

3.1 AUDIT & RISK COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS

Cr Duke moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, Manager, Chief Executive's Office, Manager, Governance & Legal, Manager, Communications & Community Relations, Manager, Economic Development & Strategy and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(a) *information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Knoblauch and carried unanimously.

Mayor Bria sought leave of the meeting to make a Personal Explanation in relation to this matter.

The meeting granted leave for Mayor Bria to make a Personal Explanation.

Mayor Robert Bria's Personal Explanation

On 27 February 2023 I was advised of the five (5) applicants who had been shortlisted to be interviewed for the appointment as the Independent Members to the Council's Audit & Risk Committee.

Upon receiving this information, I advised the other members of the Interview Panel: Cr Clutterham, Cr Piggott and the Chief Executive Officer that I had a Conflict of Interest regarding one of the shortlisted candidates, Ms Sandra Di Blasio.

As such, I advised the Panel that I proposed to take the following action regarding my involvement in the interview process:

1. I would remove myself from the Interview Panel and not take part in the interview process of Ms Di Blasio;
2. I would not provide any feedback to the Panel regarding Ms Di Blasio's application/CV;
3. I would not be present and therefore would not participate in any discussion regarding Ms Di Blasio's suitability to be recommended to the Council for appointment as an Independent Member of the Audit & Risk Committee; and
4. If Ms Di Blasio was recommended to the Council for appointment to the Committee by the Panel, I will vacate my chair and leave the Council Chamber when the matter is debated and voted on.

In accordance with the Elected Members Access to Legal Advice Policy, I obtained legal advice regarding my Conflict of Interest in this matter, and referred the four-step course of action I proposed to take to Kelledy Jones Lawyers.

While I do not intend, nor do I believe it is necessary for me, to provide the legal advice from Kelledy Jones Lawyers to Members, for the avoidance of doubt I wish to place on the public record the following passage from that advice:

"if he takes the steps, 1 to 4 as set out in his email, he will have done everything (indeed, more) than would be required of him where the general conflict of interest provisions apply to him – that is, he will have acted in a transparent and accountable way in dealing with it."

Upon receipt of this legal advice, I subsequently re-confirmed to Cr Clutterham, Cr Piggott and the Chief Executive Officer, I would take the action outlined in my initial email to them.

To date, I have followed this course of action and will continue to do so until the appointment process regarding the Independent Expert Members to the Council's Audit and Risk Committee is complete.

Cr Duke moved:

That Mayor Bria's Personal Explanation be recorded in the minutes in its entirety.

Seconded by Cr Whitington and carried unanimously.

Mayor Bria declared a general conflict of interest in this matter as members of the Di Blasio family assisted Mayor Bria in his 2022 Election campaign and left the meeting at 7.06pm.

Appointment of Acting Mayor

At 7.07pm Cr Callisto moved:

That Cr Kevin Duke be appointed Acting Mayor.

Seconded by Cr Whitington and carried unanimously.

Cr Duke assumed the Chair.

Cr Sims moved:

1. *That the City of Norwood Payneham & St Peters Audit & Risk Committee comprise five (5) Members made up of the Mayor and two (2) Councillors of the City of Norwood Payneham & St Peters and two (2) Independent Members, who have qualifications and experience relevant to the functions of the Audit & Risk Committee.*
2. *That Ms Eldridge and Ms Di Blasio be appointed as the Independent Members of the City of Norwood Payneham & St Peters Audit & Risk Committee, for a period of two (2) years commencing from the date of the first meeting of the Audit & Risk Committee.*

Seconded by Cr Knoblauch and carried unanimously.

Cr Callisto moved:

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and attachments be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the discussion and minutes be kept confidential until the announcement of the appointment is made.

Seconded by Cr Piggott and carried unanimously.

Cr Sims left the meeting at 7.10pm.

Cr Sims returned to the meeting at 7.10pm.

Resumption of Chair

Mayor Bria returned to the meeting at 7.10pm and resumed the Chair.