



AUDIT COMMITTEE

AGENDA & REPORTS

for the Special meeting

Friday 17 April 2020
at 8.30am



Membership:	The Lord Mayor 1 Council Member 3 External Independent Members 2 Proxy Council Members
Quorum:	3
Presiding Member	Mr David Powell
Deputy Presiding Member	Mr Ross Haslam
Members	The Right Honourable the Lord Mayor [Sandy Verschoor] Ms Paula Davies Councillor Hyde (Deputy Lord Mayor)
Proxy Members	<i>Councillor Knoll [proxy for the Lord Mayor]</i> <i>Councillor Couros [proxy for Councillor Hyde].</i>

1. Acknowledgement of Country

'Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Presentation

2.1. Update on Fixed Asset Guidelines – Section 2 [2020/00273]

3. Item Seeking Exclusion of the Public (If required)

3.1. Exclusion of the Public to Consider [2018/04291] [Page 2]:

For the following item seeking consideration in confidence:

4.1 COVID-19 Update [s 90(3) (b) & (e)]

4. Confidential CEO Update

4.1. COVID-19 Update

5. Closure

Exclusion of the Public

ITEM 3.1 17/04/2020
Audit Committee

Program Contact:
Rudi Deco, Manager
Governance 8203 7442

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY

It is the recommendation of the Chief Executive Officer that the public be excluded from this Audit Committee Special meeting for the consideration of information and matters contained in the Agenda.

For the following Confidential CEO Update

4.1 COVID-19 Update [s 90(3) (b) & (e)]

The Order to Exclude for Item 4.1

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence.
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 4.1

THAT THE AUDIT COMMITTEE

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (e) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Audit Committee dated 17/4/2020 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 4.1 [COVID- 19 Update] listed on the Agenda.

Grounds and Basis

This item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on persons with whom the council is conducting business and prejudice the commercial position of the council. The item addresses matters affecting the security and safety of the council, members and employees of the council, and the safety of persons in our community.

The disclosure of information in this presentation could reasonably prejudice the commercial position of the Council as it identifies Council's risk exposure and forecasts the financial impact of the COVID-19 pandemic. It outlines safety and financial measures which have workforce and contractual implications, disclosure of which at this point in time may confer a commercial advantage on a third party, prejudice the ability for Council to undertake/participate in future discussions or negotiation and prejudice the Council's commercial position and opportunity to discuss or negotiate options yet to be determined by Council at this point in time.

Public Interest

The Audit Committee 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 this information will result in release of information prior to a determination of the Council in the matter of its medium and long-term response to the COVID-19 pandemic. The disclosure of scenarios related to Council's commercial position

may severely prejudice Council's ability to discuss/participate or influence proposals for the benefit of the Council and the community. Disclosure of the safety and financial measures which have workforce and contractual implications may further cause unnecessary concern to members of the community and employees of the council.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this Special meeting of the Audit Committee dated 17/4/2020 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 4.1 [COVID-19 Update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (e) of the Act.
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DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of a Council Committee must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 87(10) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following matters are submitted seeking consideration in confidence.
 - 6.1. Information contained in Item 4.1 – COVID-19 Update
 - 6.1.1 Is not subject to an Existing Confidentiality Order
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (e)
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person

ATTACHMENTS

Nil

- END OF REPORT -