

# BOXING AND MARTIAL ARTS ADVISORY COMMITTEE

## TERMS OF REFERENCE

### ESTABLISHMENT OF THE COMMITTEE

Pursuant to Section 4 of the *Boxing and Martial Arts Act 2000* (the Act), the Minister establishes a Committee to be known as the Boxing and Martial Arts Advisory Committee (referred to in these Terms of Reference as the Committee) until 31 December 2022.

### PREAMBLE

The Committee is established for the purpose to obtain advice on matters relating to the administration of the Act.

The establishment of the Committee does not derogate from the power of the Minister for Recreation, Sport and Racing, or their delegate, to act in a matter.

### PURPOSE

The Committee aims to provide advice to the Minister, or their delegate, on the administration of the Act including (but not limited to) such matters as:

- Relevant issues pertaining to the boxing and martial arts sector and the adequacy and appropriateness of the legislation.
- The Rules regulating the conduct of boxing and martial arts events.
- Relevant considerations to achieve the promotion of safety in boxing and martial arts.
- Any other matters the Minister may request in relation to the sector more generally.

### MEMBERSHIP

Members shall be appointed by the Minister or their delegate.

The Committee will consist of up to eight (8) members.

The Committee will comprise a minimum of 40% women, 40% men and 20% being discretionary.

The membership shall be made up of:

- One (1) person with legal qualifications or experience in sport governance.
- A minimum of one (1) medical practitioner.
- The remaining members will have knowledge and/or experience of the boxing and martial arts sector, ensuring there is a wide spectrum of disciplines/sports represented or any person the Minister (or their delegate) thinks fit.

Any person who is currently licenced under the Act will be ineligible for appointment to the Committee.

Members will be appointed for a term of up to two (2) years, with half of the membership expiring every (1) year. The alternating tenure arrangements will assist with the effective management of the Committee through continuity of the Committee's operations across successive terms.

Where a casual vacancy occurs by resignation or otherwise, a member may be appointed by the Minister or their delegate for the remainder of the term of the member they have replaced.

All members of the Committee will be required to seek and maintain a Working with Children Check and a General Probity Check at all times.

### **CHAIRPERSON**

The Chair will be appointed by the Minister or their delegate.

The Chair, with the support of the Executive Officer, will ensure that all matters requiring action arising out of a meeting are appropriately addressed and co-ordinated with the Agency, as appropriate.

The Chair will ensure that the Executive Officer provides the Minutes of each meeting to the Minister and their delegate.

The Chair may delegate:

- Responsibility for an out-of-session task to a member or group of members who may consult with other such person(s) as appropriate; subject to the Minister's prior approval of the additional expenses.
- The Chair must advise the Committee of any such delegation at the next meeting of the Committee.



## **CONDUCT AND INTERESTS OF MEMBERS**

### **Duty to Act Honestly**

Each member will act honestly when performing their functions and strive to earn and sustain public trust.

Each member will perform the duties required of them and only use their influence for proper purposes.

Members must not improperly seek, accept or agree to accept a benefit from another person as a reward or inducement.

### **Confidentiality of Information**

Each member will treat matters discussed or considered by the Committee (including any papers prepared for and/or considered by the Committee) as confidential unless otherwise instructed by the Minister or their delegate.

Members may not discuss, distribute or release confidential information received in their capacity as a member to a person outside of the Committee (except to disclose to legal advisors to the extent necessary for the purpose of obtaining legal advice).

Members must not use information gained by virtue of their position on the Committee (now or in the future) with the intention of securing a benefit or detriment for themselves or somebody else.

### **Duty with Respect to Conflict of Interests**

Each member will, on commencement and annually thereafter, complete a statement of potential conflict of interest (both direct and indirect).

A member who has a direct or indirect interest in a matter before the Committee must verbally disclose the interest to the appropriate meeting and on each occasion that the item is debated.

Members must not participate in decisions (including discussion or voting) in matters where they have an actual conflict of interests unless that interest is held in common with a substantial class of persons.

If a member wishes to seek advice about a possible conflict of interest before a meeting they should contact the Chairperson.

Members found to have breached the duties imposed on them may be removed from the Committee by the Minister.

## **MEETINGS**

The Committee will meet at least bi-monthly or as required at the discretion of the Minister and/or their delegate.

Urgent matters may be dealt with out of session in a manner deemed appropriate by the Chair; such as, through teleconference, videoconference or an email meeting with an out of session paper.

Meeting dates will be set at the first meeting of each calendar year.

## **DECISION MAKING**

Decisions at a meeting will be made by the consensus and then, if necessary, be decided by a majority of votes cast by the members present at the meeting and entitled to vote. Each member will have a single deliberative vote. No other meeting participant may cast a vote (i.e. Executive Officer or Invited Guests).

No member eligible to vote on a motion before the Committee (that is those members present at the meeting without a conflict) has a right to abstain from voting.

## **EXECUTIVE OFFICER SUPPORT**

The Agency shall provide support to the Committee through the provision of an Executive Officer nominated by the Chief Executive.

The Executive Officer will provide the following services in support of the Committee's objectives and outcomes:

- Coordination and preparation of agendas, papers and minutes.
- Coordination of all meeting logistics at the direction of the Chair.
- Monitoring of progress and coordination of resolutions and action item outcomes for the Committee.
- Reviewing and providing recommendations to the Chair regarding preparation of papers and reports where appropriate.
- Supporting the Chair to ensure that all matters arising out of meetings that required action are appropriately addressed.
- Management of the Committee's activities including adherence to all compliance and reporting requirements.
- Communicate and oversee relevant financial issues relating to the Committee.

## **ACCESS AND DOCUMENTS**

The agenda and meeting papers will be provided to each member of the Committee a minimum of fourteen (14) days' prior to a scheduled meeting date.

- The Executive Officer will call for ordinary agenda items from the Minister or their delegate, not less than six (6) weeks before the planned meeting date.
- The Chair, through the Executive Officer, will call for ordinary agenda items from Committee Members not less than four (4) weeks before the planned meeting date.
- The agenda and the relevant meeting paper will be provided to any invited guest.
- Late agenda items may be accepted at the discretion of the Chair.

Each ordinary agenda item should be supported by an explanatory paper.

- Papers for ordinary agenda items must be submitted by members to the Executive Officer not less than twenty-one (21) days before the meeting date.
- Papers for late agenda items will be distributed to Committee members not less than twenty-four (24) hours prior to the meeting.

The draft minutes will be provided to all members of the Committee for comment within five (5) days after a meeting.

- Draft minutes will be provided to the Minister or their delegate by the Agency and tabled at the next meeting of the Committee for endorsement as a true and correct record of that meeting:
- All business papers of meetings of the Committee:
  - Will be treated as confidential.
  - Must be recorded by the Executive Officer on Objective as an official record of business.

## **REPORTING**

The Committee will report through the Chief Executive, Office for Recreation, Sport and Racing as the delegate for the Minister.

The Committee must make a report of their activity annually. The report will be incorporated into the Agency's Annual Report.

This Committee, its members and their remuneration must be registered by Governance on the whole-of-government Boards and Committee Information System (BCIS):

- Such information will be reported annually to the Parliament and published on the Department of Premier and Cabinet website.
- Members of the Committee are advised that their personal details are collected for the purposes of inclusion on the BCIS.

## REMUNERATION OF MEMBERS

Remuneration of committees is determined in accordance with *PC016 Remuneration for Government Appointed Part-Time Boards and Committees* and the *Cabinet-Approved Remuneration Framework*.

This Committee is assessed as being a **Category 2, Level 3** Committee under that Framework as it:

- Provides policy and/or operational advice to a Minister or agency chief executive in important matters which impact on the well-being of a section of the South Australian community or industry sector.
- Advises on the adequacy of the statutory provisions under which they were created.
- Regulates standards of importance in the community.

No 'government employee' is entitled to be paid for membership of the Committee without the specific approval of the Chief Executive of the Department for Premier and Cabinet and the support of the Minister.

In accordance with that Framework, all members of a Category 2, Level 3 Committees who are not government employees or who hold an exemption from the Minister will receive remuneration for each meeting at which they are present at a sessional rate, which may be amended by the Chief Executive of the Department of Premier and Cabinet from time to time.

Sessional fees are expressed as an amount per four-hour session based on the assumption that committee meetings generally last four hours.

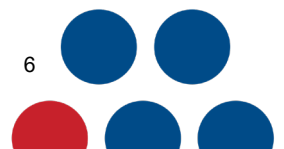
Sessional fees will be paid in the following proportions based on the duration of Committee meetings:

Meeting Duration	Payment
<b>Less than 2 hours</b>	Payment of the hourly rate for each completed or partially completed hour.
<b>Between 2 and 4 hours</b>	Payment of the sessional rate in full.
<b>More than four hours</b>	Payment of the sessional rate in full for the first four hours. Payment of the hourly rate for each completed or partially completed hour thereafter.

At the time of adoption of these Terms of Reference, the rates for Category 2, Level 3 Committee are:

- \$221 per session (\$55.50/hr) for the Chair.
- \$177 per session (\$44.00/hr) for ordinary members.

Each sessional fee includes up to three (3) hours meeting preparation time for which no additional remuneration is payable.





Payment for out-of-session duties must be approved, in advance, by the Minister on recommendation of the Chief Executive. In considering a recommendation to the Minister, the Chief Executive must seek confirmation of the appropriateness of any arrangement by the Chief Executive of the Department of Premier and Cabinet (as the person responsible for government boards and committees).

Superannuation may be payable to adult members once they are paid at least \$450 in a month which may be paid in the form of a salary sacrifice arrangement to be exempt from income tax.

Members required to travel distances of greater than 40 kilometres one-way to attend meetings are entitled to reimbursement of reasonable travel, meal and accommodation expenses in accordance with Commissioner's *Determination 3.2. Employment Conditions – Remuneration – Allowances and Reimbursements*

## LIABILITY AND INSURANCE

No civil liability attaches to members of the Committee for acts or omissions in the exercise of their official duties.

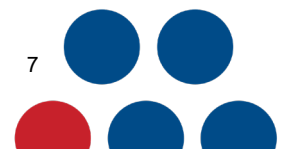
This Committee must be declared in the annual SAICORP questionnaire.

In the event of a bodily injury or death to a member in the course of their official duties (including travel to and from) members are covered for Personal Accident under the government's insurance and risk management arrangements (SAICORP).

In the event of injury, some non-Medicare medical expenses may be payable.

## DEFINITIONS

<b>Agency</b>	Means the Agency responsible for the administration of the <i>Boxing and Martial Arts Act 2000</i> .
<b>Associate</b>	Takes the same meaning defined by the <i>Public Sector (Honesty and Accountability) Act 1995</i> : <ul style="list-style-type: none"> <li>• Your spouse or domestic partner.</li> <li>• Your relatives.</li> <li>• The relatives of your spouse or domestic partner.</li> <li>• A body corporate in which you or your associates hold shares worth at least ten percent of the value of the body corporate.</li> <li>• Trustees of a trust of which you or your associates are beneficiaries, or</li> <li>• A person declared by regulation to be an associate.</li> </ul>
<b>Direct Interest</b>	Means an interest in a matter that is held by the Member.
<b>Domestic Partner</b>	Takes the same meaning defined by the <i>Family Relationships Act 1975</i> , whether declared as such under that Act or not: <ul style="list-style-type: none"> <li>• The person is, on that date, in a registered relationship with the other; or</li> <li>• The person is, on that date, living with the other in a close personal relationship and</li> </ul>

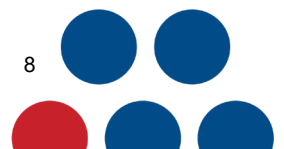


	<ul style="list-style-type: none"> <li>○ The person: <ul style="list-style-type: none"> <li>▪ Has so lived with the other continuously for the period of 3 years immediately preceding that date.</li> <li>▪ Has during the period of 4 years immediately preceding that date so lived with the other for periods aggregating not less than 3 years.</li> </ul> </li> <li>○ A child, of whom the 2 persons are the parents, has been born (whether or not the child is still living at that date).</li> </ul>
<b>Indirect Interest</b>	Means an interest in a matter that is held by an Associate of a Member.
<b>Government Employee</b>	Means any person employed by a State Government organisation. This includes, but is not limited to: <ul style="list-style-type: none"> <li>• Employees of State Government departments and agencies.</li> <li>• Employees of public hospitals and health services.</li> <li>• Employees of public schools and TAFE colleges.</li> <li>• Employees of the South Australian Ambulance Service.</li> <li>• Employees of the Metropolitan Fire Service, Country Fire Service or State Emergency Service.</li> <li>• Members of South Australia Police.</li> <li>• Staff of State Government boards, committees, statutory authorities and public corporations.</li> <li>• Members of Parliament or Legislative Council and their employees.</li> <li>• Staff of either House of Parliament.</li> <li>• Members of the judiciary.</li> <li>• Any person whose position is created by or under an Act of the Parliament of South Australia (other than the <i>Local Government Act 1999</i> or an Act pertaining to a university).</li> </ul>
<b>Relative</b>	Takes the same meaning defined by the <i>Public Sector (Honesty and Accountability) Act 1995</i> : <ul style="list-style-type: none"> <li>• Your spouse or domestic partner.</li> <li>• Your parents, grandparents, and other remoter linear ancestors.</li> <li>• Your children, grandchildren, and other remoter linear descendants.</li> <li>• Your brothers and sisters.</li> </ul>
<b>Spouse</b>	Takes the same meaning defined by the <i>Public Sector (Honesty and Accountability) Act 1995</i> , which states that a person is the spouse of another if they are legally married.

## RELATED LEGISLATION AND DOCUMENTS

### Legislation

- *Boxing and Martial Arts Act 2000*
- *Boxing and Martial Arts Regulations 2015*
- *Criminal Law Consolidation Act 1935*
- *Public Sector Act 2009*
- *Public Sector (Honesty and Accountability) Act 1995*





**Policies, Procedures, Forms, Templates**

- PC016 – Remuneration for Government Appointed Part-Time Boards and Committees, March 2020.
- Boards and Committees – Remuneration Framework, Cabinet, 10 December 2007
- PC022 – Establishment and governance requirements for government boards and committees, August 2020.
- Public Sector Commissioner’s Determination 3.2 Employment conditions – Remuneration – Allowances and Reimbursements.

**Other Documents**

- Honesty and Accountability for Members of Government Boards, Department of Premier and Cabinet, March 2011.
- Government Boards and Committees – Guidelines for Agencies and Board Members, Department of the Premier and Cabinet

**REVIEW**

The Committee must be reviewed prior to the expiry of its term:

- Whether there is a need for the Committee to be re-established by the Minister at the conclusion of the term.
- The Terms of Reference for the Committee, should it be re-established, including the functions and required membership.
- Such a review shall be undertaken by Agency staff not directly involved in the operations for the Committee.

**POLICY APPROVAL AND HISTORY DETAILS**

<b>Approval and Review</b>	<b>Details</b>
Policy Administrator	Principal Policy Officer, Sector Capability
Date of approval by Minister	
Next Review Date	31 December 2022

<b>Document History</b>	<b>Details</b>
Original Approval Date	30 May 2002
Amendment Version and Date	Version 2, November 2019
Notes	
Amendment Version and Date	Version 3, November 2020
Notes	

