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# Home Affairs Portfolio Board Terms of Reference

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# Table of Contents

1.	Role	3
2.	Authority	3
3.	Responsibilities	3
4.	Membership	4
5.	Quorum	4
6.	Meetings	5
7.	Administrative Support	5
8.	Meeting Papers and Consultation	6
9.	Review of the Terms of Reference	6

# Home Affairs Portfolio Board – Terms of Reference

## 1. Role

- 1.1. The Home Affairs Portfolio Board (the Board) is the Home Affairs Portfolio's premier strategic forum focused on future facing Portfolio-wide issues, priorities, programmes and initiatives.
- 1.2. The Board will operate in accordance with the principles of:
  - transparent and open decision-making
  - clearly defined roles and responsibilities, including accountability and delegation for decision-making (where appropriate)
  - evidence-based decision-making
  - close collaboration across the Portfolio, including the effective and timely communication of decisions and actions to all relevant stakeholders
  - working with stakeholders to build Portfolio capability and resilience.

## 2. Authority

- 2.1. The Secretary and Portfolio Agency Heads agreed to establish the Board on 8 August 2019.
- 2.2. The Board does not supercede authorisations, powers or responsibilities under Australian legislation or regulation.
- 2.3. The Board may establish lower-level supporting governance and advisory bodies to provide advice and recommendations.
- 2.4. The Board will oversee the Home Affairs Portfolio Chief Operating Officers' Committee and its subordinate Portfolio Efficiencies and Services Committee.

## 3. Responsibilities

- 3.1. In acquitting the Board's role, the Board will consider, discuss, decide and oversee strategic issues affecting the Portfolio, including:
  - the Government's agenda
  - major threats and risks
  - Portfolio strategies and priorities
  - Portfolio service delivery
  - Portfolio planning and performance issues
  - Portfolio financial planning and budget strategy
  - Portfolio intelligence and data sharing
  - Portfolio capability development and acquisition
  - Portfolio information and communications technology and systems
  - Portfolio leadership, integrity, culture and values

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- where appropriate, cross-agency workforce mobility.
- 3.2. The Chair will conduct meetings in accordance with the Board principles (refer 1.2) and agenda to enable Board member participation, discussion, problem solving and decision-making.
- 3.3. The role of members is to:
  - attend meetings and actively participate in discussion of agenda items
  - provide advice on items under consideration as required
  - present their agenda items.
- 3.4. Board members will collaboratively set the Board's forward work program.
- 3.5. Board members will suggest and sponsor agenda items.
- 3.6. The Board will engage in collegiate discussion to resolve issues and make decisions. Decision-making will be by consensus and Board members will cooperate in the implementation of agreed strategy outcomes, plans and approved agenda items.
- 3.7. The performance of duties and functions by the Board members will be subject to their legislative and financial responsibilities as accountable authorities under the *Public Governance, Performance and Accountability Act 2013* and as agency heads under other applicable legislation.
- 3.8. In order to maintain transparent decision-making and to avoid the appearance of a conflict of interest, members must disclose any actual, apparent or potential conflict of interest to the Chair, and take action to avoid or manage the conflict. Members may be required to recuse themselves from the relevant agenda item discussion.

## 4. Membership

- 4.1. Board membership comprises:
  - Secretary, Department of Home Affairs (Chair)
  - Commissioner, Australian Border Force
  - Director-General of Security, Australian Security Intelligence Organisation
  - Commissioner, Australian Federal Police
  - Chief Executive Officer, Australian Criminal Intelligence Commission and Director of the Australian Institute of Criminology
  - Chief Executive Officer, AUSTRAC.
- 4.2. Secretariat Services will be facilitated by the Department of Home Affairs, First Assistant Secretary, Executive Division.
- 4.3. Subject matter experts (non-members) may be invited by the Chair or a member to provide specialist advice or subject matter expertise to support the Board in consideration of a particular agenda item.
- 4.4. Observers, including those at 4.2 and 4.3 do not have any decision-making rights.

## 5. Quorum

- 5.1. A minimum of four Board members (including the Chair) are required to be in attendance for any Board meeting, or in order for decisions/action items to be made, otherwise the meeting should be rescheduled.

- 5.2. Members may only be represented by a person performing their duties (i.e. formal acting arrangements must be in place). Deputies may attend with the agreement of the Chair, for unavoidable or urgent short term unavailability. No decision binds an agency that was not present at the meeting when a decision is made, or did not otherwise provide their prior support.
- 5.3. Should the Chair be unavailable, only a substantive member may chair.
- 5.4. Observers or secretariat representatives do not contribute to the number of attendees necessary to establish a quorum.

## **6. Meetings**

- 6.1. The Board will meet monthly or as directed by the Chair.
- 6.2. Out-of-session considerations and extraordinary meetings may proceed with the agreement of the Chair.
- 6.3. At each meeting, the agenda for the following meeting will be endorsed. Once an agenda has been endorsed and distributed, changes to the agenda will be considered by the Secretariat and, where necessary, elevated to the relevant member or Chair for consideration.

## **7. Administrative Support**

- 7.1. Administrative and Secretariat support is provided to the Board by the Executive Division, Department of Home Affairs.
- 7.2. Secretariat responsibilities include:
  - providing high-level strategic support to the Board
  - ensuring agenda items continue to appropriately support the work of the Board
  - ensuring that the Board is focused on matters that are consistent with its role and purpose
  - developing a 12-month forward work program, from which meeting agendas will be derived
  - ensuring appropriate sequencing of agenda items
  - developing draft meeting agendas for each meeting from the Board-established forward work program
  - engaging with agencies and divisions responsible for agenda items to ensure timely receipt of papers and attendance of advisors as required
  - ensuring submitted papers comply with the template and liaising with the drafters if corrections are required
  - disseminating meeting papers no later than one week prior to a scheduled meeting
  - drafting and distributing meeting decisions and action items to Board members within a week of each meeting
  - finalising meeting decisions and action items for endorsement at the following meeting
  - maintaining the action items register and monitoring the completion of action items, ensuring action items are progressed in a timely manner
  - ensuring alignment with and de-conflicting any matters being considered by the Board as well as by other senior committees

- issuing meeting invitations and providing administrative and logistics support before, during and after meetings

## **8. Meeting Papers and Consultation**

- 8.1. Wherever feasible, papers should be short and concise (1-2 pages maximum), outcome-oriented and not solely for noting. Papers for noting may be included in the packs, with no time assigned to the item during the meeting.
- 8.2. Papers must clearly articulate any risks, sensitivities and financial considerations, and describe any known disparate views.
- 8.3. Broad and thorough consultation across the Portfolio must be undertaken prior to the submission of papers, and a list of those consulted and any concerns not resolved included.
- 8.4. Meeting papers must be provided on the approved template, and must be endorsed by the relevant Board member. Papers must be provided to the Secretariat mailbox by the requested due date.
- 8.5. Members will be invited to provide comments on the draft meeting decisions and action items within five business days to facilitate endorsement at the following meeting.

## **9. Review of the Terms of Reference**

- 9.1. The Secretariat will review these Terms of Reference annually, or when new or updated Ministerial Directives are issued.
- 9.2. The Board will consider and amend the Terms of Reference as necessary.
- 9.3. Endorsed Terms of Reference will be published on all Portfolio agency internet sites.