

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 28 July 2015
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 18.1

Originating Officer: Lachlan Miller, Manager Governance & Risk

Responsible Director: Terry Crackett, Director Corporate Services

Subject: Appointment of an Independent Member to the Adelaide Hills Business and Tourism Centre Advisory Group

1. Appointment of Independent Members to the Adelaide Hills Business and Tourism Centre Advisory Group – Exclusion of the Public

Pursuant to Section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, with the exception of appropriate Council staff:

- CEO, Andrew Aitken
- A/Director Strategy & Development, Deryn Atkinson
- Director Corporate Services, Terry Crackett
- Director Engineering & Assets, Deb Richardson
- Director Community & Customer Service, David Waters
- Manager Governance & Risk, Lachlan Miller
- Minute Secretary, Pam Williams

be excluded from attendance at the meeting for Agenda Item 18.1 (Appointment of an Independent Members to the Adelaide Hills Business and Tourism Centre Advisory Group).

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 the 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), because it would disclose the personal details of candidates who have expressed an interest to be on the Adelaide Hills Business and Tourism Centre Advisory Group.

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 consideration of the item in a public forum would unreasonably disclose the personal details of candidates who have expressed an interest to be on the Adelaide Hills Business and Tourism Centre Advisory Group.

2. Appointment of an Independent Members to the Adelaide Hills Business and Tourism Centre Advisory Group – Confidential Item

SUMMARY

At its 25 February 2015 meeting, Council resolved to approve the recruitment to the remaining unfilled independent member vacancy on the Adelaide Hills Business and Tourism Centre Advisory Group (AHBTCAG) for a one (1) year period.

Expressions of interest for membership of AHBTCAG were advertised. These expressions were assessed and a selection process undertaken.

The appointment of independent members is by Council resolution. The term of appointment is to be one (1) year from the date of the resolution.

RECOMMENDATION

That Council resolves:

1. **That the report be received and noted**
2. **That David Baker is appointed as an Independent Member of the Adelaide Hills Business and Tourism Centre Advisory Group (AHBTCAG) for a period of one (1) year from the date of resolution.**

3. GOVERNANCE

➤ **Strategic Management Plan/Council Policy**

Goal 4 A Recognised Leading Performer

Key Issue 4.1 Leadership

Key Action 4.1.4 Meet legislative, regulatory and good governance responsibilities and obligations

The appointment of this position meets the requirements under the Terms of Reference for the AHBTCAG.

➤ **Legal Implications**

Advisory Groups do not have any legal status under the *Local Government Act 1999*.

Council Members' involvement with an Advisory Group constitutes the exercise of official functions and duties of office of an elected member under the *Local Government Act 1999*. Council members are, therefore, protected from civil liability in their role as Advisory Group members pursuant to section 39 of the *Local Government Act 1999*.

Independent members are not indemnified by the Council against any liability arising as a result of their actions or omissions related to their involvement with the Advisory Group or undertaken in connection with their role as a member of an Advisory Group.

➤ **Risk Management Implications**

The appointment of independent members to the SRAG will assist in mitigating the risk that:

Lack of stakeholder input result in deficient decisions being made by Council.

➤ **Financial and Resource Implications**

There are no direct financial implications. Resourcing for the Advisory Groups is incorporated into the 2015/16 budget.

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

There is a high expectation that Council considers the views of stakeholders in its decision making processes. The Advisory Groups provide a vehicle for these views to be raised and advice provided to Council officers.

➤ **Environmental Implications**

Not applicable.

➤ **Community Engagement/Consultation**

The sourcing of the Independent Members was through public advertisement and through direct correspondence to community sporting groups in the Council area.

4. BACKGROUND

At its 25 February 2015 meeting, Council resolved to approve the recruitment for the independent member vacancy on the AHBTCAG. The one vacancy arose due to one of the three Independent Member vacancies not being filled in the last round of advertising.

5. ANALYSIS

The Selection Panel comprised Crs Linda Green, Lynton Vonow and Lachlan Miller (Manager Governance & Risk & AHBTCAG Executive Officer).

Two expressions of interest were received for the Independent Member role.

The Panel considered the two expressions of interest against the Advisory Group selection criteria and a brief summary of each applicant is as follows:

Jim Emmett

Jim possesses significant small business owner/operator experience in the retail and tourism industries. Jim has and continues to provided business advisory and consultancy services in the small business sector. A resident of the Adelaide Hills and a property owner in Lobethal, Jim is aware of the business, tourism and heritage issues associated with the AHBTC site.

David Baker

David is a senior manager in the Australian Government and has extensive experience working with micro enterprises. David resides in Lobethal, is a member of local sporting clubs and has been engaged with the consultation elements of the AHBTC masterplan.

While both candidates were high-quality and considered suitable for the role, the Selection Panel determined to recommend David Baker for appointment as an Independent Member on the Advisory Group.

6. OPTIONS

1. Council has the following options in relation to the AHBTCAG:
 - a. That David Baker be appointed; or
 - b. That an alternative or no appointments be made.

The Administration recommends option (a).

7. APPENDIX

Nil

8. Appointment of Independent Members to the Adelaide Hills Business and Tourism Centre Advisory Group – Period of Confidentiality

That having considered Agenda Item 18.1 (Appointment of an Independent Members to the Adelaide Hills Business and Tourism Centre Advisory Group) in confidence under section 90(2) and 90 (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7)(b) of that Act, orders that the documents, reports and minutes pertaining to this matter be retained in confidence until the appointment has been confirmed with the applicants, but not longer than 6 months.