

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 23 April 2019
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.3

Originating Officer: Lachlan Miller, Executive Manager Governance & Performance

Responsible Director: Andrew Aitken, Chief Executive Officer

Subject: Appointment of Advisory Group Independent Members

For: Decision

1. Appointment of Advisory Group Independent Members – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- CEO, Andrew Aitken
- Director Infrastructure & Operations, Peter Bice
- Director Development & Regulatory Services, Marc Salver
- Director Corporate Services, Terry Crackett
- Director Community Capacity, David Waters
- Executive Manager Governance & Performance, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 19.3: (Appointment of Advisory Group Independent Members) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Appointment of Advisory Group Independent Members – Confidential Item

SUMMARY

At its 18 December 2018 meeting, Council resolved to commence recruitment processes for the independent/community member positions on the following Advisory Groups:

- Biodiversity Advisory Group
- Cemetery Advisory Group
- Rural Land Management Advisory Group
- Sustainability Advisory Group

Expressions of interest were invited through print and social media in February. Overall the level of response was low and the Executive Officers were required to utilise their networks to encourage additional interest.

The appointed Selection Panels have considered the expressions of interest received and have made recommendations for appointment for Council's consideration.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. That in relation to the Biodiversity Advisory Group, to appoint the following independent/community members for a period of two (2) years:**
 - a. John Kallin
 - b. David Mussared
 - c. Eilidh Wilson
 - d. Peter Watton
 - e. Anthony Abley
 - f. Damian Stam
- 3. That in relation to the Cemetery Advisory Group, to appoint the following independent/community members for a period of two (2) years:**
 - a. Peter Holderness
 - b. Ron Nelson
 - c. Kevin Armstrong
 - d. Robert Bonython
- 4. That in relation to the Rural Land Management Advisory Group**
 - a. to appoint the following independent/community members for a period of two (2) years:
 - i. Cam Stafford
 - ii. Mark Whisson
 - iii. Peter Oborn
 - iv. John Mundy
 - v. Saverio Virgara

- b. to delegate to the Chief Executive Officer to appoint representatives of the Primary Production Industry or NRM Board/Group to the Advisory Group upon recommendation of the Selection Panel.**
- 5. That in relation to the Sustainability Advisory Group,**
- a. to appoint the following independent/community members for a period of two (2) years:**
 - i. Professor Iain Hay**
 - ii. Dr David Lloyd**
 - iii. Ron Nelson**
 - iv. Eilidh Wilson**
 - b. to delegate to the Chief Executive Officer to appoint a fifth community member to the Advisory Group upon recommendation of the Selection Panel.**

1. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal: Organisational Sustainability
Strategy: Governance

A key element of the Governance Strategy within the Strategic Plan is that Council ‘is committed to open, participative and transparent decision making and administrative processes’.

While Advisory Groups do not have a legal structure and do not make decisions for or on behalf of Council, it is important that the governance arrangements relating to these Advisory Groups are clearly documented and understood.

Due to the nature of Advisory Group meetings and the Council Member membership of these Groups, Council’s Informal Council and Council Committee Gatherings and Discussions Policy applies to these meetings.

➤ **Legal Implications**

Advisory Groups are a creation of the Council for the purpose (as stated in the Procedures for Advisory Groups) ‘..to provide advice to staff on specific matters’.

The Groups do not have a legal foundation under the Local Government Act 1999 (the Act), as opposed to Section 41 Council Committees but under the provisions of the Act are considered to be informal gatherings.

Risk Management Implications

The appointment of appropriately qualified independent members to the Advisory Groups will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

Council's current budget contains provisions for the costs associated with Advisory Groups.

➤ **Customer Service and Community/Cultural Implications**

It is reasonable to assume that the community could expect Council to have mechanisms to provide advice and consideration of matters to assist the Council to discharge its responsibilities and achieve its strategic intent.

➤ **Environmental Implications**

While the Sustainability and Biodiversity Advisory Groups have an environmental perspective, the intent of the report relates to independent member appointment.

➤ **Engagement/Consultation conducted with Council Committee, Regional Subsidiary, Advisory Group, the Administration and Community**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable

Advisory Groups: Previous members of the advisory Groups were encouraged to apply for the Independent Member vacancies.

Administration: Director Development & Regulatory Services
Manager Sustainable Assets
Manager Open Space
Manager Property

Community: Not Applicable

2. BACKGROUND

At its 18 December 2018 meeting, Council considered the final report on the Review of Advisory Groups that had been conducted during 2018. In consideration of the report, Council resolved the following (relevant to this report):

12.3.1 Appointments to AHC Advisory Groups

Moved Cr Malcolm Herrmann
S/- Cr Kirsty Parkin

328/18

1. That in relation to each Advisory Group listed below to appoint the Council Members identified against the relevant Group for a 24 month term to commence 18 December 2018 and conclude on 17 December 2020 (inclusive).
 - a. Bushfire Advisory Group – Cr Chris Grant, Cr Pauline Gill
 - b. Biodiversity Advisory Group – Cr Chris Grant, Cr John Kemp, Cr Nathan Daniell
 - c. Cemetery Advisory Group – Cr Pauline Gill, Cr Malcolm Herrmann, Cr Ian Bailey
 - d. Property Advisory Group - Cr Malcolm Herrmann, Cr Kirsty Parkin, Cr Ian Bailey, Cr John Kemp
 - e. Rural Land Management Advisory Group – Cr Pauline Gill, Cr Chris Grant, Cr Ian Bailey, Cr John Kemp
 - f. Sustainability Advisory Group – Cr Chris Grant, Cr Ian Bailey, Cr Leith Mudge, Cr Nathan Daniell
2. To establish Selection Panels for the recruitment of Independent, Agency and Community Members for the retained Advisory Groups with the following Council Members, assisted by the respective Executive Officers, to undertake the short-listing and interviews of the candidates with a view to making recommendations for appointment at a future Council meeting(s):
 - a. Biodiversity Advisory Group – Cr John Kemp, Cr Chris Grant
 - b. Cemetery Advisory Group – Cr Ian Bailey, Cr Malcolm Herrmann
 - c. Rural Land Management Advisory Group – Cr Ian Bailey, Cr Pauline Gill
 - d. Sustainability Advisory Group – Cr Leith Mudge, Cr Ian Bailey

Carried Unanimously

Advertisements were placed in the *Mt Barker Courier* (13 February) and the *Weekender Herald* (14 February) and on Council's social media platforms seeking expressions of interest for independent/community members.

In addition, the previous members of the Advisory Groups were encouraged to reapply and to spread the word within their networks. The Advisory Group Executive Officers also utilised their networks to encourage applications particularly as the initial response was poor.

3. ANALYSIS

Biodiversity Advisory Group (BioAG)

The Terms of Reference for the BioAG provide for six (6) representatives from the following:

- Three (3) from partnering conservation organisations, assessed against selection criteria below
- Three (3) members shall be community representatives, assessed against selection criteria listed below

Six (6) expressions of interest (EOI) were received.

The Selection Panel consisting of Councillor Grant, Councillor Kemp, Chris Janssan - Manager Open Space and Steven Brooks - Biodiversity Officer reviewed the EOIs, only one candidate was interviewed as the others were well known to Council. In consideration of the EOIs, the Panel recommended the appointment of following people:

- John Kallin - Expertise in bushfire prevention, an extensive career in the South Australian Country Fire Service in positions of employment and on respective CFS committees. A member on the recent Biodiversity Advisory Group with the provision of valued input then and during the previous terms of the Group. Also a member on the Stirling Linear Park Advisory Group.
- David Mussared - Chair of the Aldgate Valley Landcare Group, focussed on bushland rehabilitation and conservation on several Council reserves, which include Stirling Cemetery, Aldgate Valley Reserve and the linking nature trail, which was a successful community venture in 2013. Project support with labour market environmental programs and grant submission within the AHC district. A reapplying member who provided regular advice at meetings.
- Eilidh Wilson - Senior Policy and Planning Officer with the SA Murray Darling Basin NRMB with previous roles and experience in environmental sustainability, climate change and climate change adaption. Emigrating to Australia from Scotland, experience also extends to earlier career work with the Scottish Natural Heritage as an Operations Officer, also as an environmental consultant and field technician in the UK.
- Peter Watton - Regional co-ordinator and Operations Manager for the Trees for Life (TFL) - Bush for Life Program to which Adelaide Hills Council is in a partnership; with numerous Council reserves under this agreement. A reapplying member and active participant on several regional biodiversity projects, which in addition to TFL facilitated initiatives, include engagement in the Central Hills Green Web, the National Trust of SA and DEW. President of the Friends of Scott Creek Conservation Park.
- Anthony Abley - District Ecologist with the Department of Environment and Water with other previous roles with the Department. A reapplying member to the group who has provided specialist advice and leadership on ecological and NRM issues. Has assisted on helping in the identification of projects which increase stakeholder awareness and advocates for the promotion of conservation best practices.
- Damian Stam - Senior Land and Fire Management Officer responsible for the management of reserves under the control of SA water. Development and management of strategic land and fire management plans, policies and standards. Active member on several committees to which Council is a partner. They include the

South Para Biodiversity Project and the Mount Bold / Scott Creek Biodiversity Group in respect to the broader overarching management programs.

Cemetery Advisory Group (CAG)

The Terms of Reference for the CAG provide for four (4) independent members from the following:

- One (1) person from a local historical society
- One (1) person from the funeral industry
- One (1) person from the community

Four (4) expressions of interest (EOI) were received.

No EOIs were received from any members of the funeral industry. A former member of CAG was approached however declined on the basis that they had been on CAG since its inception and would prefer that someone else stepped into that role. He did however advise that he was happy to provide advice as a Funeral Director in their role as a committee member of the Cemetery and Crematoria Association of South Australia when required. Approaches to other funeral directors were unsuccessful in receiving any further Expressions of Interest. A former CAG member from within the Memorials industry has likewise offered an advisory service in their role as a member of the Monumental Masons Association of South Australia.

The Selection Panel consisting of Councillor Bailey and Councillor Herrmann, Natalie Westover - Manager Property reviewed the EOIs. In consideration of the EOIs, the Panel recommended the appointment of following people:

- Peter Holderness – Stirling Historic Society
- Ron Nelson – member of the Scott Creek Progress Association Committee and formerly involved in the management of the Scott Creek Cemetery
- Kevin Armstrong – Ridley Armstrong Consulting (Cemetery Services), formerly of City of Salisbury as a Business and Cemetery Manager
- Robert Bonython – Community member and former gravedigger for the majority of Council's cemeteries

Rural Land Management Advisory Group (RLMAG)

The Terms of Reference for the RLMAG provide for nine (9) representatives from the following areas of expertise or organisations:

- Viticulture
- Horticulture
- Horse Keeping
- Grazing/Broad acre
- Strawberry/Berry
- Primary Production Industry representative
- Natural Resources Adelaide & Mt Lofty Ranges (NRAML) Representative (staff representative)
- NRAML Representative (Board/Group representative)
- Dept. of Primary Industry and Regions SA (PIRSA)

Five (5) expressions of interest (EOI) were received.

No EOIs were received for the Primary Production Industry or NRM Board/Group representation. It is proposed that these roles will therefore remain vacant unless/until suitable candidates are identified, at which time the Selection Panel makes a recommendation for appointment.

However, note that there are still staff representatives from the Natural Resources Adelaide & Mt Lofty Ranges and PIRSA on the Group who do not require Council appointment.

The Selection Panel consisting of Councillor Gill and Councillor Grant and Marc Salver – Director Development & Regulatory Services reviewed the EOIs, no interviews were undertaken. In consideration of the EOIs, the Panel recommended the appointment of following people for the respective roles:

- Cam Stafford – Horticulture Industry representative – long standing member of the RLMAG and 4th generation apple, pear and cherry grower located in Lenswood since 1872. Cam was the previous Chair of Lenswood Coop from 1984 to 2012 and has been chair of the RLMAG for about 8 years and is also a Board Member of Adelaide Hills Tourism.
- Mark Whisson – Viticulture Industry representative – current member of the RLMAG who owns and operates vineyards around the Adelaide Hills district, as well as running a vineyard management and consultancy business
- Peter Oborn – Horse Keeping Industry representative – current member of the RLMAG with extensive experience in horsekeeping and the horse industry. He is also the business manager of a large horticultural and viticultural business in the Hills (Joyson Orchards and Pike & Joyce Wines)
- John Mundy – Grazing/Broadacre Industry representative – current member of the RLMAG and broadacre farmer located in the Adelaide Hills Council area
- Saverio Virgara – Berry Industry representative – berry grower, vigneron, wine maker and exporter and third generation farmer in the Adelaide Hills Council area.

Sustainability Advisory Group (SAG)

The Terms of Reference for the SAG provide for five (5) independent members with the following skills, knowledge and experience:

- Environmental sustainability natural resource management, climate change, climate adaption or similar
- Energy, water and/or waste reduction strategies and/or technology
- Government grants process particularly as related to climate change, energy, water and waste reduction
- Advisory committees and/or community consultation
- Links to networks and/or groups with expertise in environment, sustainability, and climate change and/or climate adaption.

Four (4) expressions of interest (EOI) were received.

The Selection Panel consisting of Councillor Bailey and Councillor Mudge, David Collins – Manager Sustainable Assets and Sharon Leith – Sustainability Officer reviewed the EOIs. As two of the applicants were well known to Council, only two applicants were interviewed.

In consideration of the EOIs, the Panel recommended the appointment of following people:

- Ron Nelson – Retired Council Member and primary producer with an interest in sustainable agriculture. A Council Member on the previous Sustainability Advisory Group, a member of the Biological Farmers of Australia and the Agricultural Bureau of South Australia. Ron has been involved with the community for many years and has extensive local knowledge.
- Dr David Lloyd – David has been a member of the two previous Sustainability Advisory Group terms. David is a founding member of the Old School Community Garden, Stirling and Transition Adelaide Hills and a committee member of CORENA (Citizens Own Renewable Energy Network Australia). He is a sustainability educator and contributes articles and presentations on developing an understanding of sustainability and actions to enhance behaviours that support a sustainable community.
- Eilidh Wilson – A Senior Policy and Planning Officer with the SA Murray Darling Basin NRM with previous roles and experience in environmental sustainability, climate change and climate change adaptation. Emigrating to Australia from Scotland, experience also extends to earlier career work with the Scottish Natural Heritage as an Operations Officer, also as an environmental consultant and field technician in the UK.
- Professor Iain Hay – A Matthew Flinders Distinguished Emeritus professor of Geography at the College of Humanities, Arts and Social Sciences at Flinders University. Iain has taught Geography and Environmental Management including environmental sustainability and natural resource management and the role of technology in addressing environmental challenges. He is an Expert Member on the Australian Council of Environmental Deans and Directors (ACEDD) group developing Environment and Sustainability Learning Standards for Australia. Iain has published widely, received numerous awards and honours and been successful in obtaining research and scholarly grants in excess of A\$1million.

As only four (4) of the five (5) community member positions are recommended to be filled, it is proposed that the final position will remain vacant unless/until a suitable candidate is identified, at which time the Selection Panel make a recommendation for appointment.

4. OPTIONS

Council has the following options:

- I. To appoint the independent/community members as per the recommendations of the respective Selection Panels (Recommended)
- II. To determine not to appoint all or some of the recommended candidates (Not Recommended)

5. APPENDIX

Nil

3. Appointment of Advisory Group Independent Members – Period of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council’s decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.3 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* that the report and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the candidates have been advised of Council’s decision but no later than 30 June 2019.

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.