

ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 9 April 2024
AGENDA BUSINESS ITEM

Item: 19.5

Responsible Officer: Zoë Gill
Governance & Risk Coordinator
Office of the Chief Executive

Subject: Appointment of Gawler River Floodplain Management
Authority Chairperson

For: Decision

1. Appointment of Gawler River Floodplain Management Authority Chairperson – 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:

- Chief Executive Officer, Greg Georgopoulos
- Acting Director Corporate Services, Ashley Curtis
- Director Community & Development, Natalie Armstrong
- Director Environment & Infrastructure, David Waters
- Governance & Risk Coordinator, Zoe Gill
- Governance Support, Kelledy Jones Lawyers
- Minute Secretary, Rebekah Lyons
- IT Support,

be excluded from attendance at the meeting for Agenda Item 19.5: Appointment of Gawler River Floodplain Management Authority Chairperson 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. Gawler River Floodplain Management Authority Chairperson – Confidential Item

SUMMARY

The Gawler River Floodplain Management Authority (the “GRFMA”) has written to Council (**Appendix 1**) to advise that the current Chairperson, Mr Des Bilske, will not be extending his current term and is assisting with temporary continuation until the commencement of the new Chairperson.

On that basis the Board has undertaken a selection process for the position of independent chairperson and is recommending Mr Lino Di Lerna for appointment to this position for a three-year term, effective from 18 April 2024. This is after a failed process in 2023.

The Charter requires that the recommendation for appointment is supported by the absolute majority of the Constituent Councils.

The purpose of this report is to seek Council’s endorsement of Mr Lino Di Lerna’s appointment as GRFMA Chairperson.

RECOMMENDATION

Council resolves:

- 1. That the report on the Gawler River Floodplain Management Authority Chairperson Appointment be received and noted.**
 - 2. To endorse the recommendation of the Gawler River Floodplain Management Authority Board for the appointment of Mr Lino Di Lerna for a three-year term effective from 18 April 2024.**
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1. BACKGROUND

The Gawler River Floodplain Management Authority (GRFMA) was formed in 2002 and is a Regional Subsidiary established pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

The Constituent Councils are the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, Light Regional Council, and the City of Playford.

At its 29 November 2022 meeting, Council appointed Cr Malcolm Herrmann and Manager Civil Services, Ashley Curtis, as the Council’s GRFMA Board members.

The current Chairperson, Mr Des Bilske, advised the GRFMA he will not be extending his current term of appointment and is assisting with temporary continuation until a substantive appointment is approved by the Board, endorsed by Constituent Councils and the successful applicant commences in the position of Chairperson.

The GRFMA special meeting held on 7 March 2024 endorsed the recommendation of Mr. Di Lerna as preferred candidate GRFMA Chairperson, Independent Member, and resolved to

recommend to the Constituent Councils that he be appointed as independent chairperson. A letter from the GRFMA Executive Officer advising the Board's recommendation is at **Appendix 1**.

Mr. Di Lernia was determined as the preferred candidate due to his political acumen, leadership, knowledge, networks and understanding of local, state, and federal government.

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

➤ Legal Implications

The GRFMA is established pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

Clause 4.4.1 of the Charter states that the Board will comprise:

A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils and who the Constituent Councils consider has expertise in one or more of the following areas:

- a) *Environmental management*
- b) *Corporate financial management*
- c) *General management*
- d) *Public sector governance*

➤ Risk Management Implications

Appointing a well-qualified independent chairperson following a robust selection process will assist in managing the risk of:

Poor governance practices occurring 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) |

There are many controls that assist in mitigating this risk and the appointment of the recommended chairperson to the GRFMA will not materially reduce the Residual Risk rating.

➤ **Financial and Resource Implications**

There are no direct financial implications to Adelaide Hills Council regarding the appointment of the Chairperson.

The Chairperson will be remunerated by GRFMA.

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

Not applicable

➤ **Sustainability Implications**

Not applicable

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

The recommendations from the GRFMA Board Selection panel were discussed at the Board's 7 March 2024 special meeting.

3. OPTIONS

The Council has the following options:

1. To determine to endorse the recommendation of the GRFMA Board to appoint Mr Lino Di Lernia as independent chairperson (Recommended); or
2. To determine not to endorse the recommendation of the GRFMA Board to appoint Mr Lino Di Lernia as independent chairperson (Not Recommended)

If Council selects Option 2, the GRFMA Board will be informed of the decision and if more than one other Constituent Council determines also to not support the Board's recommendation, the current chairperson appointment process will need to be recommenced.

4. APPENDICES

- (1) Letter from GRFMA Executive Officer – 12 March 2024

Appendix 1

Letter from GRFMA, 12 March 2024

Gawler River Floodplain Management Authority
PO Box 366 Seacliff Park, SA 5049
Telephone: 0407717368 Email: eo@grfma.com
Website: www.gawler.sa.gov.au/grfma

Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
28 Onkaparinga Valley Road
Woodside SA 5244
By email mail@ahc.sa.gov.au

12/03/2024

Dear Greg,

Appointment of GRFMA Chairperson, Independent Member.

I am writing seeking Councils approval and a resolution of formal appointment of Mr Lino Di Lernia as GRFMA Chairperson, Independent Member, for a term of three years.

The GRFMA Charter provides.

4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils

The GRFMA current Chairperson, Mr. Ian Baldwin has previously advised he will not be extending his current term of appointment and is assisting with temporary continuation, until a substantive appointment is approved by the Board, endorsed by Constituent Councils and the successful applicant commences in the position of Chairperson.

Following the unsuccessful expression of interest process in 2023, a new public call for the position has now been completed by Mc Arthur Recruitment Services.

On conclusion of candidate interviews, the panel established to manage the process determined and unanimously agreed that the preferred candidate is Mr Lino Di Lernia.

Following the panel interviews McArthur performed reference checks and background and social media checks which did not identify any concerns or issues.

Lino was determined as the preferred candidate due to his political acumen, leadership, knowledge, networks and understanding of local, state, and federal government.

Key positions held include.

- Deputy Chief Executive SA Department of Planning, Transport, and Infrastructure.
- Program Director, Advanced Train Management System Proof of Concept, Australian Rail Track Corporation.
- Director Projects, Office of Major Projects and Infrastructure, Department for Transport, Energy and Infrastructure.
- Managing Director and Chief Finance Officer, Australian National Railways Commission
- Chief Executive Officer Motor Accident Commission.

Notable achievements.

Managed

- \$800 million delivery of public transport infrastructure.
- \$50 million environmental remediation program of over 600 Australian National Railway Commission sites.
- \$185 million sale of the Adelaide Casino for superannuation fund manager, Funds SA.

Developed

- 5-year strategic plan for the State Bank of South Australia post its collapse.
- The design, development, integration, testing and documentation of a world-breaking train management technology.

Directed

- The public-private partnership development of the port of Adelaide and industrial areas.
- The closure of Australian National Railways Commission operations.
- The downsizing and closure of The State Bank of South Australia's International bank offices in London, New York and Auckland.

The 7/3/2024 GRFMA special meeting endorsed the recommendation of Mr. Di Lerna as preferred candidate GRFMA Chairperson, Independent Member and directed that I seek Constituent Council approval of appointment pursuant to clause 4.4.1 of the GRFMA Charter.

I would be pleased to receive Councils approval and a resolution of formal appointment of Mr. Lino Di Lerna as GRFMA Chairperson, Independent Member, for a term of three years: effective following formal appointment to the position by all the Constituent Councils of the GRFMA.

A response by Wednesday 17 April 2024 will assist in enabling the GRFMA to formally confirm Mr. Di Lerna's appointment at the Thursday 18 April 2024 GRFMA meeting.

Yours Sincerely



David Hitchcock, Executive Officer

3. Appointment of Gawler River Floodplain Management Authority Chairperson – 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 18.1 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 | until the appointment has been confirmed |
| Related Attachments | until the appointment has been confirmed |
| Minutes | until the appointment has been confirmed |
| Other (presentation, documents, or similar) | N/A |

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