

## South Australia's Marine Park Regional Consultative Committees

### TERMS OF REFERENCE

#### 1. Establishment of Regional Consultative Committees for the development of Marine Parks in South Australia

- 1.1 Target 3.5 of *South Australia's Strategic Plan* commits the Government to developing 19 multiple-use marine parks by 2010. The *Blueprint for the South Australian Representative System of Marine Protected Areas* provides for the creation of community-based marine park regional consultative committees (hereafter referred to as the Committees) to ensure effective communication and consultation between the Department for Environment and Heritage (DEH) and community, industry and interest groups for the development of marine park management plans.
- 1.2 A Committee may provide service for the development of one or more proposed marine park management plans, as determined by DEH.

#### 2. Objective of Marine Park Regional Consultative Committees

- 2.1 The primary objective of a Committee is to promote and facilitate effective communications between regional communities, industries and interest groups and DEH, for the development of marine park management plans.

#### 3. Functions of Marine Park Regional Consultative Committees

- 3.1 Utilise and/or further develop networks with local communities, industries and interest groups for the purposes of liaising and exchanging relevant information.
- 3.2 Act as a conduit for information sharing and feedback between DEH and communities, industries and interest groups.
- 3.3 Further assist DEH in delivering effective outreach and consultation with local communities, industries and interest groups.

#### 4. Membership of Marine Park Regional Consultative Committees

- 4.1 Committees will comprise up to 10 members appointed by the Minister.
  - 4.2 Members of a Committee will reside within, or have close and demonstrated linkages to, communities adjacent to a proposed marine park.
  - 4.3 Each member of a Committee must be a person who has a commitment to the conservation and protection of marine, coastal and estuarine environments.
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4.4 In selecting members of Committees, the Minister for Environment and Conservation will consider the ability of nominees to provide linkages and networks within local communities to facilitate communication of a broad range of environmental, economic, social and cultural issues.

4.5 Committees are to have an even gender balance.

4.6 Members of Committees will nominate a Chair.

## **5. Conditions of Membership**

5.1 Members are appointed to act in their own right as individuals and do not represent the organisations or sectors by which they are employed or participate in.

5.2 Members have a duty to act honestly and in good faith, exercise reasonable skill, care and diligence in carrying out their duties, avoid conflict of interest and not make improper use of information.

5.3 A member appointed by the Minister will be appointed for a term not exceeding three years and will, at the expiration of a term of appointment, be eligible for reappointment.

5.4 The Minister may remove an appointed member from office:

- for misconduct; or
- for failure or incapacity to carry out the duties of his or her office satisfactorily.

5.5 The office of an appointed member becomes vacant if the member:

- dies; or
- resigns by written notice to the Minister; or
- is removed from office under section (5.4).

5.6 If the office of an appointed member becomes vacant, another person may be appointed by the Minister to the vacant office, in accordance with these Terms of Reference.

5.7 Members may nominate and send a proxy to attend meetings in their absence.

## **6. Vacancies or defects in appointment of Members**

6.1 An act of a Committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

## **7. Allowances and Expenses**

7.1 Travel and other expenses will be paid in accordance with Public Sector Management Act Determinations and Department of the Premier and Cabinet Circulars.

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## **8. Authority to Act**

- 8.1 A Committee is established as a non-statutory, community-based consultative body only. Its capacity to act is limited to assisting DEH to facilitate the exchange of information relevant to developing marine park management plans. A Committee does not have any delegated powers to act on behalf of, or to commit, the Minister or Government to any actions.
- 8.2 A Committee is not a legal entity in its own right, does not have any South Australian Public Sector financial, procurement, contracting or human resource delegations and cannot make any commitments in these areas.

## **9. Proceedings**

- 9.1 The Chair will preside at each meeting of a Committee at which he or she is present.
- 9.2 If the Chair is absent, a member chosen by those present will preside at the meeting.
- 9.3 Committee meetings are to be public meetings, open to public attendance and all records of meetings are subject to the *Freedom of Information Act 1991* and may be made available to the public.
- 9.4 An appointed member who has a direct or indirect pecuniary interest in a matter under discussion by a Committee must disclose the nature of the interest to the Committee. Such a disclosure must be recorded in the minutes of the Committee.
- 9.5 A Committee may, from time to time, adjourn a public meeting to meet privately and then reconvene the public meeting.
- 9.6 A Committee must cause accurate minutes to be kept of its meetings.
- 9.7 Meetings of a Committee are to be arranged as required by the Executive Officer.
- 9.8 Subject to these Terms of Reference, a Committee may determine its own procedures where necessary.

## **10. Public Observers and Invited Guests**

- 10.1 Meetings of Committees can be attended by public observers and invited guests.
  - 10.2 Public observers at Committee meetings can include any member of the public.
  - 10.3 Invited guests at Committee meetings can include any individual or representative of any organisation invited by the Chair.
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10.4 Under the direction of the Chair, invited guests may address a meeting or provide specific information to members of a Committee.

## **11. Working Groups**

11.1 A Committee may nominate members and others with specialist expertise to be members of working groups of a Committee.

11.2 A working group of a Committee is to follow the same confidentiality, intellectual property, administration and records management procedures as outlined in these Terms of Reference for a Committee (sections 12, 13, 14 and 15).

11.3 A working group of a Committee is to report back to each meeting of that Committee.

## **12. Confidentiality**

12.1 Members should be aware that all written material associated with a Committee is subject to the *Freedom of Information Act 1991* and may be made available to the public (refer 9.3 and 15.2).

12.2 Members should be aware that a Committee is subject to Information Privacy Principles contained in the Department of the Premier and Cabinet Circular PC012 – *Information Privacy Principles Instruction* (re-issued 30 July 1992).

## **13. Intellectual Property**

13.1 As a general rule, the Government of South Australia will own any intellectual property developed by a Committee.

13.2 'Intellectual property' means any patent, copyright, trade mark, trade name, design, trade secret, know how, or other forms of intellectual property rights whether arising before or after the execution of these Terms of Reference, and the right to registration of these rights.

13.3 Should any member consider that for a specific matter, other owners of intellectual property should be recognised, this should be raised as soon as possible with the Chair.

13.4 A Committee must respect and not infringe upon the intellectual property and copyright on any ideas and materials it may use.

13.4 The Committee, despite any disclosure to a Receiving Party, should retain all intellectual property rights exercised by a Committee.

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## 14. Administration

- 14.1 DEH will appoint an Executive Officer to each Committee and provide any necessary administrative support.
- 14.2 The Executive Officer is to provide the agenda and papers to all members of the Committee at least one week prior to a meeting.
- 14.3 Minutes of meetings will be provided to members within two weeks of a Committee meeting.

## 15. Records Management

- 15.1 Records of a Committee must be maintained in accordance with the *State Records Act 1997*. Records should be made available to members for inspection at any convenient time.
- 15.2 Members should be aware that all documents of a Committee, including all correspondence, draft papers, e-mails and personal notes, may be made available to the public through the *Freedom of Information Act 1991*.
- 15.3 DEH will make any necessary determinations pursuant to the *Freedom of Information Act 1991* on behalf of a Committee.

## 16. Terms of Reference

- 16.1 The Minister may vary the Terms of Reference for a Committee by notice in writing to members.

## 17. Dissolution

- 17.1 The Minister may dissolve a Committee by notice in writing to members.
- 17.2 Notwithstanding 17.1, a Committee has a sunset date of three years.

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### For further information please contact

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