

CONFIDENTIAL ITEMS 2003 – JUNE 2020

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommendation to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
146	2 March 2020	Appointment of an Independent Member to the Audit And Risk Committee	<p>1. Pursuant to Section 90(3)(a) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except (Chief Executive Officer, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, and the Minute Secretary) be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of an Independent Member to the Audit and Risk Committee.</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Audit and Risk Committee in that details included in their resumes will be discussed.</p> <p>The Council 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 details relating to personal information of people who expressed an interest in membership of the Committee will be discussed.</p> <p><b><u>Section 91(7) Order</u></b></p> <p>3. Pursuant to Section 91(7) That having considered Agenda Item 18.1 Appointment of an Independent Member</p>	Report and minutes be retained in confidence	<p>The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Audit and Risk Committee in that details included in their resumes will be discussed.</p> <p>The Council 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</p>	Retained in confidence until the successful applicant and unsuccessful applicants have been advised of Council's decision.		Within 12 months	<i>Report and Minutes released on website 23 July 2020</i>

**CONFIDENTIAL ITEMS 2003 – JUNE 2020**

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
			to the Audit and Risk Committee in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicant and unsuccessful applicants have been advised of Council's decision.		disclosure of details relating to personal information of people who expressed an interest in membership of the Committee will be discussed.				

**18. CONFIDENTIAL REPORTS**

**18. REPORT TITLE: CONFIDENTIAL ITEM: APPOINTMENT OF AN INDEPENDENT MEMBER TO THE AUDIT AND RISK COMMITTEE**

**DATE OF MEETING: 2 MARCH 2020**

**FILE NUMBER: DOC/19/15534**

**ATTACHMENTS: NIL**

**Key Contact Ros McDougall, Risk and Governance Officer**

**Manager/Sponsor Brian Clancey, Deputy CEO / General Manager Strategic Projects, Wastewater/Recycled Water**

**Mount Barker 2035 – District Strategic Plan:**

Governance and Leadership

GL: Active democracy and effective representation

**Annual Business Plan:**

Nil

**Purpose:**

To provide the outcome of the recent expression of interest process for an independent Audit and Risk Committee member following the resignation of one member in December 2019.

**Summary – Key Issues:**

- An Expression of Interest process was conducted for one independent member of the Audit and Risk Committee yielded 18 applications
- Four applicants were interviewed with one standout application.

**Recommendation:**

1. Pursuant to Section 90(3)(a)  
Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except (Chief Executive Officer, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, and the Minute Secretary) be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of an Independent Member to the Audit and Risk Committee.

The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Audit and Risk Committee in that details included in their resumes will be discussed.

The Council 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 details relating to personal information of people who expressed an interest in membership of the Committee will be discussed.

2. That Council appoint Michele Bennetts to the Audit and Risk Committee until March 2024.

#### **Section 91(7) Order**

3. Pursuant to Section 91(7)  
That having considered Agenda Item 18.1 Appointment of an Independent Member to the Audit and Risk Committee in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicant and unsuccessful applicants have been advised of Council's decision.

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#### **Background:**

1. Pursuant to section 126 of the Local Government Act 1999 ("the Act") and Regulations Council must have an Audit Committee and its membership must include at least one Member who is not a Council member, may not include employees of this Council, and may comprise members of an Audit Committee of another Council.
2. Legislation allows a maximum of 5 Committee Members. In December 2018 Council determined to have a Committee of 5, 4 of whom are independent members.
3. On 20 January 2020 Council was advised of the resignation of one of the Audit and Risk Committee independent members.
4. Remaining independent members are Chairperson Michael Bails and Chris Howis (their terms will expire in December 2020) and Pamela Lee (her term will expire in March 2023. Council appointed Cr Hardingham to this Committee (until the end of the Council term).
5. The Council appointed a selection panel comprising Mayor Ferguson, the Chief Financial Officer and Risk and Governance Officer to recommend the most appropriate person for appointment.

**Discussion:**

6. An expression of interest for membership of this Committee was open from 22 January 2020 – 12 February 2020. Advertisements were placed in the Courier, Australian Institute of Company Directors website, Council's website, LGA website, and Council's Facebook page.
7. The appointment is for a period of 4 years.
8. Selection criteria included experience in one or more of the following
  - Corporate governance;
  - Audit Committee or other board membership;
  - Financial management
  - Internal audit and / or risk management experience in the management of large organisations; and
  - Experience in / or understanding of local government financial management practices
9. Eighteen (18) expressions of interest were received during this time.
10. The selection panel shortlisted and interviewed four (4) of those who expressed an interest.
11. The Panel determined there was a standout application and following referee checks has recommended Michele Bennetts.
12. Michele is currently a consultant and has worked with several councils to assist with corporate governance, financial management, internal audit and risk management and wastewater. She is currently a member of three other Council Audit / Audit and Risk Committees. Her experience has also encompassed reviewing or being involved in the development of various strategic plans. Michele has also worked in organisations other than local government.
13. CV's of all people interviewed for this role are available as a confidential document on the Council Members' Extranet – de-identified other than Michele Bennetts.

**Community Engagement:**

Informing only	Information of the successful applicant will be released, and the website updated, following Council's decision and once the successful and unsuccessful applicants have been notified.
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**Policy:**

Nil

**Long Term Financial Plan:**

Nil

**Budget:**

Nil

**Statutory/Legal:**

The Audit & Risk Committee operates in accordance with the Local Government Act 1999 and the Local Government (Financial Management) Regulations 1999.

**Staff Resource Requirements:**

There is no additional impact on staff resources.

**Environmental:**

N/A

**Social:**

The operations of the Audit & Risk Committee are an important element of the Council's transparency and accountability to the community.

**Risk Assessment:**

There are no identified risks with this report.

**Asset Management:**

Nil

**Conclusion:**

The appointment of Michele Bennetts will add additional skills and experience to the existing Audit and Risk Committee.

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Previous Decisions By/Information Reports to Council:

Meeting Date	20 January 2020	HPRM Reference	DOC/19/160214
Title	Process to Recruit an Independent Member to the Audit and Risk Committee		
Purpose	To appoint a selection panel to conduct a recruitment and interview process to provide a recommendation to fill a vacant independent member position on the Audit and Risk Committee.		

**17. QUESTIONS ARISING FROM COUNCIL MEETING**

- 17.1** Ms Debbie McKay asked questions regarding Item 12.3 Mount Barker District Housing Strategy availability of printed copies, and Nairne West signage.  
Luke Gray A/g General Manager Planning and Development provided a response at the meeting regarding Item 12.3 and took the signage question on notice for a response to be provided by council staff.

**18. CONFIDENTIAL REPORTS**

- 18.1**      **REPORT TITLE:**      **CONFIDENTIAL ITEM: APPOINTMENT OF AN INDEPENDENT MEMBER TO THE AUDIT AND RISK COMMITTEE**  
**DATE OF MEETING:** 2 MARCH 2020  
**FILE NUMBER:**      DOC/19/15534  
**ATTACHMENTS:**      NIL

Moved Councillor Westwood that Council:

Pursuant to Section 90(3)(a)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, Deputy CEO/General Manager – Governance, Strategic Projects and Wastewater/Recycled Water, Chief Financial Officer, A/g General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of an Independent Member to the Audit and Risk Committee.

The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Audit and Risk Committee in that details included in their resumes will be discussed.

The Council 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 details relating to personal information of people who expressed an interest in membership of the Committee will be discussed.

Seconded Councillor Morrison

**CARRIED**  
*OM20200302.20*

Moved Councillor Seager that Council appoint Michele Bennetts to the Audit and Risk Committee until March 2024.

Seconded Councillor Morrison

**CARRIED**  
*OM20200302.21*

Moved Councillor Westwood that Council

**Section 91(7) Order**

**Pursuant to Section 91(7)**

That having considered Agenda Item 18.1 Appointment of an Independent Member to the Audit and Risk Committee in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report and minutes be retained in confidence until the successful applicant and unsuccessful applicants have been advised of Council's decision.

Seconded Councillor Jones

CARRIED  
OM20200302.22

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RELEASED