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Response due	

Board of the  
Botanic Gardens and  
State Herbarium



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ABG 008.3.1.7.2.11  
Date: 1 August 2014

Hon Ian Hunter MLC  
Minister for Sustainability, Environment and Conservation  
GPO Box 1047  
Adelaide 5001

Dear Minister

### **South Australian boards and committees reform**

I am writing as Chair of the Board of the Botanic Gardens and State Herbarium in response to the Premier's letter dated 8 July, in relation to the reform of South Australian boards and committees.

I understand from the Premier's letter, and from the Chief Executive of the Department of Environment, Water and Natural Resources that the retention of the Board of the Botanic Gardens and State Herbarium will depend on analysis of the Board's value in terms of both efficiency and independence from government.

A short outline of the headline issues that underpin the significance of the Board's value to the Gardens in relation to efficiency and independence from government are outlined below.

#### Efficiency

The Gardens' reputation and public trust has been built since Colonel Light's 1837 Plan of Adelaide, establishment on the present site in 1855 and the first *Botanic Gardens Act 1860*. The status of the Board has a profound impact on the reputation and authority of the Botanic Gardens and State Herbarium. The Board's reputation and authority, and networks provide an essential gateway to identify and develop effective partnerships.

The Board's custodianship of the Gardens through the *Botanic Gardens and State Herbarium Act 1978* (the Act) provides ownership for Board members, who in return provide access to their networks for philanthropy, including entrees and engagement for sponsorship, donations and bequests. Benefaction is substantially linked to this ownership.

The ability of the Board to attract outstanding Board members is dependent on the Board's custodianship of the Gardens through the Act. The ability of the Gardens to attract high calibre Board members simply for fund raising, without a legislated leadership role, is extremely doubtful.

The Board provides a high return on investment for the development of effective, efficient and appropriate systems and processes for governance and strategy and brings the highest level knowledge and skills to focus on the effectiveness of Gardens policy, planning and delivery.

### Independence

The Board provides a legally compliant entity Tax Deductible Gift Recipient status – in this context the Adelaide Botanic Gardens Foundation is a sub-committee of the Board. The likelihood of donors giving to some other entity, especially a government one, is extremely doubtful.

The Board provides a legally compliant entity as a cultural institution for the Cultural Gifts Program - tax deductible donations (- cash or art) can be made to the Board.

The Board's assets (- bequest funds \$2 M at bank, inventory and all the other Non-Current assets (buildings, of which many are heritage listed, land, cultural, living, seed and herbarium collections) are held under the Board's stewardship for the purpose of establishing and managing the Botanic Gardens and State Herbarium. The Act does not state what happens in the event of the Board or the Act being repealed. The obvious expectation is that all would become the property of Government and could do whatever they liked as there would be no safe-guards other than public opinion.

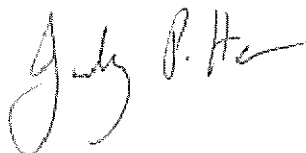
Public trust in the Gardens reflects the Board's independent stewardship of the Gardens' collections for over 150 years. Independence is an essential requirement for long term stewardship of cultural collections and South Australia's heritage.

The functions of the Board under the Act Section 13 (1) include requirements;

- To establish and maintain
  - o Botanic Gardens and other gardens for the use and enjoyment of members of the public on land vested in or placed under the control of the Board; and
  - o exhibitions of interest in the fields of botany, horticulture, biology, conservation of the natural environment or history; and
  - o a herbarium and, subject to this Act, to retain original specimens included in the herbarium; and
- to accumulate;
  - o and care for specimens (whether living or preserved), objects and things of interest in the fields of botany, horticulture, biology, conservation of the natural environment or history; and
  - o and classify data in regard to any such matters; and
- to manage;
  - o all lands and premises vested in, or placed under the control of, the Board;
  - o all funds vested in, or under the control of, the Board and to apply those funds in accordance with the t&c of any instrument of trust or other instrument affecting the disposition of those funds;
- to carry out, or promote research and to disseminate information into matters of interest in the fields of botany, horticulture, biology, conservation of the natural environment or history; and

The role of the Board of the Botanic Gardens & State Herbarium is critical for the success, and perhaps even survival of South Australia's botanic gardens and herbarium as a collections-based cultural and scientific institution. I will be pleased to meet with you to discuss these critical issues further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Judy P. Potter". The signature is fluid and cursive, with the first name "Judy" being the most prominent.

Judy Potter

**CHAIR OF THE BOARD OF THE BOTANIC GARDENS AND STATE HERBARIUM**

Cc Hon Jay Weatherill MP, Premier

Attachment 1 - Board membership

## BOARD OF THE BOTANIC GARDENS AND STATE HERBARIUM

### Members at 30 July 2014



#### **Judy Potter (Chair)**

Ms Judy Potter was appointed to the Board of the Botanic Gardens and State Herbarium on 21 January 2010 and became Chairperson in July of that year.

Ms Potter has served on numerous boards in the community, Government and tertiary sector, including past Chair of the following Boards: Adelaide Fringe, Adelaide Central Market Authority and the Adelaide Central School of Art. She currently chairs the South Australian Film Corporation and is a Director of Musica Viva Australia and the Duke of Edinburgh Awards.

Ms Potter consults to HYLIC Joint Venture (Hansen Yuncken and Leighton Contractors) who are managing the design and construction of the new Royal Adelaide Hospital.



#### **David Knox**

##### **Chief Executive Officer and Managing Director Santos Limited**

Mr David Knox was appointed Chief Executive Officer of Santos in July 2008. He has 25 years of experience in the global oil and gas industry, including as Managing Director for BP Developments in Australasia from 2003 to 2007.

Originally from Edinburgh, Scotland, David holds a first class honours degree in Mechanical Engineering from Edinburgh University and a Masters of Business Administration from the University of Strathclyde. David joined the Board of the Botanic Gardens and State Herbarium in December 2009.



#### **Anne Howe**

Anne Howe was appointed to the position of Chief Executive of the South Australian Water Corporation (SA Water), the state's government owned water utility, in March 2001, she retired in December 2010.

Ms Howe's career covers management in human service agencies, policy, planning and public sector reform. During a time of great change – and the worst drought in the state's history – she has provided leadership to SA Water, providing water to over 95% of South Australians.

Prior to SA Water, Ms Howe held a number of Chief and Senior Executive positions in the South Australian public service, served on several boards including as Chair of the State Supply Board, the National Public Works Council, and the Australian Procurement and Construction Council. Ms Howe has been a Director of the Botanic Gardens & State Herbarium since June 2006.



#### **Anne Levy**

Anne Levy was the first woman to preside in any house of any Parliament in Australia. She was elected to the South Australian Legislative Council in 1975 where she remained until 1997. In 1986 she became the President of the Legislative Council - the first woman to be a Presiding Officer of a House of Parliament in Australia. She held various Ministerial positions between 1989-1993, including Minister for the Arts, Minister of Local Government, Minister of State Supply, Minister of Consumer Affairs, and first ever Minister for the Status of Women. She retired in 1997. Anne was appointed to the Board of the Botanic Gardens and State Herbarium of Adelaide in July 2007.



#### **Christine Elstob**

After graduating in law from the University of Adelaide and being admitted to the Bar as a legal practitioner in South Australia, Christine spent most of her professional life working in the field of human rights, first in Melbourne, followed by two decades in the International Labour Office in Geneva, Switzerland and several years in Washington DC. Since returning to Adelaide, she has undertaken various assignments in her field and also currently serves as a member of the Board of Trustees of the History Trust of South Australia (History SA). Christine was a member of the Board of the Botanic Gardens and State Herbarium from 2004-2008 and was delighted to rejoin the Board of some of her favourite Adelaide haunts on 5 July 2011.



#### **Helena Jenkinson**

Ms Helena Jenkinson brings a community perspective to the Board, having been actively involved in the Friends of the Botanic Gardens of Adelaide, including training and volunteering as a Garden Guide at Adelaide and Wittunga Botanic Gardens. Ms Jenkinson has a Master of Social Science from the University of South Australia, a Bachelor of Special Education from Flinders University and a Diploma of Teaching (secondary) from the

Adelaide Teachers College. She has served as a member of the Friends of the Botanic Gardens of Adelaide since 2000, a member of the Friends of the Australian Ballet since 1991, a member of ZooSA since 2005.

Ms Jenkinson is the current President of the Friends of the Botanic Gardens of Adelaide and has been a strong advocate for the Botanic Gardens of Adelaide's role as a cultural institution. Ms Jenkinson joined the Board on 5 July 2011.



**Ian Stirling**

Mr Ian Stirling was appointed as CEO of ElectraNet in August 2002, and previously held various executive positions within the company including CFO.

Ian has been part of the electricity industry since 1983 with extensive experience in senior management positions in all sectors including generation, transmission and distribution.

Ian holds a Bachelor of Business with a double major in Accounting and Law and is a Certified Practising Accountant. Ian is a member of the Institute of Company Directors and is Chairman of the Energy Supply Association of Australia. Ian is also a Director of Business SA, President of the SA State Committee of CEDA as well as a Director of CEDA nationally.

Ian joined the Board of the Botanic Gardens and State Herbarium on 10 July 2012.



**Rob DiMonte**

Mr DiMonte joined the Board of the Botanic Gardens and State Herbarium on 10 July 2012. He is also Chair of the Board Finance and Risk Management Committee.

Rob is the former Managing Partner for Deloitte in South Australia (2001 – 2014) and a Partner since 1994. Rob is a Chartered Accountant and a design thinker. He is able to design innovative solutions to “wicked problems” and he uses these skills in the areas of business strategy, operations improvement, organisation design and social change. As a management consultant he has assisted clients in the Public, Private and Not for Profit Sectors and has brought these skills to the Boardroom table. Rob is a Fellow of the Institute of Chartered Accountants, Member of the Institute of Company Directors and has held many board and board advisory roles over the past thirty years. He is currently a director of Medvet; The Australian Centre for Social Innovation; Advisory Board of Carnegie Mellon University Australia; The Chartered Accountants Benevolent Foundation Limited; and Board Advisor to GP partners Australia.

Rob has also held the following positions; Management Board of the National Primary Care Collaboratives; 2007 National President of the Institute of Chartered Accountants; Deputy

Chairman of SA Great; Deputy Chairman of the Deloitte Foundation; CEDA Trustee; AMCHAM Governor; Board Advisor Michell Group and Chairman of VIVASA.

