

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
26 July 2016
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.3

Originating Officer: Marc Salver, Director Strategy and Development

Responsible Director: Marc Salver, Director Strategy and Development

Subject: Appointment of Independent Members of the Rural Land Management Advisory Group

For: Decision

1. Appointment of Independent Members of the Rural Land Management Advisory Group - Exclusion of the Public
 - a) That under the provisions of section 90(2) of the *Local Government Act 1999* an order is made that the public be excluded from the meeting, with the exception of:
 - CEO, Andrew Aitken
 - Director Strategy & Development, Marc Salver
 - Director Corporate Services, Terry Crackett
 - Director Community & Customer Service, David Waters
 - Director Engineering & Assets, Peter Bice
 - A/Manager Governance and Risk, Lachlan Miller
 - Minute Secretary, Pam Williams

in order to consider Agenda Item 19.1: Appointment of Independent Members to the Rural Land Management Advisory Group (RLMAG). in confidence.
 - b) The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified in (a) above, be excluded to enable Council to consider the report at the meeting on the following grounds:
 - i. Section 90(3) (a) of the Local Government 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 any person (living or dead) the disclosure of which could reasonably be expected to provide the personal details of candidates who have expressed an interest to be on the Advisory Group prior to acceptance by Council.
 - c) 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.

Appointment of Independent Members of the Rural Land Management Advisory Group – Confidential

SUMMARY

The term of membership for the independent members of Rural Land Management Advisory Group (RLMAG) expired on 10 December 2015. The purpose of this report is to provide an update on the selection process for independent members for the RLMAG. Staff and the selection panel have now undertaken the recruitment and selection process in accordance with Council's resolution from 22 September 2015 (Item 14.5).

All but two of the existing independent members of the RLMAG expressed an interest to be renominated to sit on the RLMAG. As no other candidates came forward for any of the roles during the advertised period, staff approached some people in the community whose names had been put forward by the outgoing members of the Advisory Group. Three people then submitted expressions of interest for the two vacancies on the Advisory Group, namely the Primary Production and Horse Keeping Industries. The selection panel has since interviewed the three candidates for the two positions and is recommending to Council that Susie Green be appointed as the Primary Production Industry representative, and Peter Oborn as the Horse Keeping Industry representative on the RLMAG. The selection panel also recommends that the other members be reappointed to their respective positions as detailed in the recommendation below.

RECOMMENDATION

That Council:

- 1. Receives and notes the report.**
- 2. Appoints the following independent members to the Council's Rural Land Management Advisory Group:**
 - i. Cam Stafford – Horticulture representative**
 - ii. Helen Bourne – Natural Resources Management group representative**
 - iii. Susie Green – Primary Production Industry representative**
 - iv. Mark Whisson – Viticulture representative**
 - v. Peter Oborn – Horse Keeping representative**
 - vi. John Mundy – Grazing/Broadacre representative**
- 3. Appoints the abovementioned independent members for a two year term expiring on 30 July 2018.**

Appointment of Independent Members of the Rural Land Management Advisory Group – Period of Confidentiality

- 4. That having considered at Agenda Item 19.3 in confidence under sections 90(2) and 90(3) (a) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the appointment has been confirmed, but not longer than 1 month**
- 5. Pursuant to section 91(9)(c) of the Local Government Act 1999, that Council delegates the power to revoke the confidentiality order in full or in part to the Chief Executive Officer.**

1. 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

➤ **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 a council 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 on Advisory Groups will assist in mitigating the risk of:

Poorly informed policy responses to issues affecting the primary production sector and rural land management in the district leading to a loss of stakeholder confidence.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (1E)	Low (1E)

➤ **Financial and Resource Implications**

Independent members of Advisory Groups do not receive sitting fees. Other costs associated with the conduct of the Advisory Group are contained within the Departmental budget.

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

Appointment of independent members ensures Council provides balanced representation of the primary production sector into the activities, policy development and other work of the RLMAG. Further, involvement of the primary production sector and wider community in the development of policy and other work undertaken by Council in relation to the management of rural land occurs through engagement of representatives of the sector on the RLMAG.

➤ **Environmental Implications**

Some of the work undertaken by the RLMAG may lead to improved environmental outcomes associated with rural land management and development.

➤ **Engagement/Community with Committee, Regional Subsidiary, Advisory Group and Community**

Advertising for the independent member vacancies was undertaken through Council's website, newspapers (Courier and Weekender Herald), council service centres and libraries, as detailed in Procedures for Advisory Groups.

2. **BACKGROUND**

Council adopted the revised Terms of Reference for the Rural Land Management Advisory Group at its meeting held on 10 December 2013 (Item 13.3).

The role of the Advisory Group is to provide advice to Council staff on how:

- it can support achievement of objectives for the primary production component of the Strategic Management Plan;
- to help the Council staff develop policies and strategies for the retention of and optimum utilisation of rural land;
- to ensure protection of the rural landscape qualities of the district;
- to act as a conduit for information between rural land users and Council staff; and
- to be pro-active in initiating work and providing expertise to Council staff on matters that the Advisory Group considers warrants attention and consideration by the Council staff where Council has jurisdiction in the matter

Appointments of independent members on the Group are at the sole discretion of Council and are based upon the skills, knowledge and experience of appointees relevant to the Advisory Group. Recommendations for membership shall be reported to and made by resolution of Council. In accord with the Terms of Reference, members of the Group shall comprise representatives from the following areas of expertise or organisations:

- Viticulture
- Horticulture
- Horse Keeping
- Grazing/Broadacre
- Primary Production Industry representative
- Natural Resources Adelaide & Mt Lofty Ranges Representative (NRAMLRL) (Operative representative)
- NRAMLRL Representative (Board/Group member)
- PIRSA
- Adelaide Hills Council (Elected Members/Staff)

As the term of office of the independent members of the RLMAG was to expire on 10 December 2015, staff reported the need to call for expressions of interest from suitably

qualified members of the public to the Council meeting on 22 September 2015 (Item 14.5), where it resolved:

1. *That the report be received and noted.*
2. *To approve the recruitment the five (5) independent member vacancies of the Rural Land Management Advisory Group for a one (1) year period.*
3. *To appoint Cr Linda Green, Cr Jan Loveday and Cr John Kemp to the Selection Panel for the independent member vacancies of the Rural Land Management Advisory Group."*

3. ANALYSIS

Due to the expiry of the term of office of all the independent representatives on 10 December 2015, a call for expressions of interest was advertised in November 2015. All but two of the existing independent members of the RLMAG expressed an interest to be renominated to sit on the RLMAG. As no other candidates came forward for any of the roles during the advertised period, staff approached some people in the community whose names had been put forward by the outgoing members of the Advisory Group. Three people then submitted expressions of interest for the two vacancies on the Advisory Group, namely the Primary Production and Horse Keeping Industries. The selection panel then interviewed the following three candidates:

- I. Susie Green – Primary Production Industry representative
- II. Peter Oborn – Horse Keeping Industry Representative
- III. Julie Fiedler – Horse Keeping Industry Representative

The selection panel is recommending that Susie Green be appointed as the Primary Production Industry representative as she is a lifelong Hills resident, has a Bachelor's degree in Agriculture Science, is currently the Chief Executive Officer of the Apple & Pear Growers Association of SA and Executive Officer of Cherry Growers SA, has experience in working with all levels of government, and has a sound grasp of the complex intricacies of the often competing land uses that exist in the Adelaide Hills.

The selection panel considered the two applicants for the role of the Horse Keeping Industry representative and recommends that Peter Oborn be appointed as the representative in this instance as he better met the selection criteria for the role. Further, it was also noted that Peter is a Board Member of HorseSA (10 years), is President of the Dressage Club of SA (11 years), is Chairman of the Equestrian SA Eventing Committee, is a lifelong Hills resident and horse owner, is currently the Business Manager for Joyson Orchards and has extensive knowledge of horse keeping in the Adelaide Hills.

In consideration of all the expressions of interest received and in consideration of the interviews of the three abovementioned candidates, the selection panel recommends that the following people be appointed to the respective independent member positions on the Advisory Group:

- i. Cam Stafford – Horticulture representative
- ii. Helen Bourne – Natural Resources Management group representative
- iii. Susie Green – Primary Production Industry representative
- iv. Mark Whisson – Viticulture representative
- v. Peter Oborn – Horse Keeping representative
- vi. John Mundy – Grazing/Broadacre representative

With regard to the term of office, it is noted that Council at its meeting of 22 September 2015, resolved that the term of office for the Independent Members be for a one year term. However, as Council is in the in the middle of preparing the Primary Production Lands DPA and the fact that this may take more than a year to complete, it is considered that the term of the newly appointed members should be for two years expiring on 30 July 2018.

4. OPTIONS

The Council has the following options:

1. To appoint the independent members as recommended by the selection panel.
2. To appointing alternative candidates to that recommended by the Selection Panel.
3. To not appoint any independent members to the Advisory Group.

Option 1 is recommended in consideration of the fact that an open and transparent process has been followed by the selection panel for the recruitment of the abovementioned independent members to the RLMAG.

5. APPENDIX

Nil