, there will be contact from stakeholders with individual Board members. Board members must inform the Chair and CEO of the content of all such contact. The Chair, likewise, will keep Board members informed of contacts. Where a Board response is required to a contact from an individual stakeholder, it will be provided from the Chair or, if appropriate, be delegated to management for response.

8.6 Board culture

The Board ensures a strong corporate culture at FSANZ by promoting respectful, open communication between Board members and management. It also encourages information sharing and publishing in line with Australian Government agency standards.

8.7 Additional information & independent advice

Board members are entitled to request and receive such additional information as they consider necessary to support informed decision making. Any Board member has the authority to seek any information required and the Authority must comply with such requests. All requests for information, and responses to requests, must be communicated through the Chair to the CEO. Board members should not contact staff

directly unless that contact is approved by the Chair and CEO.

A member is entitled to seek independent professional advice (including but not limited to legal, accounting and financial advice) at the Authority's expense on any matter connected with the discharge of his or her responsibilities, with the prior written approval of the Chair. If approved by the Chair, the CEO will facilitate the obtaining of the advice and its communication to all Board members.

9. Non-Executive Board member support

9.1 Induction and ongoing Training

New Board members will be offered a formal induction program. The content of the program is determined by the Chair and the CEO, and the program is co-ordinated by the Board Secretariat. Each induction program is tailored to suit the skills, knowledge and experience of the member and any specific knowledge they require to enable them to discharge their responsibilities effectively and add value.

9.2 Professional development

Board members will have the opportunity to undertake professional development training and will periodically review when this may be required in order for them to maintain the skills and knowledge needed to perform their roles effectively. The Board will regularly assess whether the Board members as a group have the skills, knowledge and experience to deal with new and emerging business and governance issues.

9.3 Travel and accommodation

The travel and accommodation entitlements of Board members (including class of travel) are determined by the Remuneration Tribunal.

9.4 Indemnities and insurance

FSANZ maintains an insurance policy through Comcover providing Directors and Officials (subject to the conditions, exclusions and limits on the policy) insurance for public liability, professional indemnity, directors and officers liability, property, international travel and personal accidents.

10. Board performance and review

10.1 Review

The Board will periodically review the Board and Board Committee charters at least once in each two-year period and approve any amendments as it considers appropriate.

10.2 Board performance

The Board will review its performance, and the performance of each of the Board Committees, from time to time as it deems appropriate, but in any event no less than biennially. The form of any such review will be at the discretion of the Chairperson but, at a minimum, will involve the members conducting a self-assessment of their performance against the Charter.

Annexure 1 Functions

Annexure 1

Functions

The functions of the Authority as set out in section 13 of the FSANZ Act are as follows:

(a) in accordance with this Act, to develop standards and variations of standards, and to review standards and variations of standards; and

(b) in accordance with this Act, to develop codes of practice and variations of codes of practice for industry and to review codes of practice; and

(c) to develop guidelines to assist the interpretation of the Australia New Zealand Food Standards Code on its own initiative or in consultation with the States, the Territories and any other body or person that the Authority considers appropriate; and

(d) to promote consistency between standards in Australia and New Zealand with those used internationally, based on the best available scientific evidence; and

(e) in consultation with the States and Territories, or on its own initiative, to facilitate the harmonisation of State and Territory laws relating to food; and

(f) in consultation with the States and Territories, or on its own initiative, to co-ordinate the development of procedures required to implement requirements set out in standards; and

(g) in consultation with the States and Territories, to co-ordinate the monitoring, surveillance and enforcement of activities relating to food available in Australia; and

(h) in consultation with the States and Territories, or on its own initiative, to conduct research and surveys in relation to any of the matters that may be included in a standard; and

(i) in co-operation with the States and Territories, to develop food education initiatives, including the publication of information to increase public awareness of food standards and food labels; and

(ia) to provide information, on request by a member of the public, about the Australia New Zealand Food Standards Code; and

(j) in co-operation with the Department administered by the Minister administering Part 3-3 of Schedule 2 to the *Competition and Consumer Act 2010*, as that Part applies as a law of the Commonwealth, to co-ordinate the recall of food under that Part; and

(k) at the request of the States and Territories, to co-ordinate action by the States and Territories to recall food under State and Territory laws; and

(l) to develop assessment policies in relation to food imported into Australia; and

(m) to provide advice to the Minister on matters relating to food; and

(n) to participate in international, regional and bilateral negotiations on matters that may be included in standards; and

(o) to make the Authority's knowledge, expertise, equipment, facilities and intellectual property available to other persons on a commercial basis; and

(p) at the request of New Zealand, to perform functions for New Zealand similar to the functions that the Authority may perform in relation to the States and Territories; and

(q) at the request of New Zealand, to perform functions for New Zealand similar to the other functions that the Authority may perform; and

(qa) such other functions as are conferred on the Authority by this Act; and

(r) any functions incidental to any of the foregoing functions.

Powers

The powers of the authority as set out in section 13 of the FSANZ Act are as follows:

(1) The Authority has power to do all things necessary or convenient to be done in connection with the performance of its functions and, in particular, may:

(a) enter into contracts; and

(b) acquire, hold and dispose of real or personal property; and

(c) occupy, use and control any land or building owned, or held under lease, by the Commonwealth and made available for the purposes of the Authority; and

(d) engage persons to perform services for the Authority; and

(e) provide assistance to bodies or persons to prepare submissions:

(i) relating to the development or consideration of draft food regulatory measures or draft variations of food regulatory measures; or

(ii) relating to the performance of any other function of the Authority;

if the Authority determines that such assistance will advance the development or consideration of that draft or the performance of that

other function; and

(f) accept gifts, grants, bequests and advances made to the Authority (whether on trust or otherwise) and act as trustee of money or other property vested in the Authority on trust; and

(fa) form, or participate in the formation of, companies; and

(fb) subscribe for or purchase shares in, or debentures and other securities of, companies; and

(fc) participate in partnerships, trusts and unincorporated joint ventures; and

(g) do anything incidental to any of its powers.

(2) The powers of the Authority may be exercised within or outside Australia.

Annexure 2 Board Responsibilities and Duties

1. Ensure the Authority performs its functions and exercises its powers in compliance with the FSANZ Act, the PGPA Act and all other relevant legislation.
2. Ensure the Authority complies with any applicable government policy orders.
3. Be independent.
4. Pursue the legislative objectives of the Authority.
5. Pursue agreed strategic priorities of the Authority.
6. Act with due diligence, care and good faith and be committed to act in the best interests of the Authority
7. Be entitled to be heard at all meetings and bring independent judgment to bear in decision making.
8. Work to support public confidence in the Authority.
9. Develop, strengthen, maintain and expand professional networks with respect to the Authority.
10. Deal with other members, staff and stakeholders with courtesy and respect.
11. Maintain confidentiality.
12. Disclose any material personal interest that relates to the affairs of the Authority to each other Board member as soon as practicable after becoming aware of the interest, including details of the nature and extent of the interest and how it relates to the Authority, and not be present if the matter is considered at a Board meeting and not vote on the matter, unless formally authorised.
13. Not engage in any paid employment that, in the opinion of the Minister, conflicts with the proper performance of the functions of the Board member.
14. Without limitation to their statutory obligations in relation to material personal interests:
    - ensure that any personal interests or roles do not influence or interfere with the proper performance of their responsibilities and duties as a Board member;
    - identify any actual, perceived or potential conflicts of interest (whether conflicts of personal interest or conflicts of roles) that may relate to the affairs of the Authority;
    - disclose to the Board any actual, material, perceived or potential conflict of interest as soon as practicable after becoming aware of the conflict, specifying the nature and extent of the conflict and how the conflict relates to the affairs of the Authority; and
    - take all appropriate actions to resolve any conflict of interest, including actions directed by the Board.

15. Without limitation to their legal obligations applicable to their conduct as a Board member:
    - behave in a manner that is consistent with the standards required of FSANZ employees under the APS Code of Conduct, including to uphold the FSANZ Values; and
    - comply with all FSANZ policies and procedures specified as applicable to Board members.
16. Prepare for meetings, attend meetings and participate actively in discussions, raise concerns, and hold the Authority staff and management accountable.
17. Not improperly use their position, or any information gained as a result of their position as a Board member, to gain, or seek to gain, a benefit or an advantage for themselves or any other person.
18. Prepare FSANZ's corporate plan (and annual operational plan) and submit the plan to the Minister for approval.
19. Measure and assess the performance of FSANZ in achieving its purposes, prepare annual performance statements to be included in the annual report and ensure records are kept that explain FSANZ's performance.
20. Establish and maintain appropriate systems for risk oversight and management and internal control for FSANZ, take all reasonable measures to prevent, detect and deal with fraud, and ensure FSANZ has an audit committee.
21. Oversee FSANZ's finances, including preparing annual budget estimates, ensuring proper accounts and records are kept of transactions and financial position, prepare annual financial statements to be submitted to the Auditor-General and recording in writing as soon as practicable any approval of a commitment of relevant money for which the Board is responsible.
22. Prepare FSANZ's annual report, including annual financial statements, annual performance statements and Auditor-General's report, and submit these to the Minister for presentation to the Parliament.
23. Keep the Minister informed of FSANZ's activities, significant decisions and significant issues that have affected or may affect FSANZ.
24. Oversee the performance of the CEO.
25. Comply with any duty or obligation under the Work Health and Safety Act 2011 (WHS Act).
26. Govern FSANZ in a way that, and in making decisions for the above purposes, take into account the effect of those decisions on public resources generally to promotes the proper (efficient, economical and ethical) use and management of public resources (including money) for which FSANZ is responsible.