

CONFIDENTIAL ITEMS 2003 – JUNE 2022

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
177	2 May 2022	Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member	<p>Section 90 (3) (a) Order</p> <p>1. Pursuant to Section 90(3)(a) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer; Deputy Chief Executive Officer General Manager – Governance, Strategic Projects and Wastewater/Recycled Water; General Manager Corporate Services; General Manager Infrastructure; General Manager Planning and Development; Acting General Manager Community Services; Risk and Governance Officer / Executive Assistant to the Mayor; and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member.</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, 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 the applicants, in that details of the panel's assessment of applicants will be discussed, which are sensitive.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of the appointment may be prematurely disclosed before being discussed with the applicants.</p> <p>Section 91(7) Order</p> <p>4 .Pursuant to Section 91(7) That having considered Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council</p>	Report and minutes be retained in confidence (other than the identity of Council's appointments) until the Authority's public release of the name of the Independent Chairperson or gazettal notice of the Adelaide Hills Region Waste Management Authority Charter (whichever is the sooner).	<p>The Council is satisfied that pursuant to Section 90(3)(a) of the Act, 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 the applicants, in that details of the panel's assessment of applicants will be discussed, which are sensitive.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of the appointment may be prematurely disclosed before being discussed with the applicants.</p>	Retained in confidence (other than the identity of Council's appointments) until the Authority's public release of the name of the Independent Chairperson or gazettal notice of the Adelaide Hills Region Waste Management Authority Charter (whichever is the sooner).		Within 12 months	<i>Report and Minutes released on website 15 June 2022</i>

CONFIDENTIAL ITEMS 2003 – MAY 2022

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			report and minutes be retained in confidence (other than the identity of Council's appointments) until the Authority's public release of the name of the Independent Chairperson or gazettal notice of the Adelaide Hills Region Waste Management Authority Charter (whichever is the sooner).						

RELEASED

18.2 **REPORT TITLE:** **CONFIDENTIAL REPORT – APPOINTMENT OF
ADELAIDE HILLS REGION WASTE MANAGEMENT
AUTHORITY (AHRWMA) INDEPENDENT
CHAIRPERSON AND COUNCIL BOARD MEMBER
AND DEPUTY BOARD MEMBER**

DATE OF MEETING: **2 MAY 2022**

FILE NUMBER: **DOC/22/46598**

ATTACHMENTS: **NIL**

Key Contact **Ros McDougall, Risk & Governance Officer –
Projects, Governance**

Manager/Sponsor **Andrew Stuart, CEO**

Community Plan 2020-2035:

Ecological Sustainability

Goal 2 - Low Waste

Waste reduction is the priority objective followed by reuse, repurposing and recycling

Annual Business Plan:

N/A

Purpose:

To endorse the Adelaide Hills Region Waste Management Authority (AHRWMA) Recruitment Panel's recommended independent Chairperson and to appoint a board member and deputy board member.

Summary – Key Issues:

- AHRWMA have concluded an interview process for the independent Chairperson under the new Charter and is seeking endorsement of the recommended applicant from each constituent Council.
- Each constituent Council is required to appoint a Board Member and Deputy Board Member.

Recommendation:

That Council:

Section 90 (3) (a) Order

1. **Pursuant to Section 90(3)(a)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer; Deputy Chief Executive Officer General Manager – Governance, Strategic Projects and Wastewater/Recycled Water; General Manager Corporate Services; General Manager Infrastructure; General Manager Planning and Development; Acting General Manager Community Services; Risk and Governance Officer / Executive Assistant to the Mayor; and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member.

The Council is satisfied that pursuant to Section 90(3)(a) of the Act, 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 the applicants, in that details of the panel's assessment of applicants will be discussed, which are sensitive.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details of the appointment may be prematurely disclosed before being discussed with the applicants.

2. Endorse the recommendation of the Adelaide Hills Region Waste Management Authority Recruitment Panel that Mr Adrian Skull be appointed to the position of independent Chairperson of the Adelaide Hills Region Waste Management Authority for a 3 year term, to come into effect on and from the date on which the Charter notice is gazetted.
3. Appoint Alexander Oulianoff, General Manager Corporate Services as a Board Member and Phillip Burton, General Manager Infrastructure as Deputy Board Member of the Adelaide Hills Region Waste Management Authority, for a period of two years, to come into effect on and from the date on which the Charter notice is gazetted.

Section 91(7) Order**4. Pursuant to Section 91(7)**

That having considered Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report and minutes be retained in confidence (other than the identity of Council's appointments) until the Authority's public release of the name of the Independent Chairperson or gazettal notice of the Adelaide Hills Region Waste Management Authority Charter (whichever is the sooner).

Background:

1. The Adelaide Hills Region Waste Management Authority is a regional subsidiary under S43 of the Local Government Act 1999 and comprising the constituent councils of Adelaide Hills, Alexandrina, Mount Barker and Rural City of Murray Bridge.
2. Council acknowledges the representation of the current Board Members Cr Harry Seager and Mr Greg Parker, and Cr Simon Westwood.
3. The Authority is governed by a Charter which was recently revised and endorsed by all constituent councils.
4. The revised Charter will come into effect on the date that the notice is gazetted which will occur after all board appointments have been received from constituent Councils.

Discussion:**Independent Chairperson**

5. The new Charter comprises 5 Board Members including an independent Chairperson. In accordance with that Charter:
 - 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
6. The Authority has recently undertaken a recruitment process to appoint the independent Chairperson, assisted by a qualified consultant (AM Consulting).

7. The recruitment panel comprised the consultant, Andrew Stuart, Andrew Aitken (Adelaide Hills Council) and Michael Sedgman (Rural City of Murray Bridge).
8. Six applications were received and three were shortlisted for interview. Following the interview and reference checking process the recruitment panel recommendation was unanimous in recommending Adrian Skull as the preferred candidate as he was able to:
 - demonstrate to a greater extent than the other candidates his knowledge and passion for the industry;
 - his governance experience; and
 - he possesses the interpersonal skills to under the role.
9. This appointment will come into effect once agreement from all constituent Councils is finalised and the Charter notice has been gazetted.

Board Member and Deputy Board Member

10. As advised at the information briefing on this topic on 17 January 2022, the Charter also requires each constituent Council to appoint a Board Member and Deputy Board Member (to act in the place of the Board Member).
11. The CEO received three nominations. As per the Charter, each constituent Councils' CEO formed a panel to consider all nominations from each Council to ensure there was a good skills mix, using a skills matrix.
12. Following careful consideration by the Panel it is recommended that Alexander Oulianoff, General Manager Corporate Services be appointed the Board Member and Phillip Burton, General Manager Infrastructure be appointed the Deputy Board Member.
13. Although the Charter is silent on the term for Board Members and Deputy Board Members, their appointments are recommended for a 2 year period on and from the gazettal notice of the Charter.
14. The Panel's assessment of skills eventuated in recommending constituent Councils' representation on the Board comprise 1 Councillor and 3 staff members, and for Deputy Members - 1 Councillor and 3 staff members.
15. The gazette notice of the Charter is likely to occur later in May 2022.

Community Engagement:

Informing only	Information on the independent Chairperson appointment will be released by the AHRWMA following which the Council minute will be included on Council's website.
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Policy:

N/A

Long Term Financial Plan:

N/A

Budget:

There is no impact on Council's budget.

Statutory/Legal:

The new Charter notice will be gazetted upon which the Board positions will take effect.

Staff Resource Requirements:

There is no impact on Council staff resourcing.

Environmental:

N/A

Social:

N/A

Risk Assessment:

There is a low risk that a constituent Council may not agree with the recommended independent member appointment.

Asset Management:

N/A

Conclusion:

Council should support the recruitment panel's recommendation following the conclusion of a recruitment process for the position of independent Chairperson for the AHRWMA; and the panel's recommendation for Council's Board Member and Deputy Board Member.

Previous Decisions By/Information Reports to Council

Meeting Date	3 August 2020	CM Reference	DOC/20/73988
Title	AHRWMA Charter Review		
Purpose	To provide Council with a reviewed Adelaide Hills Region Waste Management Authority (AHRWMA) Charter for consideration and approval		

**18.2 REPORT TITLE: CONFIDENTIAL REPORT – APPOINTMENT OF
ADELAIDE HILLS REGION WASTE MANAGEMENT
AUTHORITY (AHRWMA) INDEPENDENT
CHAIRPERSON AND COUNCIL BOARD MEMBER
AND DEPUTY BOARD MEMBER**

DATE OF MEETING: 2 MAY 2022

FILE NUMBER: DOC/22/46598

ATTACHMENTS: NIL

Moved Councillor Bailey that Council:

Section 90 (3) (a) Order

1. Pursuant to Section 90(3)(a)
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer; Deputy Chief Executive Officer General Manager – Governance, Strategic Projects and Wastewater/Recycled Water; General Manager Corporate Services; General Manager Infrastructure; General Manager Planning and Development; Acting General Manager Community Services; Risk and Governance Officer / Executive Assistant to the Mayor; and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member.

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Seconded Councillor Jones

CARRIED
OM20220502.19

Moved Councillor Seager that Council:

2. endorse the recommendation of the Adelaide Hills Region Waste Management Authority Recruitment Panel that Mr Adrian Skull be appointed to the position of independent Chairperson of the Adelaide Hills Region Waste Management Authority for a 3 year term, to come into effect on and from the date on which the Charter notice is gazetted; and
3. appoint Alexander Oulianoff, General Manager Corporate Services as a Board Member and Phillip Burton, General Manager Infrastructure as Deputy Board Member of the Adelaide Hills Region Waste Management Authority, for a period of two years, to come into effect on and from the date on which the Charter notice is gazetted.

Seconded Councillor Morrison

CARRIED
OM20220502.20

Moved Councillor Minett that Council:

Section 91(7) Order

4. Pursuant to Section 91(7)

That having considered Agenda Item 18.2 Confidential Report – Appointment of Adelaide Hills Region Waste Management Authority (AHRWMA) Independent Chairperson and Council Board Member and Deputy Board Member, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report and minutes be retained in confidence (other than the identity of Council's appointments) until the Authority's public release of the name of the Independent Chairperson or gazettal notice of the Adelaide Hills Region Waste Management Authority Charter (whichever is the sooner).

Seconded Councillor Hardingham

CARRIED
OM20220502.21