

## **Division 3—Adelaide Dolphin Sanctuary Advisory Board**

### **12—Establishment of ADS Advisory Board**

- (1) The Adelaide Dolphin Sanctuary Advisory Board is established.
- (2) The Board consists of 11 members appointed by the Governor on the nomination of the Minister.
- (3) The membership of the Board must include persons who together have, in the Minister's opinion, knowledge of, and experience in, the following areas:
  - (a) dolphin conservation and research;
  - (b) community education programs management;
  - (c) conservation of marine ecosystems;
  - (d) fisheries management;
  - (e) local government;
  - (f) tourism and recreation management;
  - (g) industry development and management;
  - (h) port and harbor management;
  - (i) Kurna culture and heritage from the male perspective;
  - (j) Kurna culture and heritage from the female perspective.
- (4) Before nominating a person or persons for appointment to the Board, the Minister must, by public notice, invite expressions of interest for appointment to the Board within a period specified in the notice and must consider any expressions of interest received in response to the notice.
- (5) The Minister must not nominate a person for appointment to the Board unless the Minister is of the opinion that the person has a commitment to the protection and enhancement of the Port Adelaide River estuary and Barker Inlet.
- (6) At least 2 members of the Board must be women and at least 2 must be men.

### **13—Presiding member**

The Minister must appoint one of the members of the Board to be the presiding member of the Board.

### **14—Terms and conditions of membership**

- (1) A member of the Board will be appointed on conditions determined by the Governor and for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.
- (2) The Governor may remove a member of the Board from office—

- (a) for breach of, or non-compliance with, a condition of appointment; or
  - (b) for misconduct; or
  - (c) for failure or incapacity to carry out official duties satisfactorily.
- (3) The office of a member of the Board becomes vacant if the member—
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice to the Minister; or
  - (d) ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Board; or
  - (e) is absent without leave of the presiding member of the Board from 3 consecutive meetings of the Board; or
  - (f) is removed from office under subsection (2).

### **15—Vacancies or defects in appointment of members**

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

### **16—Remuneration**

A member of the Board is entitled to remuneration, allowances and expenses determined by the Governor.

### **17—Functions of Board**

The function of the Board is to advise the Minister on—

- (a) the preparation of the ADS Management Plan and any amendments to the Plan; and
- (b) the effectiveness of the ADS Management Plan in achieving the objects and objectives of this Act; and
- (c) the effectiveness of the implementation program; and
- (d) the application of money belonging to the ADS Fund; and
- (e) any matter referred to the Board by the Minister; and
- (f) any matter connected with the administration of this Act on which the Board believes it should advise the Minister.

### **18—Committees**

- (1) The Board may, with the approval of the Minister, establish committees.
- (2) The function of a committee is to advise the Board on any matter referred to the committee by the Board.

- (3) The membership of a committee will be determined by the Board and may, but need not, consist of, or include, members of the Board.
- (4) The Board will determine who will be the presiding member of a committee.
- (5) The procedures to be observed in relation to the conduct of the business of a committee will be—
  - (a) as determined by the committee;
  - (b) insofar as a procedure is not determined under paragraph (a)—as determined by the Board.
- (6) If the *Public Sector Management Act 1995* would not, apart from this section, apply to a member of a committee, that Act applies to the member in the same way as to an advisory body member within the meaning of that Act.

### **19—Board's procedures**

- (1) 6 members constitute a quorum of the Board.
- (2) A meeting of the Board will be chaired by the presiding member or, in his or her absence, by a member of the Board chosen by the members present at the meeting.
- (3) A decision carried by a majority of the votes cast by members of the Board at a meeting is a decision of the Board.
- (4) Each member present at a meeting of the Board has one vote on any question arising for decision and the member presiding at the meeting may exercise a casting vote if the votes are equal.
- (5) A conference by telephone or other electronic means between the members of the Board will, for the purposes of this section, be taken to be a meeting of the Board at which the participating members are present if—
  - (a) notice of the conference is given to all members in the manner determined by the Board for the purpose; and
  - (b) each participating member is capable of communicating with every other participating member during the conference.
- (6) A proposed resolution of the Board becomes a valid decision of the Board despite the fact that it is not voted on at a meeting of the Board if—
  - (a) notice of the proposed resolution is given to all members of the Board in accordance with procedures determined by the Board; and
  - (b) a majority of the members express concurrence in the proposed resolution by letter, telegram, telex, facsimile

transmission, electronic mail or other written communication setting out the terms of the resolution.

- (7) The Board must have accurate minutes kept of its meetings.
- (8) Subject to this Act, the Board may determine its own procedures.
- (9) If the *Public Sector Management Act 1995* would not, apart from this section, apply to a member of the Board, that Act applies to the member in the same way as to an advisory body member within the meaning of that Act.

## **20—Staff, facilities etc**

The Minister must make available to the Board such staff, facilities, information and assistance as it may reasonably require for the effective performance of its functions under this Act.

## **21—Annual report**

- (1) The Board must, on or before 30 September in each year, prepare and deliver to the Minister a report on the operations of the Board during the previous financial year.
- (2) The Minister must, within 12 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.