



Office of the Commissioner for Kangaroo Island

Terms of Reference

Local Advisory Board for Economic Growth 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.

In carrying out these functions, the Commissioner may prepare a management plan pursuant to Part 4 of the Act. In addition, Section 16 of the Act states that a Local Advisory Board may be established 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).”

The *Kangaroo Island First Report*, prepared for the Kangaroo Island Futures Authority (KIFA) in 2015 promoted a range of issues associated to supporting economic growth on Kangaroo Island. KIFA initiated a number of projects to support economic growth on the Island, including the preparation of the application by the Kangaroo Island Council for the upgrade of the Airport, which secured State and Federal Government funding; the Open all Year project to support local businesses to explore the benefits of extended hours of operation; promoting KI as a destination all year round by enhancing the photo gallery and tourism messages about the Island to encompass all seasons.

Importantly KIFA supported the formation of the Kangaroo Island Industry & Brand Alliance (KIIBA) and the establishment of the brand for Kangaroo Island. This included management and use of the trademark and associated training and support activities for business to benefit from its use.

The work of KIFA, the State Government, the Kangaroo Island Council and other key stakeholders has resulted in the announcement of a number of investment and development opportunities on Kangaroo Island. It is projected that there are more than \$171 million of public and private sector projects proposed for the island over the next five years and a number of additional projects emerging that are responding to this growth potential.

The Commissioner has been working with a range of industry groups and KIIBA on issues associated to their growth potential and on specific projects relevant to individual industry groups. The Commissioner is also supporting developers to navigate through government decision making processes and administration to streamline project approvals.

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

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. KIIBA has a key role to play in co-ordinating the use of the Kangaroo Island Brand and supporting industry groups to contribute to and benefit from economic development on the Island, which is hindered by its lack of resources.

The Commissioner has recognised the value of KIIBA and its cross industry association collaboration and desires to augment the role of KIIBA with an expanding role, and membership, to tackle some of the important economic issues for the Island.

KIIBA were engaged by the Commissioner's Office to deliver the KI Transformation Project Pilot, which supported Island businesses in the construction industry to maximise their potential to be involved in the upgrade of the Kangaroo Island Airport. KIIBA has demonstrated their strong capacity to work with industry sectors to support business growth on the Island while also demonstrating what can be achieved through collaboration between KIIBA and the Commissioner's Office.

To further cement this collaboration and build on the work of KIFA, KIIBA, individual Kangaroo Island industry bodies, the Kangaroo Island Council and the State Government, the Commissioner will be appointing a Local Advisory Board to provide advice in relation to economic growth on the 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:

- a. Provide advice to the Commissioner on supporting current and further economic growth opportunities for the Island, including setting priorities;
- b. Assist with consultation with businesses, the Kangaroo Island community and its stakeholders on the establishment of "sustainability indicators" to guide economic growth while preserving environmental and social issues on the Island;
- c. Consider and provide feedback on relevant draft management plans established under the Act;
- d. Provide advice on State and Local Government infrastructure and services that are impacting on the growth potential for the Island;
- e. Identify actions that could be taken by businesses and other relevant groups to enhance the economic growth of the Island;
- f. Assist with the evaluation of activities undertaken by the Office of the Commissioner for Kangaroo Island and government agencies to support economic growth on the Island, including identifying lessons learnt and new approaches;
- g. Provide advice on any other matters referred to the Board by the Commissioner.
- h. Come together at least every 8 weeks.

2. Reporting arrangements

The Local Advisory Board for Economic Growth 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 of up to 2 years.

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 economic development with particular emphasis on infrastructure and associated services on the Island. In addition up two members of the public will be appointed to the Board.

Membership of the Board shall be:

- 1 person appointed from each of the following KI peak bodies: KI Industry & Brand Alliance; Kangaroo Island Food & Wine Association; Agriculture KI; Tourism KI; Business KI (**Note:** 3 nominations will be sought from each peak body to ensure representation across industry groups);
- 1 person nominated by the South Australian Tourism Commission;
- 1 person nominated by the CE, Department of State Development;
- 1 person nominated by the CE, Investment Attraction South Australia;
- 1 person nominated by the CE of the Primary Industries and Regions South Australia (PIRSA)
- 1 person nominated by the CE of Department of Environment, Water and Natural Resources DEWNR;
- 1 person nominated by the Chairperson of the Economic Development Board of South Australia;
- The CE or their nominee from the Southern & Hills Local Government Association;
- The CE or their nominee from Regional Development Australia, Adelaide Hills Fleurieu & Kangaroo Island
- 2 representatives from the Kangaroo Island community;

The Mayor and CEO of the Kangaroo Island Council will be ex officio members as will the Commissioner for Kangaroo Island.

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 the CE of State Development and the Chairperson of the State Government's Economic Development Board.
- 2) Nominations will be sought from members of the public by placing an advertisement in Kangaroo Island's local paper, *The Islander*.
- 3) Three nominations will be sought from each of the Kangaroo Island industry bodies (noted in 4.1. above) for which one person will be chosen from each body.
- 4) 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](#).
- 5) 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
- Deputy Mayor
- One Councillor determined by the Council
- The CEO

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.

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

The Commission will determine the final appointments to the boards 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.

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 Economic Growth on Kangaroo Island will determine the procedures of meeting to conduct its business. The Commissioner will prepare a statement of expectations of meeting procedures for the Board's consideration.

6. Budget, Resources and support

6.1 Budget

A budget will be allocated to the Local Advisory Board by the Commissioner for sitting fees, administrative costs and other operational expenses. A report will be provided at each meeting by the Office of the Commissioner for Kangaroo Island regarding the status of the budget. Should an additional budget allocation be required by the Board, a request must be made in writing to the Commissioner outlining the need for additional expenditure.

6.2 Sitting Fees

Sitting fees will be provided to Board Members who are not from the government or government agencies and members of the public. Such Members will receive a sitting fee of \$103.00 for each meeting attended.

6.3 Resources

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

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

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

- Information on any relevant legislation
- *Kangaroo Island Economic Development Outlook*
- *Paradise Girt by Sea Report*, prepared for the Economic Development Board of South Australia (2013)
- *Kangaroo Island First*, prepared for the Kangaroo Island Futures Authority (2015)
- Other relevant resources for the Local Advisory Board to conduct their responsibilities.

6.4 Support

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 and managing travel arrangements, financial management, organising meeting venues, distributing meeting papers, executive support during meetings, provision of technical equipment.

7. Compliance with Legislation Regarding Board Membership

It is necessary that Members of the Local Advisory Board for Economic Growth 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*.

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 six months of the Local Advisory Board's formation.

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

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

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