

Policy

Procedure

Work instructions

LGA Appointments and Nominations to Outside Bodies — Policy

As endorsed 19/12/19 and as amended 19/3/20

Purpose

The LGA is required by statute to make nominations to various state government or state agency boards or committees. In other cases, statute requires the relevant Minister to consult with the LGA prior to making an appointment to a state government board or committee. The LGA is also asked from time to time to nominate or appoint local government representatives to a range of non-statutory boards and working or advisory groups of relevance to local government or consult on the appointment of a local government representative. Collectively, these may be referred to as Outside Bodies.

The purpose of this Policy is to provide the principles by which the LGA will appoint or nominate local government representatives to Outside Bodies.

The intent of this Policy is to facilitate the LGA in taking a proactive approach to upcoming vacancies and provide for varied rigour in the examination of applicants that is commensurate with the responsibilities and strategic importance of the Outside Body.

This Policy should be read in conjunction with the LGA ***Appointments and Nominations to Outside Bodies—Procedure***.

Note: The LGA also makes direct appointments to LGA related entities. These appointments are not covered by this Policy.

Part 1: Administration

This Part provides for the administrative arrangements necessary to support the LGA's appointment and nominations processes.

1.1. LGA Nominations Coordinator

The LGA Secretariat will assign a staff member as the LGA Nominations Coordinator, with responsibility for facilitating the appointments and nominations processes in accordance with this Policy.

1.2. LGA Outside Bodies Database

The LGA Secretariat will maintain an *Outside Bodies Database*.

The *Outside Bodies Database* will record the particulars of each Outside Body and will be primarily used by the LGA Secretariat to:

- Forward-plan upcoming vacancies and proactively commence appointment and nomination processes when possible
- Implement the applicable appointment or nomination process for the Outside Body based on its classification
- Ensure the relevant mandatory and special selection criteria (as applicable) are included in the call for nominations
- Track current local government representatives and ensure ongoing engagement and support is provided by the LGA Secretariat
- Assign a relevant LGA staff member to each Outside Body, with responsibility for providing the LGA Board of Directors with strategic policy advice, assisting the LGA Nominations Coordinator with the appointment and nomination processes, and being the ongoing LGA liaison for the local government representative

The LGA Board of Directors will review the *Outside Bodies Database* periodically and assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and any recommendations by the LGA Secretariat or Nominations Committee.

1.3. LGA Nominees Database

The LGA Secretariat will maintain a *Nominees Database*.

The *Nominees Database* will record the particulars of nominees who have agreed to be considered for other vacancies for a period of twelve months.

A nominee agreeing to appear on the *Nominees Database* does not prevent that nominee from being otherwise nominated for any other Outside Body during that twelve months.

The LGA Secretariat will utilise the *Nominees Database* only to assist with meeting nomination requirements when insufficient nominations are received in response to the call for nominations (including where there is a gender imbalance and the LGA is required by statute to provide at least one male and one female nominee).

The LGA Secretariat will not disclose information on the *Nominees Database* to a third party without the express permission of the relevant nominee.

A nominee taken from the *Nominees Database* **will not** require a new council nomination.

Where suitable nominees are not registered on the *Nominees Database* the LGA Secretariat will conduct a second call for nominations.

1.4. Classification of Outside Bodies

The LGA Board of Directors will assign each Outside Body to one of the following classifications in order to determine the appropriate appointment or nomination process:

- LGA Direct Appointments to boards or committees (excluding LGA related entities)
- LGA Priority Nominations:
 - Class A — Authorities and Commissions and other Outside Bodies of strategic importance

- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)
- Joint Nominations
- Appointments or Nominations to non-statutory working or advisory groups

The intent of classification is to acknowledge that some Outside Bodies require greater expertise and time commitment as well as offer higher remuneration than others and the level of examination and consideration of nominees should be commensurate with the position. It is also to reflect that some Outside Bodies have greater strategic importance to the LGA and the local government sector and therefore the appropriate representative on those Outside Bodies should receive a more thorough examination.

1.4 Special selection criteria for Outside Bodies

This Policy permits the LGA Board of Directors to set its own special selection criteria for appointment or nomination of a local government representative to any Outside Body (that will apply in addition to any mandatory criteria set by statute and/or the Outside Body). Selection criteria set by the LGA Board of Directors may address, but is not limited to, specific skills or experience deemed important, alignment of strategic objectives and policy positions of local government, proof of relevant qualifications, and diverse representation of local government.

The special selection criteria will be set by the LGA Board of Directors in the *Outside Bodies Database* and reviewed periodically to ensure relevancy.

A call for nominations must ensure that adequate information is sought from an applicant to satisfy the assessment of the applicant against the special selection criteria (in addition to any mandatory criteria set by statute and/or the Outside Body).

1.5 LGA Right to Decline Appointment or Nomination

The LGA Board of Directors reserves the right to decline to appoint or nominate a person to an Outside Body unless it is required by statute.

The LGA Secretariat may provide a report to the LGA Board of Directors with its recommendation(s) and reason(s) for declining to appoint or nominate. The LGA Board of Directors may also on its own motion determine to not proceed with an appointment or nomination unless it is required by statute.

1.6 Delegation of Decision Making

In accordance with the LGA Constitution, the LGA Board of Directors must nominate local government representatives to Outside Bodies where statute requires the LGA's nomination to the Governor or Minister. This responsibility cannot be delegated, but the LGA Board of Directors may be informed in its decision making by a Nominations Committee (See *Nominations Committee*) and/or the LGA Secretariat.

The LGA Board of Directors may delegate to the LGA CEO and LGA President the power and responsibility to nominate or appoint local government representatives to non-statutory boards and working or advisory groups where there is no statutory role for the LGA.

There are some Outside Bodies where the Minister is either required by statute or may elect to consult with the LGA prior to making appointments. The LGA Board of Directors may delegate via resolution to

the LGA CEO and the LGA President the power and responsibility to undertake this consultative role, with the delegate(s) to exercise discretion to escalate the matter to the LGA Board of Directors.

Following exercise of the delegated power, the CEO or President (as applicable) must notify the LGA Board of Directors of the actions taken.

Using the classifications assigned below, responsibility for decision making is as follows:

Table 1: Appointment and nomination responsibilities

| | |
|---|---|
| LGA Direct Appointments to boards or committees | LGA Board of Directors |
| LGA Priority Nominations - Class A - Class B - Class C | LGA Board of Directors |
| Joint Nominations | LGA Board of Directors |
| Appointments or Nominations to non-statutory working or advisory groups | LGA Board of Directors. May be delegated to LGA CEO and LGA President |
| Ministerial Consultation Only | LGA Board of Directors. May be delegated to LGA CEO and LGA President |

1.7 Insurance

Where an Outside Body is a statutory board or committee of the state government or a state agency, the South Australian Insurance Corporation (SAICORP) provides insurance cover. Where SAICORP insurance is not available, the LGA Secretariat through contact with the Outside Body or LGA Mutual Pty Ltd will ensure that an appointee or nominee of the LGA is adequately covered.

1.8 Nominations Committee

The LGA Board of Directors may establish a Nominations Committee comprising four Board Directors, being two metropolitan council and two regional council Directors. The purpose of the Nominations Committee is to assess applicants (including referee checks and interviews where applicable) and make recommendations to the Board of Directors to assist the selection process.

The Nominations Committee will also periodically assess the classification of bodies and special selection criteria for alignment with strategic objectives, emerging policy issues for local government, diversity, and make recommendations to the LGA Board of Directors.

The Nominations Committee will be convened by the LGA Nominations Coordinator on a sessional basis when a call for nominations is made for a relevant Outside Body or when a review of the *Outside Bodies Database* is to be conducted.

The business of the Nominations Committee will primarily be conducted via email.

The Nominations Committee will receive secretariat support from the LGA Nominations Coordinator.

The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles and may be engaged for any part of the assessment process, including as a member of the interview panel.

The Nominations Committee may request the LGA Nominations Coordinator to complete referee checks on its behalf with written reports of the checks to be provided to the Nominations Committee.

Where referee checks and interviews are conducted, the Nominations Committee must include written advice on the outcomes in its report to the LGA Board of Directors.

The Nominations Committee may determine on a case by case basis that certain sensitivities or policy issues warrant sending the applications directly to the full LGA Board of Directors for consideration.

1.9 Confidentiality

All LGA appointment and nomination processes under this Policy will be conducted in confidence. This includes the consideration of applicants by the Nominations Committee and the LGA Board of Directors.

Part 2: Eligibility for appointment or nomination

This part outlines the eligibility requirements for appointment or nomination to an Outside Body as the local government representative. These eligibility requirements are **in addition** to the examinations to be made by the Board of Directors regarding an applicant's suitability for the position and any applicable mandatory or special criteria.

2.1 Nominees must be current council members or local government employees

Appointees or nominees to Outside Bodies will, unless the LGA Board of Directors determines otherwise, be current council members, council employees or employees of another local government entity.

2.2 Membership of multiple Outside Bodies

Local government representatives to Outside Bodies should not hold more than three positions on Outside Bodies, unless the LGA Board of Directors believes there are circumstances that make further representation beneficial to local government, such as where certain expertise is uncommon.

The LGA Board of Directors will consider diversity in its appointment and nomination processes to ensure broad sector representation that accurately reflects the composition of local government.

2.3 Council Nominations only

The LGA will only accept endorsed nominations sent by member councils; The LGA will not accept nominations from individuals such as councillors, potential nominees or council employees, unless the LGA Board of Directors determines otherwise.

Only two (2) nominations will be accepted from any one council.

The LGA will not accept incomplete nominations. Nominations must include all information requested in the call for nominations.

Nominations received from member councils after the deadline stipulated in the call for nominations will be flagged as having been received late, but this does not mean that such nominations are invalid.

The LGA Board of Directors may nominate candidates for positions on their own motion.

2.4 Re-appointment

Local government representatives on Outside Bodies will not have an automatic right to reappointment.

If permitted by the Outside Body, a current appointee reaching the end of their term may reapply for appointment or nomination to the Outside Body during the call for nominations.

Generally, reappointments will not be made for a period of more than two full terms per Outside Body unless the LGA Board of Directors considers there is special circumstances, such as strategic value to local government, in retaining the membership for a longer period.

Part 3: Expectations of local government representatives on Outside Bodies

This part outlines the general expectations of all local government representatives on Outside Bodies.

3.1 Annual Report

The LGA Secretariat, on behalf of the LGA Board of Directors, will request copies of the annual reports of all Outside Bodies to which the LGA appoints or nominates a member, where such reports are produced by the Outside Body. The annual reports (or relevant link) may be posted on the LGA website for the information of members.

Where the Outside Body does not produce an annual report, a local government representative of an Outside Body may be asked by the LGA Secretariat to provide an annual short written report (subject to any confidential considerations of the Outside Body) outlining the activities and outcomes of the Outside Body that are likely to be of interest to local government. In requesting a written report, the LGA Secretariat must provide a period of not less than four (4) weeks for the member to submit the report.

3.2 Strategic engagement with the LGA

LGA appointed or nominated members on Outside Bodies are not required to represent local government or the views of any stakeholders or interest groups. The representatives are expected to apply their skills and experience, particularly their skills and experience arising from participation in local government to the betterment of the work and understanding of the Outside body to which they are appointed. However, the LGA expects the local government representative on an Outside Body to welcome LGA communication regarding strategic or policy issues that the LGA believes relevant to the Outside Body and that benefits the local government sector.

3.3 Resignation

When an LGA appointed or nominated representative on an Outside Body ceases to be a council member, council employee or an employee of another local government entity, the LGA Board of Directors will request that the person resign from the Outside Body. At call for nominations, an applicant will be required to sign an undertaking that they will resign from an Outside Body, if requested to do so by the LGA, should they cease to be a council member, council employee or an employee of another local government entity.

However, the LGA Board of Directors may waive its request for resignation in circumstances where the person:

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

Part 4: LGA Direct Appointments to boards or committees

This part outlines the factors to be considered by the LGA Board of Directors in making direct appointments to boards or committees (noting that direct appointments to LGA related entities are excluded from this Policy).

4.1 considerations relevant to all appointments

The following considerations will be applied to all LGA direct appointments to boards or committees:

a) *Merit Selection*

All appointments will be based on merit.

b) *Mandatory Criteria*

Mandatory selection criteria for appointments (whether statutory or set by the Outside Body) must be met by the applicant.

c) *Special Selection Criteria*

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4. must be met by the applicant.

d) *Body Composition*

Outside Bodies should have members with an appropriate mix of expertise, experience, backgrounds, and gender balance. A local government representative should add value to the work of the Outside Body and possesses skills and experience that complement other members.

e) *Knowledge and Experience*

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

f) *Skills, Expertise and Attributes*

Core competencies relevant to a board or committee may include accountability, strategic thinking, networking, and teamwork. It may be desirable to appoint a member with specific expertise needed by the Outside Body in areas such as finance, law, business, or human resources.

g) *Availability and Commitment*

Applicants should be prepared to make the necessary commitment to the Outside Body and provide a self-assessment of their availability.

h) *Referee Reports*

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant abilities relevant to the criteria requested by the call for nominations.

i) *Interview*

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for appointment to the Outside Body.

The Nominations Committee will be the interview panel. The Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

Part 5: LGA Priority Nominations to Outside Bodies

This Part outlines the factors to be considered by the LGA Board of Directors in making nominations to the following classes of Outside Bodies:

LGA Priority Nominations

- Class A — Authorities and Commissions and other Outside Bodies of strategic importance
- Class B — Skills Based Advisory Boards and Committees or other Outside Bodies of key interest (not otherwise captured by Class A)
- Class C — Advisory Boards and Committees requiring only local government knowledge (not otherwise captured by Class A or Class B)

5.1 factors relevant to all priority nomination classifications

The following considerations will be applied to all LGA priority nominations:

a) Gender balance and panel of nominees

Where the nomination is for a statutory body and is to be made to the Governor or Minister, the provisions of section 36A of the *Acts Interpretation Act 1915* apply regarding gender balance and the number of nominees to be provided from which the Governor or Minister will select the appointee.

b) Merit Selection

All nominations will be based on merit.

c) Mandatory Criteria

Mandatory selection criteria for nominees (whether statutory or set by Outside Body) must be met by the applicant.

d) Knowledge and Experience

An applicant's knowledge and experience in local government and their explanation for why they are interested in the Outside Body.

e) Curriculum Vitae

An up-to date curriculum vitae highlighting the relevant knowledge and experience and interest of the nominee must be included with the nomination.

Note, it is a requirement of state government or state agency boards and committees that a CV is provided for consideration by the Governor or Minister.

5.2 Class A — Authorities and Commissions

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

a) Special Selection Criteria

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

b) Referee Reports

Referee reports may be used to clarify, confirm or counterbalance information presented in the application.

The call for nominations will ask the applicant to provide 2-3 referees who can attest to the applicant's abilities relevant to the criteria requested by the call for nominations.

c) Interview

Interviews may be conducted to ensure that the applicant has the necessary knowledge and experience, skills, expertise and attributes for nomination to the Outside Body.

The Nominations Committee will be the interview panel.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process, including as a member of the interview panel.

5.3 Class B — Skills based Advisory Boards and Committees

In addition to the factors specified in paragraph 5.1, the LGA Board of Directors will consider:

a) Special Selection Criteria

Any special selection criteria set by the LGA Board of Directors in accordance with paragraph 1.4 must be met by the applicant.

The LGA Board of Directors and/or Nominations Committee may seek the assistance of specialist members to assist with making informed assessment of technical or specialist roles. This person may be engaged for any part of the assessment process.

5.4 Class C — Advisory Boards and Committees requiring only local government knowledge

The LGA Board of Directors will only consider the factors specified in paragraph 5.1.

Table 2: Processes for Primary Nominations

| | Class A | Class B | Class C |
|---------------------------------------|----------------|----------------|----------------|
| Nominees to be current | √ | √ | √ |
| Council submission | √ | √ | √ |
| Gender balance and panel requirements | √ | √ | √ |
| Merit Selection | √ | √ | √ |
| Mandatory Criteria | √ | √ | √ |

| | | | |
|---------------------------|----------|----------|---|
| Knowledge and Experience | √ | √ | √ |
| Curriculum Vitae | √ | √ | √ |
| Special Criteria (if any) | √ | √ | |
| Specialist Members | Optional | Optional | |
| Nominations Committee | Optional | | |
| Referee Reports | Optional | | |
| Interviews | Optional | | |

Part 6: Joint Nominations

This Policy acknowledges that the process for joint nominations will differ depending on the position and approach of the relevant Minister.

Where the Minister asks the LGA to put forward a panel of nominees from which the Minister may select a joint nominee, the LGA will use the same nominations process as for Class A or Class B nominations, which will be assigned to that Outside Body in the *Outside Bodies Database*.

Where the Minister asks for the LGA Board of Directors to support a specified candidate, the LGA will consider that candidate. Where the LGA Board of Directors does not support that candidate, the LGA will ask the Minister to allow it to conduct a call for nominations process in accordance with this Policy.

Part 7: Appointments or Nominations to non-statutory working or advisory groups

This Policy acknowledges that the process for appointments or nominations to non-statutory working or advisory groups will differ depending on the position and approach of the Outside Body.

Where a delegation to the LGA President and LGA CEO is in place, the President and CEO will exercise discretion regarding the appropriate process for appointments and nominations for an Outside Body. They will be guided but not bound by the processes outlined in this Policy.

Review

The effectiveness of this Policy will be reviewed and evaluated every two years or earlier if required to enhance the effectiveness of the Policy.

Availability

This Policy is available on the LGA's intranet.