

**Title:                    Appointments or Nominations to Outside Bodies**

DATE OF POLICY:	July 2006
DATE OF LAST REVIEW BY	May 2013
LGA:	May 2014

Requests for Local Government nominees on boards and committees are received from Ministers, Government Agencies and other organisations regularly. The importance of Local Government nominations to boards and committees is recognised by the LGA and appointments/nominations will be made on merit based principles giving due weight to gender balance. Appointees or nominees to outside bodies are not expected to 'represent' Local Government, or the views of any particular stakeholder or interest group. They are expected to apply their skills and experience, particularly their skills and experience arising from their participation in Local Government, to the betterment of the work and understanding of the board or committee to which they are appointed.

**Appointments by Minister/Governor**

Appointments to be made by the Minister or Governor, drawn from nominations from the LGA, will be determined by the LGA Board or between meetings the LGA Executive Committee. The Secretariat will call for nominations from Member Councils using the proforma (attachment 1) and upon the close of nominations (attachment 2) prepare a report for consideration. The template (attachment 3) is to be prepared by the Secretariat and tabled at the relevant meeting to assist with the assessment of the most appropriate nominations. However, where the appointments are to be made to non-statutory boards or committees, the nomination selection process may be delegated to the LGA Executive Committee.

**Right to Decline Nomination**

The LGA reserves the right to decline to appoint or nominate a person to a board or committee, unless it is required by law. The LGA Board (or between meetings the LGA Executive Committee) will consider recommendations from the Secretariat that the LGA decline to appoint or nominate a person to a board or committee. A brief report stating the reasons for declining to appoint or nominate will be prepared by the Secretariat to be considered by the LGA Board (or between meetings, the LGA Executive Committee).

**Nominees to be Current Council Members or Staff**

LGA nominees to outside bodies will, unless determined otherwise by the LGA Board/LGA Executive Committee, be current Council Members or staff of a Member Council or other Local Government entity.

When an existing appointment to an outside body ceases to be a Council or staff Member or a member of another Local Government entity, then under normal circumstances that person will be requested to resign his/her membership of the outside body forthwith. However the LGA Board/LGA Executive Committee may waive this requirement in circumstances where the person:

- has unique qualifications, experience or other personal qualities which allow him or her to continue to remain on the particular board or committee and/or;
- is appointed directly by a Minister or the Governor for a fixed term, and the appointment is specific to that person.

The LGA Board or LGA Executive Committee will review the list of all existing appointments following each general Local Government Election, to consider whether existing appointments comply with this policy.

### Submitting Nominations to the LGA

LGA nominations to outside bodies are determined by Councils as corporate bodies. Each Council determines its own policy on how Council nominations are lodged. Only two (2) nominations will be accepted from any one Council. The LGA Board / LGA Executive Committee does not accept nominations from individual Councillors or staff.

### LGA Board/LGA Executive Committee Process for Determining Appointments/Nominations

The process for determining appointments/nominations at LGA Board or LGA Executive Committee meetings is as follows:

- a) Where the LGA Board/LGA Executive Committee is being asked to appoint a member and a proxy, this will be done as two separate processes, i.e. the selection of the person to be the member is to be completed prior to the selection of who is to be the deputy. This avoids the potential problem of two names being considered at once where it is quite likely that a member is supportive of one of the people but not necessarily both.
- b) Where the appointment is to a statutory authority and is to be made by the Governor, the provisions of section 36A of the *Acts Interpretation Act 1915* apply regarding gender balance and the number of nominations to be provided (see Attachment 4). In situations where there is an insufficient number of nominations from women to achieve an appropriate gender balance, the LGA may use the Local Government Women's Register described in Attachment 5 to source the names of additional persons.
- c) If the requirement is to choose a panel of three **or more** names, this can be done 'on block'.
- d) Unless otherwise determined, the President or Chairperson for the meeting, will invite members to nominate a person, no seconder is required.
- e) If the number of nominations received exceeds the number of positions, the President or Chairperson shall then invite members to make any comment they wish on the merits of any of the persons who have been nominated.
- f) Each member shall then be invited to indicate their preference by way of a secret ballot using the confidential matrix provided.
- g) Each member shall be entitled to vote on as many occasions as there are positions to be filled. Counting will be conducted on the basis of 'first past the post'.
- h) The President or Chairperson shall indicate to members the nominee who has received the most votes and has been selected. The President or Chairperson shall then invite a member to formally move that the nominee(s) with the most votes be selected.
- i) Nominations received from Councils after the deadline stipulated in the relevant LGA Circular will be shown as having been received late. This does not in itself mean that such nominations are invalid. The relevant agenda item will stipulate the closing date. The LGA Board/LGA Executive Committee is able to consider any late nomination on merit, unless it determines otherwise.

- j) Where there are insufficient nominations the LGA Board/LGA Executive Committee may delegate to the LGA Chief Executive Officer, in consultation with the LGA President, approval to seek further nominations and forward these nominations to the relevant Minister, Government agency or organisation.

If a member of the LGA Board/LGA Executive Committee or an officer of the LGA Secretariat is nominated, that person must leave the room prior to the matter being discussed and determined.

#### Advising of LGA Nominees and Policy

When LGA nominees to an outside body have been determined by LGA Board/LGA Executive Committee in accordance with this policy, the names of the nominees and a copy of this policy shall be provided to the relevant Minister or agency, highlighting the conditions of the nomination.

#### Responsibilities of Appointees

While recognising that the deliberations of many external boards and committees are confidential in nature, this policy nevertheless requires LGA nominees and appointees to external bodies to provide a short general report annually, outlining the achievements of the board or committee which are likely to be of interest to Local Government.

#### Insurance for LGA Appointees

Where a Board is a Statutory Board or Committee of the State Government or a State agency the South Australian Insurance Corporation (SAICORP) provides insurance cover. In the event that insurance is not available through SAICORP the LGA through contact with the outside body or its Mutual Liability Scheme will ensure that the appointee is adequately covered.

#### Review

This Policy may be reviewed by the LGA Board from time to time as necessary, to ensure that it remains up to date and relevant.

**Nominations to Outside Bodies**



**PART A**

<b>Name of Body</b>	
<b>Legal Status of Body</b>	<p><b>**Delete those that don't apply:</b></p> <p>Statutory Authority</p> <p>Incorporated Body</p> <p>Committee</p> <p>Advisory Committee</p> <p>Other (please provide information)</p>
<b>Summary Statement</b>	
<p><b><u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u></b></p> <p>The following selection criteria must be addressed when completing Part B</p>	
<p><b>Qualifications Required</b></p> <p><i>(formal qualifications relevant to the appointment)</i></p>	
<b>Industry Experience</b>	
<b>Board / Committee Experience</b>	
<p><b>Key Expertise</b></p> <p><i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i></p>	
<p><b><u>LIABILITY AND INDEMNITY COVER</u></b></p> <p>The LGA requires that nominees to outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis) <b>**CHECK THE BODY INSURED**</b></p>	
<b>Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body</b>	<b>Yes</b>
<b>Insurance Policies are Valid &amp; Current</b>	<b>Yes</b>

**Nominations to Outside Bodies**



**PART B:** This form must be completed by Council electronically and emailed as a word document to:  
[##@lga.sa.gov.au](mailto:##@lga.sa.gov.au)  
(Nominee's details must not exceed this single page)

**Name of Body:** **\*\*Insert name of body**

<b>Council Name:</b>			
<b>Full Name of Nominee:</b>			
<b>Position/Title:</b>			
<b>Address:</b>			
<b>Work Phone:</b>		<b>Facsimile:</b>	
<b>A/H Phone:</b>		<b>Mobile:</b>	
<b>Email:</b>			
<b>1. <u>Summary of relevant skills, knowledge and/or experience</u></b>			
<b>2. <u>Other comments in relation to this role</u></b>			

**DO NOT EXCEED ONE PAGE**  
*An email confirming receipt of your nomination will be forwarded*



## Attachment 4

### Extract from the *Acts Interpretation Act 1915*

#### **36A—Gender balance in nomination of persons for appointment to statutory bodies**

- (1) This section applies if an Act provides for a member of a body to be appointed by the Governor or a Minister on the nomination of a non-government entity.
- (2) If the Act provides for the non-government entity to nominate a panel of persons from which the Governor or Minister is to select a person for appointment, the Act will be taken to provide that the panel—
  - (a) must include at least 1 woman and 1 man; and
  - (b) must, as far as practicable, be comprised of equal numbers of women and men.
- (3) If the Act does not provide for the non-government entity to nominate a panel of persons from which the Governor or Minister is to select a person for appointment, the Act will be taken to provide that—
  - (a) the non-government entity must nominate a panel of persons comprised of not less than twice the number of members of the body to be appointed on the nomination of the entity plus one; and
  - (b) the panel—
    - (i) must include at least 1 woman and 1 man; and
    - (ii) must, as far as practicable, be comprised of equal numbers of women and men; and
  - (c) the Governor or Minister must select the person for appointment from the panel.
- (4) This section does not derogate from the need to properly assess merit in selecting persons for appointment.
- (5) In this section—

***non-government entity*** means a person or body other than an officer, agency or instrumentality (including a Minister) of the Crown in right of the State or the Commonwealth or another State or a Territory of the Commonwealth.

## Attachment 5

### Local Government Women's Board and Committee Membership Register

The LGA will establish and maintain a register of Local Government women interested in being appointed to Local Government related Boards and Committees. (The 'LG Women's Register')

The process of establishment and maintenance of the LG Women's Register will include:

- 1 An LGA Circular will advise of the establishment of the LG Women's Register and request interested women (Council Members and Council Officers) to complete a registration of interest form providing:
  - name and contact details
  - fields of interest
  - details of previous skills, knowledge and experience relevant to board or committee membership
  - names and contact details of two referees
  - permission to supply details provided above to Local Government stakeholders requiring female board or committee members.
  - advice if/when the applicant requires their details to be removed from the Register.
- 2 Information about the LG Women's Register will be provided on the LGA website on the front page under *LGA.net for Councils*, the *Women on the Move* page and the *Governance* page, with a link to the registration of interest form.
- 3 The LGA will record information on the LG Women's Register when a registration of interest is received. The LGA will use this information to assist with filling Local Government related board or committee positions, only when sufficient nominations are not received as part of its 'Representatives on Outside Bodies' Process. The LGA will not disclose the information from the LG Women's Register to a third party without the express permission of the relevant person.
- 4 The LGA will also promote the LG Women's Register to all Local Government stakeholders advising them to contact the LGA if they are seeking a female Board or Committee member.
- 5 Upon request, the LGA may provide external stakeholders with the details of individual(s) listed on the LG Women's Register, but only if the registered person(s) have consented to their information being made available to third parties. The stakeholder will be invited to contact the person(s) direct.