



**Government  
of South Australia**

Department of the Premier and Cabinet Circular

**PC016 – Remuneration for Government Appointed Part-Time  
Boards and Committees**

**September 2011**

## **PC016 – Remuneration for Government Appointed Part-Time Boards and Committees**

### **For the information of:**

Ministers' offices, chief executives and staff involved in appointments and payments to members of government appointed part-time boards and committees.

### **Contact information for this circular:**

Phone: 8226 5557 or 8226 2763

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## **1. Introduction**

- 1.1 Cabinet has delegated to the Chief Executive of the Department of the Premier and Cabinet (DPC) the authority to assess and recommend fees for members of government appointed part-time boards and committees.
- 1.2 Except where otherwise indicated, this circular applies to all part-time boards, committees, tribunals, trusts, commissions, councils, authorities, panels, taskforces, forums, and groups:
  - created by or under an Act of the Parliament of South Australia or by ministerial authority; and
  - to which one or more appointments are made by a minister or the Governor.

The use of the terms “board”, “committee” or “boards and committees” hereafter is to be taken as a reference to any body falling within the description contained in this subsection.

- 1.3 Full-time board or committee positions and departmental or internal committees are excluded from the operation of this circular. Local and Federal government bodies are also excluded except where the State government has the power to make appointments or nominations to such a body and to determine remuneration for its appointees or nominated appointees.

## **2. Remuneration of government employees and officers of the Crown**

- 2.1 Government employees are not entitled to be paid for board membership without the specific approval of the Chief Executive, DPC.
- 2.2 Where exceptional circumstances can be demonstrated, the payment of remuneration to government employees and officers of the Crown may be considered by the Chief Executive, DPC.
- 2.3 “Exceptional circumstances” may include, but are not limited to:
  - nomination or election on the basis of the individual’s personal interests, which are not connected to the individual’s substantive employment position;
  - meetings of the board are conducted at a time outside of that for which the individual receives a salary from the government, such as unpaid leave or outside of normal working hours; or
  - cases of significant financial disadvantage resulting from the individual’s attendance at meetings.
- 2.4 The administrative support staff for the board or committee, on behalf of the individual who is seeking an exemption, is required to make a submission to the Chief Executive, DPC, outlining the member’s particular circumstances and presenting a case as to why the individual may be entitled to remuneration. The support of the minister responsible for the board must also be given in order for an exemption granted under this section to be effective.

- 2.5 Notwithstanding the above, executive-level employees are not considered eligible to receive board fees except under extraordinary circumstances agreed between the minister and the Chief Executive, DPC.
- 2.6 Former government employees who have received a targeted voluntary separation package (TVSP) should check the conditions of their package before accepting appointment to a government board. Exemptions to the conditions of a TVSP must be sought from the Chief Executive, DPC.
- 2.7 Government employees are entitled to claim reimbursement of travel and other expenses necessarily incurred as a member of a board in accordance with section 11 of this circular.
- 2.8 “Government employee” and “officer of the Crown” includes any person employed by a State government organisation. This includes, but is not limited to:
- employees of State government departments and agencies;
  - employees of public hospitals and health centres;
  - employees of public schools and TAFE colleges;
  - employees of the South Australian Ambulance Service;
  - employees of the Metropolitan Fire Service;
  - members of the South Australia Police;
  - the staff of State government boards, committees and statutory authorities;
  - Members of Parliament or Legislative Council and their employees;
  - staff of either House of Parliament;
  - members of the judiciary; and
  - any person whose position is created by or under an Act of the Parliament of South Australia, other than the *Local Government Act 1999* or an Act pertaining to a university.
- 2.9 The definitions of “government employee” and “officer of the Crown” exclude employees of universities and of Federal or local government.

### **3. Inter-agency charges for government employees**

- 3.1 Government agencies are not permitted to charge government boards or other agencies for the provision of employees as members of government boards. Agencies should attempt to make their employees available for membership of government boards where possible.

### **4. Seeking a remuneration determination**

- 4.1 When a minister wishes to pay members of a board, the advice of the Chief Executive, DPC, is required to determine the appropriate level of remuneration. Submissions to the Chief Executive should be forwarded through the responsible minister or the responsible agency’s chief executive.

- 4.2 Submissions to the Chief Executive, DPC, should set out the functions and responsibilities of the board and include the terms of reference or relevant extract from any establishing legislation. In addition, the following criteria should be addressed:
- the impact of the board's operation on the South Australian economy, including an indication of the level of business risk to which the board is subject;
  - the impact of the board's operation on the South Australian community;
  - the level of external pressure on the board's decision making processes;
  - the board's independence from government; and
  - the managerial and professional skills or experience required of members.

Additional information, such as the anticipated number of meetings or a comparison with the functions of similar bodies, is also useful in determining appropriate remuneration.

- 4.3 Where the board is the governing body of a government business enterprise (GBE), details of the GBE's financial position should also be provided, including total assets, total revenue and gross operating result.
- 4.4 Remuneration arrangements recommended by the Chief Executive, DPC, must be approved by the relevant authority before any payments based on the recommendation can be made. In the case of non-statutory boards, it is the Minister who has the authority. For statutory boards, the legislation will specify who has the authority (usually either the minister or the Governor). If the Governor is required to approve remuneration, a Cabinet submission will be required. For guidance on preparing Cabinet submissions, agencies should contact Cabinet Office (see "further information" section for details).

## **5. Reviews of existing remuneration**

- 5.1 In addition to determining remuneration for new boards and committees, the Chief Executive, DPC, may also be requested to review the remuneration of existing bodies. However, an increase will generally only be supported where there has been a significant increase in the functions and responsibilities of a board or, in the case of GBEs, a significant change in the financial position of the organisation.
- 5.2 Requests for reviews of remuneration should be forwarded to the Chief Executive, DPC, through the responsible minister or the chief executive of the responsible agency. The request should clearly set out the basis on which a review is sought.
- 5.3 Following a review of remuneration, the Chief Executive's determination will be forwarded to the responsible minister. Any changes to remuneration will require approval as described in subsection 4.4.

## **6. Approval of remuneration not recommended by the Chief Executive of DPC**

- 6.1 Where a decision is made to pay remuneration which has not been recommended by the Chief Executive of DPC, the approval of Cabinet is required. If the board is statutory, further approval of the Governor may be required.

## **7. Methods for payment of remuneration**

- 7.1 It is a principle of public law that board members are appointed as individuals and owe a duty to the board and not to the body that nominated or employs them. This principle applies equally to members appointed for their personal professional skills as to members nominated by non-government organisations who may be required by legislation to provide a representative on a board.
- 7.2 The practical implication of this is that board members provide a service to their board as individuals, rather than as representatives of the body that nominated them. Accordingly, nominating bodies do not have a legally enforceable right to invoice the government for the services of their employees when those employees are serving as board members.
- 7.3 In accordance with the principles set out above, board members are required to be remunerated through the responsible agency's payroll system. As with regular employees, the responsible agency is required to withhold from a board member's remuneration the amount of PAYG tax specified under the *Taxation Administration Act 1953* (Cth).

### **Board members required to remit board fees to a third party**

- 7.4 Where there is a clear obligation for a board member to remit their board fees to a third party, such as their employing organisation, the Commissioner of Taxation has varied the rate of PAYG withholding to nil (Commonwealth Special Gazette No. S676 p. 4). In these cases payments need not be included in the payment summary (formerly called a group certificate) issued by the relevant agency. Members required to remit their fees to their employer must provide written confirmation of this from the employer so that the agency knows that the variation to nil applies. For guidance on the payment of superannuation in these circumstances, see section 9.5

### **Board members choosing to remit fees to a third party**

- 7.5 Where a board member chooses to remit their fees to a third party, such as in the form of a donation to a deductible gift recipient, PAYG tax must be withheld at the ordinary rate and the fee paid directly to the board member. As these are private arrangements, the government is not responsible for paying the third party directly.

## **8. Types of remuneration: annual and sessional**

- 8.1 The Cabinet-approved remuneration framework divides boards and committees into one of two categories. Category 1 bodies receive annual fees, while category 2 bodies are paid on a sessional basis.

## Annual remuneration

- 8.2 Where a person is appointed to a board and is entitled to an annual fee, the remuneration is payable in full regardless of the number of meetings the member attends during the course of their appointment.
- 8.3 However, where a board member resigns or is removed from the board by the Governor or responsible minister before the completion of their term of appointment, the member is not entitled to any remuneration they would have received had they continued to be a member.
- 8.4 Annual fees are considered to cover all work of the board, including preparation for meetings and discussions held outside of formal meetings of the board.
- 8.5 Where an annually paid board establishes subcommittees, members of the parent board are only entitled to additional remuneration for membership of one subcommittee, regardless of the number of subcommittees of which they are actually a member. Exemptions to this rule may be granted in exceptional circumstances agreed between the minister and the Chief Executive, DPC.

## Sessional remuneration

- 8.6 Sessional fees are expressed as an amount per four hour session based on the assumption that board meetings are generally of four hours' duration.
- 8.7 Sessional fees are only to be paid to members for meetings of the board at which they were actually present.
- 8.8 Where a meeting lasts for between two and four hours, the sessional fee should be paid in full.

**Example:** *If a board member is entitled to \$100 per four hour session, and a board meeting lasts 2 hours **the full sessional fee of \$100 is paid.***

- 8.9 Where a meeting lasts for less than two hours, the sessional fee should be converted into an hourly rate. The hourly rate is then to be paid for each completed or partially completed hour.

**Example:** *If a board member is entitled to \$100 per four hour session and a board meeting lasts 1.5 hours. **A fee of \$50 is paid.** This is because the hourly rate, \$25, is paid for the first hour and the second partially completed hour.*

- 8.10 Where a meeting exceeds four hours' duration, the sessional fee should be paid for the first four hours. The hourly rate is then to be paid for each completed or partially completed hour beyond the fourth.

**Example:** *If a board member is entitled to \$100 per four hour session and a board meeting lasts 5.25 hours **a fee of \$150 is paid.** This is because the full sessional fee of \$100 is paid, plus the hourly rate of \$25 is paid for the fifth hour and the sixth partially completed hour.*

- 8.11 It is expected that, in order to participate effectively, members will spend approximately three hours in preparation for a meeting. Accordingly, members are not entitled to additional remuneration for such preparation time.

#### **Remuneration for out of session duties**

- 8.12 In some cases, members of sessionally-paid boards and committees may be required to undertake duties of the board or committee outside of formal meetings. Where the responsible minister believes that remuneration should be provided for out of session duties, the advice of the Chief Executive, DPC, is required in order to determine whether such an arrangement is appropriate and, if so, what the level of remuneration should be.
- 8.13 Applications for remuneration for out of session duties should clearly identify how the out of session duties relate to the role of the board or committee.
- 8.14 Remuneration for out of session duties cannot be paid without the approval of the relevant authority (see section 4.4).

#### **9. The superannuation guarantee charge**

- 9.1 In accordance with the *Superannuation Guarantee Charge Act 1992* (Cth), employers are required to contribute a prescribed minimum amount to the superannuation of all employees earning greater than \$450 in a given month. The prescribed minimum rate is nine percent of the employee's salary.
- 9.2 The Australian Taxation Office (ATO) has determined that members of government boards and committees are considered to be employees for the purposes of the SG charge legislation. Accordingly, where an agency makes a payment to a board member of greater than \$450 in one month, that agency is required to contribute an amount equal to nine percent of the payment to the member's superannuation.
- 9.3 Board members who are not employees of the South Australian Government may nominate any complying superannuation fund to receive their SG charge. Details of the fund must be provided to the executive officer of the board and the responsible payroll area before the first payment is made to the member. Failure to nominate a preferred superannuation fund will result in the SG charge being paid to a new account established for the member by Super SA (Triple S Scheme). At present, it is not possible for funds accumulated in a Triple S account to be rolled into another superannuation scheme until the member's term on the board or committee has ended.
- 9.4 South Australian Government employees who have been granted an exemption to receive board fees (see section 2) and who are eligible for the SG charge are expected to receive their SG charge through their existing account with Super SA. The member's existing account details must be provided to the executive officer and the relevant payroll area before the first payment is made to the member.

- 9.5 The fact that a board member may be required by a private arrangement to pass on their board fees to their employer as detailed in section 7.4 will not remove the obligation to make compulsory superannuation contributions directly to the member.

## **10. Salary sacrifice of government board remuneration**

- 10.1 There is no limit on salary sacrifice for superannuation contributions to a complying fund.

### **Establishing a salary sacrifice arrangement**

- 10.2 Board members seeking to salary sacrifice their board and committee remuneration are required to complete a salary sacrifice agreement. A proforma for such an agreement can be found at appendix 3. Relevant sections of the agreement will also need to be completed by the responsible agency.
- 10.3 In order that superannuation benefits paid in the form of a salary sacrifice arrangement be exempt from income tax, the agreement must be “effective” within the meaning of taxation ruling TR 2001/10. In order for a salary sacrifice agreement to be effective, it must be prospective in nature in that it is made prior to the board member performing the duties for which they are to be paid remuneration.
- 10.4 Prior to agreeing to a salary sacrifice arrangement, the responsible agency must be satisfied that the superannuation fund nominated by the board member is a complying fund within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth). Where there is doubt, the fund should be requested to provide a copy of its certificate of compliance from the ATO.
- 10.5 Government board members seeking to salary sacrifice are required to pay an administration fee to the responsible agency’s payroll area. The fee is equivalent to that charged to government employees and can be found in the salary sacrifice information pack available from the Public Sector Workforce Relations website at [www.pswr.sa.gov.au](http://www.pswr.sa.gov.au).
- 10.6 Members of government boards and committees may only salary sacrifice into superannuation. Salary sacrifice benefits available to government employees, such as car leases and utility payments, are not available to board members.
- 10.7 As there are caps that apply to the level of concessional taxed employer financed superannuation contributions paid into a nominated complying superannuation scheme, including salary sacrificed contributions, it is the responsibility of the board or committee member to determine the taxation implications of funds salary sacrificed into a nominated superannuation scheme.

## **Salary sacrifice for government employee members of boards and committees**

- 10.8 In accordance with section 2, government employees do not generally receive remuneration for membership of a government boards or committees, except where the Chief Executive, DPC, has granted an exemption.
- 10.9 A maximum of 50% of total annual earnings comprising the employee's pre-tax salary, as prescribed by the employment arrangement, and additional earnings derived from overtime, shift penalties and/or allowances, may be sacrificed for the range of benefits contained in the SAGSSA Information Pack - Appendix A: Description of Benefit Items – with the exception of superannuation. There is no limit on salary sacrifice for superannuation contributions to a complying fund.

## **11. Travel and accommodation expenses**

- 11.1 Members required to travel a distance of greater than 40 kilometres one-way to attend meetings are entitled to:
- costs necessarily incurred for meals and accommodation; and
  - where public transport is used: actual travel costs necessarily incurred; or
  - where a private motor vehicle is used: a motor vehicle allowance at the rates prescribed under "Motor Vehicle Allowance" in attachment A of Commissioner's Standard 3.2.
- 11.2 Claims for payment of travel and accommodation expenses are to be made in accordance with Commissioner's Standard 3.2. A reference to a chief executive or employer in Commissioner's Standard 3.2 is to be read as a reference to the agency responsible for paying the board member. A copy of the standard can be found on the website of the Commissioner for Ethical Standards and Professional Integrity (see "further information").
- 11.3 Board members are entitled to reimbursement of expenses necessarily incurred in connection with their role as a board member. However, except as stated in subsection 11.1, reimbursement of travel expenses and expenses which are clearly the member's responsibility, such as car parking and child care expenses, are not to be provided.
- 11.4 For non-statutory boards, or for those boards established under an Act that does not set out arrangements for payment of expenses, expenses are to be paid in accordance with this circular.
- 11.5 Where an Act provides that the expenses payable to members of a particular board are to be determined by the responsible minister or by the Governor, it is recommended that the minister or Governor be requested to approve the payment of expenses as set out in this circular.

## 12. Personal accident insurance

- 12.1 In the event of a bodily injury or death to a member of a government board, trust or committee during their official duties (including travel to and from) members are covered for Personal Accident under the Government's insurance and risk management arrangements as administered by SAICORP, the insurance division of the South Australian Government Financing Authority.
- 12.2 The amounts payable will be equivalent to the benefits that would have been payable under the Workers Rehabilitation and Compensation Act 1986.
- 12.3 In the event of injury, Non-Medicare Medical Expenses incurred will be payable as set out below.

### **Non-Medicare Medical Expenses** means:

- (a) expenses incurred within 12 months of sustaining an injury; and  
(b) expenses paid for Doctor, Physician, Surgeon, Nurse, Physiotherapist, Chiropractor, Osteopath, Hospital and/or Ambulance services for the following treatments:

- Medical
- Surgical
- X-ray
- Chiropractic
- Osteopathic
- Physiotherapy
- Hospitalisation
- Nursing

But excludes

- Dental treatment, unless such treatment is necessarily required, to teeth other than dentures and is caused by injury, and
- Services for which the member is eligible to receive Medicare benefits.

### **Conditions applying to Non-Medicare Medical Expenses**

1. Any benefit payable is less recovery made from any Private Health Insurance Fund.
2. No benefit is payable in respect of the Medicare gap between payment made by Medicare and charges incurred.

### **Deductibles**

The appropriate agency shall be responsible for the:

- first week's payment of any loss of income claim
- first \$50 of any Non-Medicare Medical Expenses claim

- 12.4 Agencies must declare details of all boards, trusts and committees in the annual SAICORP questionnaire.

### **13. The Boards and Committees Information System (BCIS)**

- 13.1 The Boards and Committees Information System, or BCIS, is a database developed to record the membership and remuneration details of government boards and committees. The database is held and maintained by the Boards and Committees Unit, DPC.
- 13.2 Boards and committees meeting one or more of the following criteria are required to be recorded on BCIS:
- the board is established by or under an Act of the Parliament of South Australia;
  - one or more members of the board receives remuneration, whether statutory or non-statutory; or
  - the responsible minister has requested that the board be listed on the database.
- 13.3 As a general rule, sub-committees are considered to be part of the main board or committee, exercising power delegated by the parent body and have no separate existence in law. For this reason, most sub-committees are not required to be recorded on BCIS. However, a sub-committee is required to be included on BCIS where:
- one or more members receive remuneration for their role on the sub-committee, distinct from any remuneration they may receive as a member of the main board or committee; or
  - the sub-committee is established by a legislative instrument, such as an act, regulation, legally binding charter or Gazette notice.
- 13.4 Membership and remuneration details of government boards meeting the criteria outlined in subsections 13.2 and 13.3 must be recorded on BCIS. The form attached as appendix 1 outlines the details required for the inclusion of a new board, while the form at appendix 2 details the information required to enter a new board member on to the database.
- 13.5 In addition to new boards, changes to the membership or remuneration details of existing boards must also be recorded on BCIS. Where these changes form part of a Cabinet submission or Cabinet note, the information will be accessed via Electronic Cabinet Online (ECO) and BCIS will be updated accordingly. However, all changes not provided to Cabinet must be supplied to the Boards and Committees Unit by the relevant minister's office. Notification of changes may be made by mail, email or telephone to the Boards and Committees Unit.
- 13.6 In order to assist the Unit in administration of BCIS, each minister's office is required to nominate a contact person in regard to the minister's boards and committees. This person is generally responsible for liaison with agencies responsible for the administration of boards and committees as well as with the Boards and Committees Unit.
- 13.7 BCIS is used to provide vacancy reports to ministers' offices on a monthly basis. These reports provide ministerial staff with a list of vacancies due to occur within six months from the date of the report. In addition, the database reports statistics detailing the gender composition of government boards, which are also provided to ministers' offices and the Office for Women on a monthly basis.

- 13.8 As part of the government's commitment to transparency, accountability and good corporate governance, the information recorded on BCIS is reported to Parliament annually as at the end of each financial year. The Boards and Committees Unit liaises with staff of ministers' offices to ensure that the information on BCIS is accurate as at 30 June of each year. Ministerial chiefs of staff are required to certify that the information presented to Parliament is a complete and accurate record to the best of their knowledge.

#### **Privacy information for board members**

- 13.9 In accordance with the government's Information Privacy Principles Instruction, issued as DPC Circular 12, members of government boards and committees must be advised that their personal details are to be collected for the purposes of inclusion on BCIS.
- 13.10 Board members should be advised that details of their membership, including their remuneration, term of appointment, full name, employment status and position on the board, will appear in the annual report to Parliament described in subsection 13.8. In addition, membership details are frequently supplied to the minister's office and the agency responsible for a particular board. Contact details, where supplied, are also provided to minister's offices on occasion to enable such offices to pass on information relating to a person's board membership. Details of boards and board members are not supplied to persons or agencies other than those involved in the administration of the board.
- 13.11 Board members should also be advised that BCIS is a secure database. Access to the personal details of members is only available to staff of the Boards and Committees Unit, while broader access to board details is available only to Boards and Committees and Cabinet Office staff. Members are entitled to apply for access and to have amendments made to their personal details in accordance with the *Freedom of Information Act 1991*. Members should also be advised that, in accordance with the *FOI Act 1991*, members of the public may seek access to records held in relation to boards and committees. However, the Act does not allow unreasonable disclosure of personal affairs.

## Further information

Topic	Contact information
DPC Circular 16	Boards and Committees Unit Department of the Premier and Cabinet GPO Box 2343 ADELAIDE SA 5001 Telephone: 8226 5557 or 8226 2763 E-mail: <a href="mailto:boardsandcommittees@dpc.sa.gov.au">boardsandcommittees@dpc.sa.gov.au</a> Website: <a href="http://www.premcab.sa.gov.au/dpc/community_boards_committees.html">http://www.premcab.sa.gov.au/dpc/community_boards_committees.html</a>
Cabinet submissions	Cabinet Office Department of the Premier and Cabinet Telephone: 8226 3661 Website (government access only): <a href="http://intra.sa.gov.au/site/cabinet/secretariat/submissions.htm">http://intra.sa.gov.au/site/cabinet/secretariat/submissions.htm</a>
Superannuation	Contact your agency's payroll area in the first instance. If further information is required, contact:  Superannuation (Policy) Unit Department of Treasury and Finance Telephone: 8226 9514
Salary sacrifice	Public Sector Workforce Relations Department of the Premier and Cabinet Telephone: 8226 2700 Website: <a href="http://www.pswr.sa.gov.au">http://www.pswr.sa.gov.au</a>
Commissioner's Standard 3.2	Commissioner for Public Sector Employment Office of Ethical Standards and Professional Integrity Telephone: 8226 2721 Website: <a href="http://www.espi.sa.gov.au/">http://www.espi.sa.gov.au/</a>
Insurance	Director, Insurance SAICORP Telephone: 8207 2362 Website: <a href="http://www.safa.sa.gov.au/insurance/">http://www.safa.sa.gov.au/insurance/</a>

# Appendix 1: Form to include a new board on the Boards and Committees Information System BCIS)



1. Board details
Name of Board:
Date established:
Responsible minister:
Ministerial portfolio:
Responsible agency (e.g. government department or statutory authority):
Establishing legislation (if applicable):
Avg. no. of meetings per year:
Max. no. of terms for members (if applicable):
If board is a subcommittee, what is the parent board?
Board email:

2. Secretary / Executive Officer details
Name:
Address:
Phone no:
Email:

3. Secondary contact details (if applicable)
Name:
Address:
Phone no:

4. Remuneration and funding details
Is the board being paid? <input type="checkbox"/> Yes <input type="checkbox"/> No (skip to section 5)
Please detail the fee entitlements:
Were the fees recommended by the Chief Executive, DPC?
<input type="checkbox"/> Yes <input type="checkbox"/> No (Please refer to section 4 of DPC Circular 16)
Which authority approved the fees?
<small>(For statutory boards, check the legislation. For non-statutory boards, it will be the Minister).</small>
<input type="checkbox"/> Minister Date of approval: _____
<input type="checkbox"/> Governor
<input type="checkbox"/> Don't know / not yet approved (Please contact DPC for advice)

4. Remuneration and funding details (continued)
Funding details (source of funding for members' remuneration)
<input type="checkbox"/> Government (consolidated revenue)
<input type="checkbox"/> External (e.g. self-funded from own revenue or industry funded)
<input type="checkbox"/> Mixed (a combination of government and external)
Details:

5. Information to satisfy DPC Circular 22: Improving the effectiveness of government boards and committees
<b>5.1. Terms of reference</b>
All boards and committees must have a <b>terms of reference</b> . This can be a charter, rules of association or other document that details the functions, operations and reporting requirements of the board or committee. Please indicate if the terms of reference is attached:
<input type="checkbox"/> Attached
<input type="checkbox"/> Not attached
Please note: boards and committees established under legislation that <u>specifically details the role and functions of the body</u> do not need to provide a terms of reference.

5.2. Annual report
All boards and committees must provide an annual report. Most statutory boards are required to prepare an annual report for Parliament, thereby satisfying the requirements of DPC Circular 22. However, if the board's legislation does not specify an annual reporting date or the board is non-statutory, an annual report to the Minister must be provided.
Please indicate the <b>date</b> at which the board or committee will provide an annual report:

5.3. Review date <u>or</u> sunset date
All boards and committees must have either a review date <b>or</b> a sunset date. A <b>review date</b> is the date at which a board or committee must be reviewed to determine whether it will continue in its current form, continue in a new/alterd form, or be dissolved. A <b>sunset date</b> is the date at which the board or committee will terminate unless deliberate action is taken to prevent this from occurring.
<input type="checkbox"/> Review date:
<input type="checkbox"/> Sunset date:

Please return form to: Boards and Committees Unit  
Department of the Premier and Cabinet  
Level 11 State Administration Centre  
200 Victoria Square  
ADELAIDE SA 5000  
DX: 56201

Or email to: [boardsandcommittees@dpc.sa.gov.au](mailto:boardsandcommittees@dpc.sa.gov.au)

For advice, call: 8226 5557 or 8226 2763

## Appendix 2: Form to include a new member on the Boards and Committees Information System BCIS)



1. Personal information
Title (e.g. Mr, Mrs, Dr):
Surname:
Given name:
Middle name(s):
Honorifics (e.g. AM, AO, MP):
Date of birth:
Qualifications:
Do you identify as any of the following:
<input type="checkbox"/> Culturally or linguistically diverse background
<input type="checkbox"/> Aboriginal or Torres Strait Islander
<input type="checkbox"/> A person with a disability
<input type="checkbox"/> A young person (e.g 30 years or less)

2. Contact information
Address:
Phone no:
Email:

3. Employment information
Employment status: (Refer to section 2 of DPC Circular 16 for guidance)
<input type="checkbox"/> Private citizen (PC)
<input type="checkbox"/> Government employee (GE)
<input type="checkbox"/> Judge/Magistrate (J/M)
<input type="checkbox"/> Statutory employee (SE)
<input type="checkbox"/> Parliamentary employee (PE)
Name of primary employer:
Position title:

4. Board or committee appointment information
Name of board or committee to which you have been appointed:
Position (e.g. Chair, member):
If you are a deputy member, please supply the name of the member for whom you deputise:

4. Board or committee appointment information (continued)
Exact date of appointment (current term only):
Exact date of expiry (current term only):
Nominator or representative organisation (if applicable):

5. Privacy information for members of government board and committees
In accordance with the government's Information Privacy Principles Instruction, issued as Department of the Premier and Cabinet Circular 12, members of government boards and committees are advised that their personal details are to be collected for the purposes of inclusion on the Boards and Committees Information System (BCIS).
Board members are advised that details of their membership, including their remuneration, appointment and expiry dates, full name, employment status and position on the board, will appear in the annual BCIS report to Parliament described in subsection 12.8 of DPC Circular 16.
In addition, membership details are frequently supplied to the minister's office and the agency responsible for a particular board. Contact details, where supplied, are also provided to ministers' offices on occasion to enable such offices to pass on information relating to a person's board membership. Details of boards and board members are not supplied to persons or agencies other than those involved in the administration of the board.
BCIS is a secure database. Access to the personal details of members is only available to staff of the Boards and Committees Unit.
Members are entitled to apply for access and to have amendments made to their personal details in accordance with the <i>Freedom of Information Act 1991</i> . Members are advised that, in accordance with the <i>FOI Act 1991</i> , members of the public may seek access to records held in relation to boards and committees. However, the Act does not allow unreasonable disclosure of personal affairs.

Please return form to:                      Boards and Committees Unit  
 Department of the Premier and Cabinet  
 Level 11 State Administration Centre  
 200 Victoria Square  
 ADELAIDE SA 5000  
 DX: 56201

Or email to:                                      [boardsandcommittees@dpc.sa.gov.au](mailto:boardsandcommittees@dpc.sa.gov.au)

For advice, call:                                8226 5557 or 8226 2763

## Appendix 3: Proforma for a salary sacrifice agreement



Government of South Australia

Department of the Premier  
and Cabinet

### Salary sacrifice of superannuation agreement for members of government boards and committees

Government board member's authorisation to payer to contribute directly into superannuation fund and undertaking to indemnify for the period from:

Start date: \_\_\_\_\_

Until

End date: \_\_\_\_\_

<b>1. Personal information</b>
Title (e.g. Mr, Mrs, Dr):
Surname:
Given name:
Middle name(s):
Address:
Phone no:
Payroll/Employee no:
Name of board or committee to which I have been appointed:
<b>2. Fund details</b>
Name of fund:
Address of fund:
If fund is <u>not</u> Super SA, please provide compliance number (or attach compliance certificate):
Contact number for fund (if fund is <u>not</u> Super SA):
<b>3. Payer (agency responsible for payment) details</b>
Name of payer:
Address of payer:

**The board member** acknowledges and agrees as follows:

1. that by signing this agreement he/she elects to sacrifice salary by authorising the payer to contribute [*insert percentage OR amount of total pre-tax board remuneration*] of his or her board remuneration directly into [*insert name of complying superannuation fund*] on his or her behalf, such contributions to be made by the payer upon deduction of the amount or percentage of board fees specified in this clause for each relevant pay period;
2. that pursuant to taxation legislation, superannuation contributions made under this agreement are only exempt from income tax where the entitlement to board remuneration was earned following the completion of this agreement, and that contributions under this agreement from remuneration to which an entitlement was earned prior to the completion of this agreement are subject to income tax;
3. that the payer is not liable to the board member either directly or indirectly in respect of any matter touching or concerning the contributions, unless such liability cannot be abrogated by statute;

4. that the board member will indemnify the payer from and against:
  - 4.1 any income tax or any other taxation liability whatsoever (including any administrative penalty, fine or other amount) that may become payable pursuant to any relevant taxation legislation or rulings;
  - 4.2 any other liability whatsoever not otherwise described in clause number 4.1 above in respect of the said contribution by the payer, which includes any information supplied by the payer including but not limited to any estimate of salary and the amount of the contributions and any matter not otherwise described herein; and
  - 4.3 all charges, costs, damages, disbursements, fees or losses suffered or incurred by the payer in relation to any matter touching or concerning the contribution by the payer;
5. that the employee bears the complete and sole responsibility for seeking appropriate advice, financial or otherwise, in respect of the said contributions and this is not a concern for or the responsibility of the payer; and
6. that an administration fee cited in the Salary Sacrifice Information Pack available from <http://www.pswd.sa.gov.au> is payable to the payer upon the commencement of this agreement and any subsequent superannuation salary sacrifice agreement.

**The payer** acknowledges and agrees as follows:

7. that upon the board member signing and delivering this agreement to the payer, the payer will commence making the deduction and the contributions in that manner as outlined in clause 1 herein.

**Board member:**

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**Payer:**

Signed: \_\_\_\_\_

Print name of delegate: \_\_\_\_\_

Dated: \_\_\_\_\_