

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 26 April 2022
CONFIDENTIAL AGENDA BUSINESS ITEM

Item: 18.2

Responsible Officer: Lachlan Miller
Executive Manager Governance & Performance
Office of the CEO

Subject: Appointment of the Adelaide Hills Regional Waste
Management Authority (AHRWMA) Chair

For: Decision

1. Appointment of the Adelaide Hills Regional Waste Management Authority (AHRWMA) Chair – 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:

- Acting Chief Executive Officer, David Waters
- Director Corporate Services, Terry Crackett
- Acting Director Development & Regulatory Services, Melissa Bright
- Director Infrastructure & Operations, Peter Bice
- Executive Manager Governance & Performance, Lachlan Miller
- Corporate Planning & Performance Coordinator, Kira-marie Laverty
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.3: (Appointment of AHRWMA Chair) 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 Adelaide Hills Regional Waste Management Authority (AHRWMA) Chair – Confidential Item

SUMMARY

Consistent with the AHRWMA Charter, Constituent Council CEOs have recently participated in a Selection Panel, with the support of an external recruitment agency, for the recruitment process of an independent chair of the AHRWMA board.

The preferred candidate is required to be jointly appointed by an Absolute Majority of the Constituent Councils. The purpose of this report is to seek Council's consideration of the Selection Panel's recommendation.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted**
- 2. That Council endorses Mr Adrian Skull being appointed as Independent Chair of the Adelaide Hills Regional Waste Management Authority for a 3 year term to commence upon the date of gazettal of the revised Charter.**
- 3. That the AHRWMA be informed of Council's decision.**

1. BACKGROUND

AHRWMA Charter

The AHRWMA is a Regional Subsidiary established by the Constituent Councils (Adelaide Hills Council, Alexandrina Council, Mount Barker District Council and the Rural City of Murray Bridge). It was established to facilitate, co-ordinate and undertake waste management including collection, treatment, disposal and recycling within the Adelaide Hills Region.

Governed by its Charter (with the revised Charter endorsed by all Constituent Councils in 2020) and the *Local Government Act 1999* (the Act) except as modified by the Charter in a manner permitted by the Act, it currently operates a landfill located at Brinkley (within the Rural City of Murray Bridge's land holdings) on behalf of its four Constituent Councils. It also operates two Resource Recovery Centres, one on behalf of the Adelaide Hills Council (at Heathfield) and the other on behalf of the Rural City of Murray Bridge.

AHRWMA Board Membership

In accordance with the revised Charter, the Board will comprise five (5) members (including Chair):

- One (1) person (who may be a Council Member, Employee or Independent Member) appointed by each Constituent Council. Each Council will also appoint a Deputy.
- One (1) person appointed jointly by Absolute Majority of the Constituent Councils, with relevant professional expertise, who is not a member or officer of a Constituent Council to be the chairperson of the Board
- The Chairperson of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.
- The Chair is appointed for a term of 3 years, and may be re-appointed thereafter.
- In accordance with the Charter, the Chair, will be an Independent Person

Adelaide Hills Council has already appointed its Board Member (John McArthur) and Deputy Board Member (Cr Ian Bailey) at its 22 March 2022 Council Meeting. The endorsement of the three (3) appointments by each of the remaining constituent councils are expected to be completed in the coming weeks.

AHRWMA Independent Chairperson

In accordance with the revised Charter, the Chair will be an Independent Person with relevant professional expertise. The Chair of the Board shall be selected through a process determined by a panel comprising the Chief Executive Officers of the Constituent Councils.

The four Constituent Councils' Chief Executive Officers undertook (or participated in/ provided advice to) the following processes:

- Appointment of an independent recruitment consultant – AM Consulting
- The Selection Panel was formed, which comprised:
 - Allison Ashby, Recruitment Consultant
 - Michael Sedgman, CEO Rural City of Murray Bridge
 - Andrew Aitken, CEO Adelaide Hills Council
 - Andrew Stuart, CEO Mount Barker District Council
- Five applications were received and following a shortlisting process, three applicants were interviewed
- Interviews were undertaken on 29 and 31 March 2022 and referee reports obtained for the preferred candidate
- The recommendation of the Selection Panel has been provided to all four Constituent Councils for endorsement

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2020-24 – A brighter future

Goal 5 A Progressive Organisation

Objective O4 We actively represent our community

Priority O4.3 Advocate to, and exert influence with, our stakeholders on behalf of our community to promote the needs and ambitions of the region

Objective O5 We are accountable, informed, and make decisions in the best interests of the whole community

Priority O5.1 Enhance governance structures and systems to prudently adapt to changing circumstances and meet our legislative obligations

Adelaide Hills Council is one of four Constituent Councils and in doing so obtains benefits from working together with others in regard to waste services.

Indirectly related to this report are the following documents:

- Waste and Resource Recovery Service Policy
- Waste and Resource Management Strategy 2016 – 2021
- Resource Recovery and Recycling Strategy

➤ Legal Implications

The AHRWMA is governed by a Charter and requirements of Section 43 and Schedule 2 of the *Local Government Act 1999*.

➤ Risk Management Implications

Council considering the position of Independent Chair of the AHRWMA 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)	Low (3E)	Low (3E)

Note that the governance arrangements of the regional subsidiaries are an existing control and therefore Council support of the preferred candidate does not alter the residual or target risk ratings.

➤ Financial and Resource Implications

There are no direct financial or resource implications to Council from the report recommendation.

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

There is no direct customer service, community or cultural implications from the report recommendation.

➤ **Sustainability Implications**

There are no direct sustainability implications from the report recommendation.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not applicable.

Council Workshops: A workshop with Council Members was held on 8 March 2022 outlining the board representation and board chair requirements under the revised Charter.

Advisory Groups: Not applicable

External Agencies: AHRWMA

Community: Not applicable

Preferred Candidate

The Selection Panel has recommended Mr Adrian Skull for appointment as the AHRWMA Independent Chair for a term of three (3) years.

Mr Skull is a former CEO of the City of Marion and Yankalilla District Council. He holds tertiary qualifications and possesses a detailed knowledge of the waste management industry. Further, Mr Skull holds current board memberships with the Green Adelaide Board, Green Industries SA Board, Australian Institute of Company Directors SA/NT Council and the Winston Churchill Memorial Trust SA.

Mr Skull advised that he was prepared to accept the sitting fee terms proposed.

3. OPTIONS

Council has the following options:

- I. Endorse Mr Adrian Skull being appointed for a three year term as Independent Chair of AHRWMA (Recommended).
- II. Do not endorse Mr Adrian Skull being appointed as Independent Chair of AHRWMA (Not Recommended). An Absolute Majority of Constituent Councils' support is required for the appointment and therefore Council's objection may not prevent the appointment depending on the support from other councils. If however, an Absolute Majority is not achieved, the AHRWMA will need to explore other recruitment options.

4. APPENDIX

Nil

**3. Appointment of Adelaide Hills Regional Waste Management Authority (AHRWMA) Chair
– Duration 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 18.2 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* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Upon confirmation of appointment of the AHRWMA Chair but no longer than 3 months.
Related Attachments	NIL
Minutes	Upon confirmation of appointment of the AHRWMA Chair but no longer than 3 months.
Other (presentation, documents, or similar)	NIL