



AUDIT COMMITTEE

AGENDA & REPORTS

for the Special meeting

Tuesday 24 November 2020
at 4.30 pm

To be held remotely



Special Meeting Agenda, Tuesday 24 November 2020 at 4.30 pm

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. Item Seeking Exclusion of the Public

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

For the following items seeking consideration in confidence:

3.1 Appointment of External Auditor [s 90(3) (k)]

3. Confidential Item

3.1. Appointment of External Auditor [2020/00150] [Page 4]

4. Closure

Exclusion of the Public

ITEM 2.1 24/11/2020
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 meeting for the consideration of information and matters contained in the Agenda.

For the following confidential items:

3.1 Appointment of External Auditor [s 90(3) (k)]

The Order to Exclude for Item 3.1:

1. Identifies the information and matters (grounds) from section 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 – section 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 3.1

THAT THE AUDIT COMMITTEE

1. Having taken into account the relevant consideration contained in section 90(3) (k) and section 90(2) & (7) of the *Local Government Act 1999 (SA)* (the Act), this Special meeting of the Audit Committee dated 24 November 2020 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 3.1 [Appointment of External Auditor] listed on the Agenda.

Grounds and Basis

The confidential information in this Report contains information that could prejudice the commercial position of the Council in respect of its procurement process. Information released prior could compromise the outcome of the process.

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 relates to a tender for the supply of external audit services.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act) this Special meeting of the Audit Committee dated 24 November 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 3.1 [Appointment of External Auditor] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (k) of the Act.

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act), directs that a meeting of a Council Committee must be conducted in a place open to the public.
2. Section 90(2) of the Act, 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 section 90(3).
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made under section 90(2) of the Act, 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.
 - 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.
 - 4.4 Make the council susceptible to adverse criticism.
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act 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.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. Section 87(10) of the Act 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 3.1 – Appointment of External Auditor
 - 6.1.1 Is subject to an Existing Confidentiality Order – 6 November 2020
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (k)
 - (k) tenders for the supply of goods, the provision of services or the carrying out of works

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 3.1

Appointment of External Auditor

Section 90 (3) (k) of the *Local Government Act 1999 (SA)*

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