

VETERANS' ADVISORY COUNCIL

TERMS OF REFERENCE

1. Introduction

- 1.1 The Veterans' Advisory Council comprises members of the veteran community appointed by the Premier.
- 1.2 For the purposes of the Veterans' Advisory Council, a "veteran" is a person who is serving or has served in the Australian Defence Force as a Regular/permanent or Reserve/part time member.
- 1.3 The "veteran community" is inclusive of veterans and their families with a direct link to a Service or a veteran. This includes spouses, widows, widowers, partners, former partners, carers, children, parents, siblings and relatives of serving or ex-serving members, and should include anyone with an evident link to, or interest in, matters associated with veterans' welfare or wellbeing.

2. Establishment

- 2.1 The Veterans' Advisory Council (the 'Council') is established by the Premier as Minister for Veterans' Affairs ('the Minister') as a non-statutory advisory body.

3. Objectives of the Veterans' Advisory Council

- 3.1 The objective of the Council is to provide high-level strategic advice and assistance to the Minister and Veterans SA ('the Agency') on any matters relating to the South Australian veteran community, or any other matter referred to it by the Minister.

4. Functions of the Veterans' Advisory Council

- 4.1 Provide advice and introduce issues to the Minister on any matters relating to veterans, their families and the veteran community.
- 4.2 Investigate matters referred to the Council by the Minister for response on behalf of the veteran community.
- 4.3 Encourage cooperation and collaboration across organisations dealing with issues affecting the veteran community.
- 4.4 Collaborate with other State advisory bodies to inform advice as it relates to the veteran community, including but not limited to the:
 - (a) Veterans Health Advisory Council;
 - (b) Premier's Council for Suicide Prevention and Community Resilience;
 - (c) Premier's Council for Women; and
 - (d) South Australian Aboriginal Advisory Council.
- 4.5 Provide the veteran community with an avenue to raise matters of importance to be communicated directly to the Minister.
- 4.6 Advise the Minister on the disbursement of the Anzac Day Commemoration Fund.

- 4.7 To carry out such other functions as may be assigned to the Council by the Minister.

5. Membership of the Veterans' Advisory Council

- 5.1 The Council shall comprise not fewer than eight and no more than 12 members, including an independent Chair, appointed by the Minister.
- 5.2 In addition to the above, the Minister may appoint a representative nominated by each of the Royal Australian Navy, Australian Army and Royal Australian Air Force as ex-officio members of the Council with full voting rights.
- 5.3 The Minister will give consideration to choosing members so as to provide as broad a range of knowledge, skills, qualifications and experience relevant to the veteran community. Members should demonstrate an understanding of the matters that affect veterans and their families. Members should also possess the ability and motivation to make a positive contribution within the veteran community.
- 5.4 In making appointments to the Council, the Minister will ensure, as far as practicable, the appointees consist of:
- (a) equal numbers of men and women;
 - (b) at least two representatives with veteran family experience;
 - (c) representation from regional South Australia; and
 - (d) knowledge or experience of indigenous military service.

6. Terms of appointment

- 6.1 Appointments will hold office for a term of up to three years, as specified in an instrument of appointment by the Minister.
- 6.2 A member may serve no more than two consecutive terms.
- 6.3 The Council may form working groups to progress Council or Ministerial priorities.
- 6.4 The Minister has the discretion to appoint additional members, including representative members with expertise for particular projects, consistent with the Council's priorities.
- 6.5 The Minister may terminate an appointment for any or no reason with immediate effect.
- 6.6 Members may not nominate proxies or representatives to attend meetings in their absence.

7. Remuneration and expenses

- 7.1 Members will be remunerated in accordance with their terms of appointment. Remuneration and reimbursement of expenses will be paid in accordance with *Department of the Premier and Cabinet Circular 16 - Remuneration for Government Appointed Part-Time Boards and Committees*.

8. Authority to Act

- 8.1 The Council is not established by or under legislation and is not a legal entity in its own right.
- 8.2 The Council's authority to act is limited to the provision of advice and recommendations to the Minister and the Agency in accordance with these terms of reference.
- 8.3 The Council does not have any delegated powers to act on behalf of, or to commit, the Minister or Government of South Australia to any actions.

9. Honesty and Accountability

- 9.1 By virtue of this appointment, it is intended that members are:
 - (a) 'public officials' for the purposes of section 74 of the *Public Sector Act 2009* and
 - (b) 'advisory body members' for the purposes of the *Public Sector (Honesty and Accountability) Act 1995* and are therefore subject to the duties and obligations arising under that legislation.

10. Conflict of Interest

- 10.1 Members have a duty to act honestly and in good faith, exercise reasonable skill, care and diligence in carrying out their duties, and not make improper use of information.
- 10.2 Members have particular duties with respect to conflict of interest under the *Public Sector (Honesty and Accountability) Act 1995*.
- 10.3 An appointed member who has a direct or indirect personal or pecuniary interest in a matter under consideration by the Council, these duties require that the member:
 - (a) must, as soon as reasonably practicable, disclose in writing to the Chair and Executive Officer full and accurate details of the interest;
 - (b) must not partake in any discussions relating to the matter; and
 - (c) must not vote in relation to that matter.
- 10.4 Members will be required to provide a register of interest to the Agency at the commencement of their appointment and will be required to update the register should any interests change or if new interests arise during the course of their appointment.
- 10.5 The register of interest will be a standing agenda item at each Council meeting.

11. Meetings

- 11.1 The Chair will preside at each meeting of the Council at which he or she is present. The Chair shall exercise a casting vote only.
- 11.2 A Deputy Chair is to be appointed from the membership of the Council by the Minister. If the Chair is absent, the Deputy Chair will preside at the meeting.
- 11.3 The Council must meet no less than five times per calendar year.

- 11.4 Members will personally attend meetings, although they may attend using teleconferencing or videoconferencing facilities if they are unable to be physically present. Members will advise the Chair of attendance and/or apologies in advance of meetings.
- 11.5 The Council may establish working groups as required.
- 11.6 The Council must have accurate minutes kept of its meetings.
- 11.7 In order for decisions to be made at meetings, there is to be a quorum of at least half the total of current number of members plus one.
- 11.8 Subject to these terms of reference, the Council may determine its own procedures.

12. Observers

- 12.1 Legal or other representatives for the South Australian Government or interested parties may, by invitation of the Chair, attend a meeting of the Council as observers.
- 12.2 Observers to a Council meeting may be invited by the Chair to speak to the Council. Observers may be asked by the Chair to absent themselves from any discussion of the Council.

13. Confidentiality

- 13.1 Members will acknowledge in their terms of appointment that they will receive or create information which is confidential during the terms of their appointments.
- 13.2 Members will agree not to use or disclose confidential information for purposes other than in accordance with their terms of appointment.
- 13.3 Members will agree that their obligations relating to confidential information will extend beyond the expiry or termination of their appointment.
- 13.4 All Council papers, minutes and any other papers are provided to members to support them in their role and are not for public distribution. The Council may choose to publicly release certain documents with agreement of the Executive Officer.

14. Reporting

- 14.1 The Council Chair must, on or before 31 January each year, provide a report to the Minister on the performance of its functions during the year ending on the previous 31 December.
- 14.2 The Chair will report to the Minister as requested.
- 14.3 Minutes of each meeting will be circulated to members for consideration/ comments ahead of each meeting.
- 14.4 Reporting will be undertaken in accordance with *DPC Circular 22 – Establishment and governance requirements of government boards and committees*.

15. Executive Officer / Secretarial support

- 15.1 The Director Veterans SA will be the Council's Executive Officer. The role of the Executive Officer is to represent the Minister on the Council as required. The Executive Officer will not have voting rights but shall have full speaking rights. The Executive Officer is the appropriate contact person for Council members' enquiries between meetings.
- 15.2 Veterans SA will provide secretarial support for the operation of the Council and finance its budget-approved operations.

16. Records Management

- 16.1 Records of the Council must be maintained in accordance with the *State Records Act 1997*. Records should be made available for inspection by members upon request.
- 16.2 Members should be aware that all documents of the Council, including all correspondence, draft papers, emails and personal notes, may be made available to the public through the *Freedom of Information Act 1991*.
- 16.3 The Agency will make any necessary determinations pursuant to the *Freedom of Information Act 1991* on the Council's behalf.

17. Intellectual Property

- 17.1 'Intellectual property' means any patent, copyright, trade mark, trade name, design, trade secret, know how and 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.
- 17.2 As a general rule, intellectual property developed by the Council will be owned by the Government of South Australia.
- 17.3 Should any member of the Council consider that for a specific matter, other owners of intellectual property should be recognised, this should be raised as soon as possible with the Executive Officer.

18. Terms of Reference

- 18.1 The terms of reference of the Council may be varied by the Minister. Variations during the term of an existing Council should be consulted with the Council.

19. Dissolution / Review Date

- 19.1 The Minister may dissolve the Council by notice in writing to members.
- 19.2 The terms of reference for the Council will be reviewed every two years.



Hon Steven Marshall MP
PREMIER OF SOUTH AUSTRALIA
5 March 2021