



Office of the Commissioner for Kangaroo Island

Terms of Reference

Local Advisory Board for Visitor Information Servicing on Kangaroo Island

Background

The functions of the Commissioner for Kangaroo Island, as set out in Section 8 of the *Commissioner for Kangaroo Island Act*¹ (the Act), include improving the management and delivery of services and infrastructure by government agencies, to provide assistance to businesses and residents dealing with government agencies, and to assist in improving the local economy of Kangaroo Island.

The Commissioner has been working with a range of industry groups on issues associated to their growth potential and on specific projects relevant to individual industry groups. The Commissioner is also supporting developers (local organisations and those accessing the State Government's major projects process) to navigate through government decision making processes to streamline project approvals.

It is clear that many of the industry peak bodies on the Island are well placed to influence economic development on the Island but are impinged by their lack of financial resources, especially since mergers occurred in July 2019.

An issue that has emerged and impacts on the economic sustainability and growth of the tourism industry and those other businesses that benefit from increased tourism activity is the provision of visitor information servicing.

Following a decision by the then Tourism Kangaroo Island (TKI) to cease providing the level of visitor information servicing that it had for some time mainly due to financial constraints, TKI arranged interim measures through local tourism providers, the Victor Harbor Visitor Information Centre and continued to provide a minimal service from its own resources, while it entered into discussions with the Kangaroo Island Council regarding support for the provision of a service.

To assist TKI with their discussions with Council and to assist the Council to determine any future role or resourcing the Commissioner provided a grant to TKI to develop a "Visitor Information Options" paper. This paper has been the subject of a presentation to an informal gathering to Council and in ongoing discussions between the Chair of the newly formed Kangaroo Island Tourism Food Wine and Beverage Association (KITFWBA) and the Council.

The Council has also recently resolved to seek expressions of interest for the use of the building currently occupied by staff of KITFWBA that had previously been dedicated as a Visitor Information

¹ Parliament of South Australia (2014) [Commissioner for Kangaroo Island Act](#) 2014

Centre and has also put in place interim measures for the provision of information to visitors via the Penneshaw Business Centre and is considering other low cost options.

To support the ongoing discussions between KITFWBA and Council and to ensure as broad an engagement as possible in the consideration of this issue, the Commissioner has decided to form a Local Advisory Board for Visitor Information Servicing on Kangaroo Island.

1. Functions and responsibilities

The Function of a Local Advisory Board, as set out in Section 16 of the Act is to provide advice to the Commissioner in relation to any matter referred to the board by the Commissioner.

As such, the role of the Local Advisory Board will be to:

- Provide advice on the role of visitor information service (VIS) in driving visitation and economic activity (growth)
- Identify mechanisms by which VIS can be delivered
- Provide advice on the core components of VIS (VIS cycle)
- Consider cost and resource implications associated with the delivery of VIS
- Assist with community and business engagement to establish level of support for various VIS models.
- Identify roles and responsibilities that are appropriately undertaken (or could be) by government, relevant industry associations, operators and other stakeholders.
- Come together at least every 8 weeks.

2. Reporting arrangements

The Local Advisory Board for Visitor Information Servicing on Kangaroo Island is required to provide a *Key Outcomes Statement* to the Commissioner following each meeting that includes:

- Recommendations and advice pursuant to the Board's functions and responsibilities;
- Where consensus is unable to be reached on a matter, advice or recommendations an outline of the various views expressed.

3. Sunset date

The Local Advisory Board will be appointed for a period up to 31 April 2020.

4. Membership

Section 15 of the Act includes provisions relating to the establishment of a Local Advisory Board:

- 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.*

4.1 Board Composition

The Local Advisory Board for Economic Growth on Kangaroo Island will be comprised of representatives from government and community agencies involved in supporting tourism development with particular emphasis on tourism information provision. In addition up to two members of the public will be appointed to the Board.

Membership of the Board shall be:

- 3 persons nominated by KI Tourism Food Wine & Beverage Association who shall provide insight into tourism information needs on the Island and be tourism operators;
- 1 person nominated by Agriculture KI;
- 1 person nominated by KI Industry & Brand Alliance;
- 1 person nominated by the South Australian Tourism Commission;
- 1 person nominated by the CE, Department of Trade, Tourism & Investment;
- 1 person nominated by the CE of Department of Environment and Water;
- The CE or their nominee from Regional Development Australia, Adelaide Hills Fleurieu & Kangaroo Island;
- 1 representative from the Kangaroo Island Council;
- 1 person from the Kangaroo Island community;

The Commissioner for Kangaroo Island will be an ex officio member.

The Commissioner may appoint additional members to the Local Advisory Board at the Commissioner's discretion and in consideration of the candidate's qualifications, knowledge or experience relevant to the functions of the board. The Commissioner will ensure, as far as practical, that there be a gender balance on the board.

4.2 Selection Process

The selection process for the Local Advisory Board is as follows:

- 1) Nominations will be sought from members of the public by placing an advertisement in Kangaroo Island's local paper, *The Islander*.
- 2) Nominations will be sought from each of the Kangaroo Island industry bodies (above) and other organisations noted.
- 3) The Commissioner will form a Consultation Panel through the Kangaroo Island Council to consult on the appointment of nominees as set out in [4.3](#).
- 4) The Commissioner will appoint board members, and a presiding member from the selection of nominated candidates, based on their suitability for appointment and in consideration of the consultation with the Council. Suitability may be determined by the candidate's qualifications, knowledge or experience relevant to the functions of the board.

4.3 Consultation on Appointment of Local Advisory Board Members

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 liaise with the Council to form a Consultation Panel. The Panel will comprise:

- The Mayor (or nominee)
- Deputy Mayor (or nominee)
- The CEO (or nominee)

The Panel will consider the nominations received by the Commissioner following invitations to the public and relevant agencies (see [4.1](#)) and provide advice on appointments. The Council Panel will have 7 days to provide feedback to the Commissioner on the nominations received.

Nomination forms will be provided to the Panel on a confidential basis.

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

4.4 Managing Vacancies

Should a vacancy arise on the Local Advisory Board, the Commissioner will determine whether the vacancy will be filled. In making this determination consideration will be given to the proximity of the vacancy to the proposed conclusion of the Advisory Board’s work. If it is determined to fill the vacancy, a nomination will be sought from the agency that the member represents, or from the public. This nomination will be reviewed by the Commissioner as per the selection process outlined in section 4.2 of these terms of reference.

4.5 Removal of advisory board members

Removal of advisory board members may occur pursuant to Section 13 of the *Public Sector (Honesty and Accountability) Act 1995*.²

In addition, the Commissioner may suspend or remove a member of the Local Advisory Board at the Commissioner’s discretion pursuant to Section 36 of the *Acts Interpretation Act 1915*.³

Grounds for removal of a member from the Local Advisory Board could include:

- non-attendance at three or more meetings without seeking leave;
- change or termination of a member’s professional role if the member is appointed to the Local Advisory Board as a representative of a government or community service agency.

² [Public Sector \(Honesty and Accountability\) Act 1995 \(South Australia\)](#)

³ [Acts Interpretation Act 1915 \(South Australia\)](#)

5. Meeting procedures

In regards to meeting procedures, Section 15 of the Act states that:

- (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.*

The Local Advisory Board for Visitor Information Servicing on Kangaroo Island will determine the procedures of meetings to conduct its business. The Commissioner will prepare a statement of expectations of meeting procedures for the Board's consideration.

6. Resources and support

An Induction Pack will be provided to Local Advisory Board Members that will include:

- The Terms of Reference for the Local Advisory Board
- Guidelines for Local Advisory Board Procedures
- Information Paper on the Establishment of Local Advisory Boards under the Commissioner for Kangaroo Island Act
- Conflict of Interest Guidance Material
- Information on any relevant legislation
- Visitor Information Options Paper
- Other relevant resources for the Local Advisory Board to conduct their responsibilities.

All administrative support for the conduct of the business of the Local Advisory Board will be provided by the Office of the Commissioner for Kangaroo Island. This will include liaising with stakeholders to obtain information, liaising with guests / presenters at meetings, organising meeting venues, distributing meeting papers, executive support during meetings, and provision of technical equipment.

No sitting fees will be provided to Advisory Board Members.

7. Compliance with Legislation Regarding Board Membership

It is necessary that Members of the Local Advisory Board for Visitor Information Servicing on Kangaroo Island are aware of their obligations under *Public Sector (Honesty and Accountability) Act 1995*⁴ pursuant to Section 15(7) of the *Commissioner for Kangaroo Island Act*.

⁴ [Public Sector \(Honesty and Accountability\) Act 1995 \(South Australia\)](#)

8. Civil liability

It is expected that the members of the Local Advisory Board familiarise themselves with their duties as set out in the *Public Sector (Honesty and Accountability) Act 1995*.⁵

In regards to liability of Local Advisory Board members, section 74 of the *Public Sector Act 2009* applies to all members of the Board and outlines the provisions for immunity from liabilities.⁶ However, it should be noted that civil liabilities exist for Division 2 of the *Public Sector (Honesty and Accountability) Act*, which applies to all members of the Local Advisory Board. Should a member breach duties imposed in Part 2, Division 2 of the *Public Sector (Honesty and Accountability) Act* immunity from civil liability under section 74 of the *Public Sector Act 2009* would not be available.

9. Conflicts of Interest

Regarding conflicts of interest, section 12 of the *Public Sector (Honesty and Accountability) Act* applies to all members of the Local Advisory Board.

It is recommended that, for operational reasons, Local Advisory Board members disclose any conflicts of interest to the Commissioner pursuant to Section 12 of the *Public Sector (Honesty and Accountability) Act*, who will then make the disclosure to the relevant Minister(s).

10. Review of Terms of Reference

The Commissioner will review, and if necessary, amend the Terms of Reference after the first meeting of the Local Advisory Board.

⁵ [Public Sector \(Honesty and Accountability\) Act 1995 \(South Australia\)](#)

⁶ [Public Sector Act \(South Australia\)](#)