

## INFORMATION PAPER REGARDING THE ESTABLISHMENT OF LOCAL ADVISORY BOARDS UNDER THE COMMISSIONER FOR KANGAROO ISLAND ACT, 2014

This Information Paper has been prepared by the Office of the Commissioner for Kangaroo Island to provide background information on the relevant provisions of the *Commissioner for Kangaroo Island Act* regarding the establishment of Local Advisory Boards and the development of the Terms of Reference for their operations.

In preparing this Information Paper regard was given to relevant State Government circulars and instructions in relation to the operation of similar Advisory Boards, which are listed in the [References](#) section.

### 1. WHAT IS A LOCAL ADVISORY BOARD?

A Local Advisory Board is a body formed to provide advice to the Commissioner for Kangaroo Island on a specific matter. Section 16 of the *Commissioner for Kangaroo Island Act* states:

*The function of a Local Advisory Board is to provide advice to the Commissioner in relation to any matter referred to the board by the Commissioner (and in particular in relation to any management plan or proposed management plan referred to the board).*

### 2. HOW IS A LOCAL ADVISORY BOARD ESTABLISHED?

The Commissioner for Kangaroo Island can establish Local Advisory Boards under Section 15 of the *Commissioner for Kangaroo Island Act*, which states:

(1) *The Commissioner—*

*(a) may establish such Local advisory boards as the Commissioner thinks fit; and*

*(b) must consult with a Local advisory board in relation to each management plan or proposed management plan.*

(2) *The Commissioner may appoint such members of a local advisory board as the Commissioner thinks fit.*

(3) *The Commissioner must undertake consultation (in such manner as the Commissioner thinks fit) with the Kangaroo Island Council in relation to any proposed appointment under this section.*

(4) *The Commissioner must not appoint a person as a member of a Local advisory board unless the Commissioner is of the opinion that the person has qualifications, knowledge or experience relevant to the functions of the board.*

(5) *The Commissioner will determine who will be the presiding member of a local advisory board.*

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*(6) The procedures to be observed in relation to the conduct of the business of a local advisory board will be—*

*(a) as determined by the board; and*

*(b) insofar as a procedure is not determined under paragraph (a)—as determined by the Commissioner.*

*(7) If the Public Sector (Honesty and Accountability) Act 1995 would not, apart from this section, apply to a member of a local advisory board, that Act applies to the member in the same way as to an advisory body member within the meaning of that Act.*

### **3. WHAT CONSULTATION IS REQUIRED WHEN ESTABLISHING A LOCAL ADVISORY BOARD?**

Section 15(3) requires that the Commissioner “must undertake consultation (in such manner as the Commissioner sees fit) with the Kangaroo Island Council in relation to any proposed appointment” of Advisory Board members. The Commissioner has determined that to satisfy this provision she will form a “Kangaroo Island Council Local Advisory Board Consultation Panel”. The Panel will comprise:

- The Mayor
- Deputy Mayor
- One Councillor determined by the Council \*
- The CEO

\*The Council will nominate a Councillor to the Panel for each of the Local Advisory Boards depending on the Board’s subject and nature. However, the other Panel members will remain the same for each Local Advisory Board.

The Panel will consider the nominations received by the Commissioner following invitations to the public, State Government agencies, industry and peak bodies on the Island and other relevant sources.

The Commissioner will determine the final appointments to the boards having regard to the outcomes of the consultation process with the Panel.

### **4. THE TERMS OF REFERENCE FOR A LOCAL ADVISORY BOARD**

When the Commissioner establishes a Local Advisory Board a Terms of Reference will be prepared to guide the work of the Board. The Terms of Reference provided to a Local Advisory Board will be reviewed at the first meeting of the Board upon which the Commissioner will receive feedback on its scope and will consider any suggestions for alteration.

The Commissioner has determined that the Terms of Reference will generally include information related to the:

- functions and responsibilities of the Local Advisory Board so as to ensure that all members and stakeholders are clear about its activities;

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- reporting arrangements to the Commissioner;
- sunset date for the Board;
- Board composition;
- selection process for Board members, including the manner in which consultation will occur with the Kangaroo Island Council;
- management of vacancies that may arise on the Board;
- meeting procedures;
- budget allocated to the Board and the manner in which additional funds will be sought;
- sitting fees for Board members;
- resources provided as part of the induction process for Board members;
- administrative and other support provided to the Board;
- compliance with legislation regarding Board membership;
- personal liability of Board members;
- review of Board membership and its Terms of Reference.

## 5. Membership of Local Advisory Boards

In identifying members for appointment to Local Advisory Boards, the Commissioner will prepare a nomination form seeking information about the nominees' skills, knowledge and experience relevant to the role and functions of the Board.

### Appointment of Local Advisory Board Members

Nominations for membership of Advisory Boards will generally be sought from:

- relevant industry or other peak bodies on Kangaroo Island;
- relevant State Government agencies;
- Kangaroo Island Council;
- Kangaroo Island community (by placing an advertisement in *The Islander*);
- other identified stakeholders.

The selection of Board members will be determined by the Commissioner following consultation with the Council as outlined in [Section 3](#).

The Commissioner is committed to ensuring a gender balance on Boards.

The Commissioner will be an ex officio member of each board formed.

### Appointment of a Presiding Member

The Commissioner, under the Act, will determine the Presiding Member for each Local Advisory Board and when doing so will seek to appoint persons who demonstrate:

- experience in chairing meetings;
- understanding of meeting procedures;



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- accessible to Board members;
- other relevant factors.

#### **Fees for Board Members**

Fees for Board members will be determined by the Commissioner. Regard will be given to fees generally paid to State Government advisory boards when making this determination. It is not expected that fees will be paid to Local and State Government persons appointed to local advisory boards.

#### **Managing Vacancies and Removal of Board Members**

Should vacancies arise on Local Advisory Boards, the Commissioner will determine whether a vacancy need be filled depending on the Advisory Board's timelines.

Removal of Board Members may occur pursuant to Section 13 of the *Public Sector (Honesty and Accountability) Act 1995* and for other grounds determined by the Commissioner, which will be outlined in each Board's Terms of Reference.



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## REFERENCES

**DPC Guidelines 2000.** 'Government Boards and Committees: Guidelines for agencies and board members', July 2000. Accessed on 15 December 2015,

[http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-committees/BC\\_guidelines.pdf](http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-committees/BC_guidelines.pdf)

**DPC 2011.** 'Honesty and accountability for members of government boards', March 2011. Accessed on 15 December 2015, [http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-](http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-committees/BC_honesty-accountability.pdf)

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**DPC 2014.** 'Circular PC016 Remuneration for government appointed part-time boards and committees' Department of the Premier and Cabinet Circular, February 2014. Accessed on 15 December 2015,

[http://dpc.sa.gov.au/sites/default/files/pubimages/Circulars/PC016\\_Remuneration\\_1.pdf](http://dpc.sa.gov.au/sites/default/files/pubimages/Circulars/PC016_Remuneration_1.pdf)

**DPC 2014.** 'Circular PC022 Establishment and governance requirements for government boards and committees' Department of the Premier and Cabinet Circular, October 2014. Accessed on 15 December 2015, [http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-](http://dpc.sa.gov.au/sites/default/files/pubimages/documents/boards-committees/DPC%20Circular%2022%20-%20Establishment%20and%20governance%20requirements%20for%20government%20boards%20and%20committees.pdf)

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