

Culture Investigation

ITEM 12.5 12/05/2020
Council

2020/00703
Public

Program Contact:
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Approving Officer:
Mark Goldstone, Chief Executive
Officer

EXECUTIVE SUMMARY

This report responds to the decision of Council on 14 April 2020 and the subsequent decision of the Audit Committee on 1 May 2020, on an urgent culture investigation to be commissioned.

This report seeks Council approval of the draft scope of work and the appointment of a suitable independent consultant to conduct the review, following the recommendation of the Independent Audit Committee Members' Working Group.

RECOMMENDATION

THAT COUNCIL

1. Approves the draft scope of work for the culture investigation in Attachment A to Item 12.5 on the Agenda for the meeting of the Council held on 12 May 2020, as prepared by the Independent Audit Committee Members' Working Group.
 2. Appoints EMA Legal to undertake the culture investigation as recommended by the Independent Audit Committee Members' Working Group.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities Not as a result of this report
Policy	Not as a result of this report
Consultation	In context of the role of the Audit Committee as per its Terms of Reference, the Audit Committee discussed the Council's decision at its meeting on 1 May 2020. In execution of the subsequent decision of the Audit Committee, the Independent Audit Committee Members' Working Group met on 6 and 7 May 2020 to consider and finalise its recommendation to Council
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
19/20 Budget Allocation	General operating budget – Estimated \$20k-\$25k
Proposed 20/21 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
19/20 Budget Reconsideration (if applicable)	Pending total expenditure, a Budget Reconsideration may be required
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. At its meeting held on 14 April 2020 Council resolved:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

2. In context of its role as per its terms of reference, the City of Adelaide Audit Committee discussed this Council decision at its 1 May 2020 meeting and resolved:

'That the Audit Committee notes the decision of Council at its 14 April 2020 meeting:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

and authorises the Audit Committee Chair, in consultation with its independent Audit Committee Members, to prepare a draft scope of work and recommend to Council a suitable party to undertake the review.'

3. An Independent Audit Committee Members' Working Group, consisting of the independent Audit Committee Chair and the two independent Members (the Working Group), has met on 6 May 2020 and 7 May 2020 to implement the decision of the Audit Committee meeting.
4. At these meetings, the Working Group prepared a scope of work as included in **Attachment A**.
5. The Working Group subsequently invited three independent legal consulting firms with Workplace Health and Safety (WHS) expertise to submit a proposal, to include proposed methodology and approach, relevant applicable standards and legislation, estimated costs and hourly rate, timeframes and availability, details of the resources proposed, and previous experience in similar work.
6. Following the review of these submissions, the Working Group recommends the appointment of [EMA Legal](#).

DATA & SUPPORTING INFORMATION

Link 1 – EMA Legal website

ATTACHMENTS

Attachment A – Proposed Scope of Work

- END OF REPORT -

Scope of work as proposed by the Independent Members of the Audit Committee Working Group:

Context:

14 April 2020 decision of Council, following a Motion on Notice:

That Council:

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.*

And the subsequent decision of the Audit Committee at its meeting on 1 May 2020:

That the Audit Committee notes the decision of Council at its 14 April 2020 meeting:

'That Council

1. *Recognises the valuable role the City of Adelaide administration plays in supporting Council Members*
2. *Expresses concern about the impact the conduct and behaviours of some Council Members may have on the health and wellbeing of the Administration.*
3. *Requests an urgent independent investigation to determine the extent of any impact and provide recommendations where appropriate.'*

and authorises the Audit Committee Chair, in consultation with its independent Audit Committee Members, to prepare a draft scope of work and recommend to Council a suitable party to undertake the review.

Scope of work:

The consultant will independently assess identified conduct and behaviours of current Council Members with potential consequential impact on Administration (including health and wellbeing impact) and will assess the extent of such impact.

The consultant will present a report on the findings and recommendations to Council as soon as possible.

The investigation may require interviews with the Executive and Associate Directors and any other parties the consultant deems relevant and will require a review of relevant communication and meeting recordings.

The consultant will be asked to report back to the Audit Committee Chair after conclusion of the initial interviews process (stage 1 – interviews, initial review of relevant documentation and recommendations on next steps) before potentially continuing the process (stage 2 – further review of documentary evidence and associated assessment and reporting) and provide regular updates to the Audit Committee Chair throughout.