

**I give notice that
an Audit & Risk Committee Meeting will be held on:**

Date:	Monday, 11 March 2019
Time:	10.00am
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson Mr Anthony Byett

Deputy Chairperson Cr Barry Hickling

Members Mayor David Trewavas
Cr Rosie Harvey
Cr Rosanne Jollands
Cr Anna Park
Cr Maggie Stewart

Quorum 4

Gareth Green
Chief Executive Officer

Order Of Business

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3.1 AUDIT & RISK COMMITTEE MEETING - 29 OCTOBER 2018

Author: Shainey James, Democratic Services Officer

Authorised by: Tina Jakes, Head of Democracy, Governance and Venues

RECOMMENDATION(S)

That the minutes of the Audit & Risk Committee meeting held on Monday 29 October 2018 be confirmed as a true and correct record.

ATTACHMENTS

1. Audit & Risk Committee Meeting Minutes - 29 October 2018

4.1 PRESENTATION FROM AON - INSURANCE MARKET

Author: Brian Fox, Head of Regulatory and Risk

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

To receive a presentation from Council's insurance brokers, AON, about the insurance market.

CONCLUSION

It is recommended that the information be received.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the information and thanks the AON representatives for their presentation.

ATTACHMENTS

Nil

4.2 MBIE AUDIT OF BUILDING ACT TERRITORIAL FUNCTIONS

Author: Scott Devonport, Consents and Regulatory Manager

Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

To present the outcomes from the Ministry of Business, Innovation and Employment (MBIE) audit of Council's territorial functions under the Building Act and subsequent work completed since the audit to meet its recommendations.

DISCUSSION

The Ministry of Business, Innovation and Employment (MBIE) carries out technical reviews of territorial authority (TA) functions as part of its ongoing performance monitoring function under the Building Act 2004.

The purpose of the technical review is to monitor and assess the performance of Taupō District Council (TDC) in several of its TA functions - amending compliance schedules not captured by the building consent process, the enforcement of the building warrant of fitness (BWoF) system, which includes on-site audits, notices to fix (NTFs) and infringement notices. The opportunity was also taken to observe and assess the quality of installed passive fire systems (eg smoke/fire separations).

As part of the audit process, MBIE carried out a technical review of systems, documentation, process, competencies, resources and accompanied officers on nine (9) on-site BWoF audits. This was a comprehensive review of our TA functions that came about as a result of Council Officers requesting an audit.

The results of the audit are attached as a full document to this report, but some of the key points are as follows:

Positive comments:

- Staff training was considered sufficient through both formal and informal means of conferences and cluster groups within the Bay of Plenty.
- Policies and procedures are well documented.
- TDC is progressing with updating draft compliance schedules and removing non-specified systems from the changes to the Building Amendment Act 2012.
- Onsite BWoF audits, 2207 completed since 2012, buildings categorised based on risk profile.
- Proactive on reminding building owners of their obligations.

Areas for improvement and work undertaken since the audit:

- Need to complete work under the Building Amendment Act 2012 quickly to meet legislative compliance which requires all compliance schedules to be updated. – **all compliance schedules have now been updated**
- Add additional details to Compliance Schedules (CS) to be more specific around specified systems and requirements for compliance. – **template for compliance schedules updated to include more specific details**
- At time of Code Compliance Certificate (CCC) or Certification of Public Use (CPU), the Building Technical Specialist should accompany the building inspector where necessary to ensure compliance schedules and specified systems are recorded accurately. – **draft CS now issued with CPU with inspectors taking detailed photos of specified systems installed and specialist accompanying inspectors as needed.**
- Unoccupied buildings require the compliance schedules to be amended to reflect the change in inspections that an Independent Qualified Person (IQP) would carry out. – **have list of unoccupied buildings (35) and in discussions with owners to amend CS as needed.**

- Compliance schedules to be issued at time of a CPU and not just held until the CCC is issued. – **CS now issued as draft with CPU**
- On-site audits showed that compliance schedules regularly need to be updated and information for specified systems requires more details. – **new CS template are now more specific**
- Notices to Fix and infringements should be used more often as a means of obtaining compliance. – **have taken this on board and will use as appropriate**
- Staff training to include some more targeted areas around BWoF and compliance schedules, such as BOINZ training or Association of Building Compliance conference. – **three officers attended the ABC conference in 2018 and undertaking more specific training using online tools.**

As part of the audit, TDC were required to report back to MBIE on the recommended areas of improvements listed above. This has been completed and MBIE have advised no further action is required.

Overall the results and process during the audit were very positive between MBIE and Officers. Given this was implemented by TDC, it was seen as a positive learning experience and a method to ensure Council is meeting its obligations under the Building Act. MBIE staff noted that we were one of the more progressive councils when it came to BWoF audits and communicating to building owners their legal requirements.

CONCLUSION

MBIE have completed their audit of TDC's legislative requirements under the Building Act when it comes to compliance schedules and BWoF's. The audit was at the request of Officers as it was seen as a great opportunity to test our legislative compliance with the Act and seek improvement. The results of the audit showed areas of improvement that have been addressed in full to the satisfaction of MBIE.

BWoF audits are a fundamental tool for ensuring buildings accessible to the public are safe and the results reflect the effort and resource's put into this area by TDC.

The Audit and Risk Committee should take satisfaction from the results that Council is putting effort into protecting the public from unsafe buildings and maintaining our reputation.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the results of the MBIE audit dated 1 December 2017

ATTACHMENTS

1. MBIE Audit - 1 December 2017

4.3 S&P RATING UPGRADE TO OUTLOOK POSITIVE

Author: Neil Ward, Finance Manager

Authorised by: Alan Menhennet, Head of Finance and Strategy

PURPOSE

The purpose of this item is to present the results of the recent S&P Credit Rating upgrade.

DISCUSSION

S&P Global Ratings revised the outlook on the 'AA' long-term local and foreign currency ratings of seven New Zealand local councils to positive from stable following a similar action on the New Zealand sovereign on 31 January 2019.

The positive outlook on Taupō reflects that of the sovereign because the ratings on the council are constrained by the long-term foreign-currency rating on New Zealand. S&P stated that they could raise the ratings on Taupō within the next two years should the same occur for New Zealand.

The full research update report from S&P and their media release is attached.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the S&P research update report revising Taupō District Councils credit rating from AA stable outlook to AA positive outlook [A2406317] and their subsequent media release [A2406325].

ATTACHMENTS

1. S&P report dated 31 January 2019 (A2406317)
2. S&P media release dated 31 January 2019 (A2406325)

4.4 ASSET MANAGEMENT PLANS - PEER REVIEW REPORT

Author: Denis Lewis, Infrastructure Manager
Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To receive Waugh's Peer Review Report on the 2018 Asset management Plans.

DISCUSSION

NZ Audit encourage the peer review of the AMPs. By having asset management plans peer reviewed, it provides an external viewpoint on the maturity of an asset management plan, and provides the opportunity for a third party to identify areas where asset management plans can be strengthened. Whilst not a hard and fast requirement by Audit NZ, having a peer review of the asset management plan represents good practice, and would be something they would likely comment on/suggest occurs if a peer review has not been completed during the LTP cycle.

This peer review is of the AMPs completed for the 2018 LTP.

CONCLUSION

It is recommended that the report be received.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the Asset Management Peer Review Report (A2353516)

ATTACHMENTS

1. Asset Management Plan Peer Review

4.5 NEW ZEALAND TRANSPORT AGENCY INVESTMENT AUDIT REPORT

Author: Denis Lewis, Infrastructure Manager
Authorised by: Kevin Strongman, Head of Operations

PURPOSE

To receive NZTA's Investment Audit Report, November 2018.

DISCUSSION

Investment audits provide assurance to NZ Transport Agency that its land transport investments are being well managed and providing value for money.

All road controlling authorities (Approved Organisations and NZ Transport Agency(state highways)) are subject to investment audits. The [Land Transport Management Act 2003 section 95\(1\)\(e\)\(ii\)](#), requires the NZ Transport Agency to audit the performance of Approved Organisations in relation to activities it has approved.

Investment audits take a risk based approach and consider some or all of the following components depending on audit scope:

- planning and prioritisation of land transport activities
- actual activity versus planned activity
- validity of information informing decision making, for example Road Assessment and Maintenance Management (RAMM) data, Transport Investment Online (TIO The NZTA's web-based funding allocation system.) achievement returns
- procurement
- contract and programme management
- financial systems and claiming processes
- special conditions of funding.

They would normally occur at between 5 -7 years intervals based on an assessment of risk. NZTA last undertook a procedural audit in 2013 and a technical audit in 2008.

This investment audit carried out in June 2018 encompassed both the procedural and technical components of the audit.

CONCLUSION

It is recommended that the report be received.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the NZTA Investment Audit Report (A2371749)

ATTACHMENTS

1. NZTA Investment Audit Report Nov 2018

4.6 6 MONTHLY REVIEW OF SENSITIVE EXPENDITURE

Author: Jamie Dale, Risk Manager
Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

To update elected members of the findings of the Sensitive Expenditure policy compliance review and highlight any areas for improvement.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the information in the Sensitive Expenditure Report Feb 2019 (A2407530) for the period 1 July 2018 to 31 December 2018.

BACKGROUND

This review of sensitive expenditure is completed to ensure controls around sensitive expenditure are in place and compliance with the Sensitive Expenditure Policy is being achieved. These reviews address the matters raised by Audit New Zealand in 2012 and the methodology used has been accepted by Audit New Zealand.

This compliance review for the period 01 July 2018 to 31 December 2018 reviewed expenditure via electronic purchase orders, reimbursement of expenditure claims made by staff & elected representatives and credit card purchases

CONSIDERATIONS**Alignment with Council's Vision**

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: Quality; and Value.

Financial Considerations

The financial impact of the proposal is estimated to be \$Nil

Legal ConsiderationsLocal Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The review process fits within the Committee's overall terms of reference and the Sensitive Expenditure policy requirements.

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

There are no known risks. Council's risks in this are minimised as a result of this compliance audit of sensitive expenditure.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

No communication/media required. Review findings will be communicated to Audit New Zealand and detailed working papers will be available for their perusal during their annual audit as has been the case previously.

CONCLUSION

The ongoing reviews of sensitive expenditure will aid Council's overall risk management profile and is entirely in keeping with the current Risk Management Charter.

ATTACHMENTS

1. Sensitive Expenditure Report - February 2019

4.7 ADOPTION OF ASSET DISPOSAL POLICY

Author: Jamie Dale, Risk Manager
Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

The purpose of this agenda item is to present the updated proposed Asset Disposal Policy for the Committee to review and make a recommendation to Council for adoption.

DISCUSSION

At the Audit & Risk Committee meeting held on 23 July 2018, the draft Asset Disposal Policy was presented to the Committee for consideration.

Resolution AR201807/05 recommended that proposed Asset Disposal Policy (A2256528) (as amended) be forwarded to Audit New Zealand for comment. The amended policy which included additional clause in the 'principles' section: "4.3 The disposal of assets will comply with all Council policies applicable to those assets e.g significance, engagement etc, additional wording at the end of clause 4.4: "...recognising any community interests that may be applicable" and an additional clause at the end of the 'policy content' section: "5.8 All decisions regarding the disposal of assets shall comply with the Taupō District Council Significance and Engagement Policy" was forwarded to Audit New Zealand for their comments.

The Audit New Zealand comments are attached for the Committee's information. The proposed policy has been amended based on these recommendations and is attached for consideration. Adoption of this particular policy is not within the Committee's Terms of Reference, therefore it is recommended that the Committee refers it to Council for adoption.

CONCLUSION

The disposal of assets needs to be carefully planned and conducted so that they maximise value for money for the Council and minimise opportunities for exploitation by individual employees, private persons or organisations and takes place in a transparent and accountable manner.

To achieve the required outcomes the disposal of assets should comply with the following principles:

- Disposals must ensure Council achieves the best net value for the asset.
- Disposals must comply with all relevant with its statutory and legal requirements.
- All disposals are to be conducted in an efficient, effective, and transparent manner.
- All asset disposals are to be appropriately authorised and adequately documented.
- Council staff and elected members are not advantaged over members of the public.

The amendments to the proposed policy reinforce these principles and provide greater clarity and consistency.

RECOMMENDATION(S)

That the Audit & Risk Committee recommends to Council that the proposed Asset Disposal Policy 2019 (A2376362) be adopted.

ATTACHMENTS

1. Proposed Asset Disposal Policy 2019
2. Asset Disposal Policy with Audit NZ comments

4.8 REVIEW OF GOVERNANCE RISKS

Author: Jamie Dale, Risk Manager
Authorised by: Brian Fox, Head of Regulatory and Risk

PURPOSE

To update the Audit & Risk Committee on the status of the key governance risks.

EXECUTIVE SUMMARY

Over the past 12 months, the key governance risks have been reanalysed using a fault tree analysis method to identify contributing causes, the expected consequences and the current treatments or controls in place.

The risks have been reviewed to assess whether the controls or treatments are in place, whether they have mitigated the risk as expected and whether there are any other factors that may increase or decrease the residual risk.

The risk report has taken the risk information from the analyses completed and put them into a format in which the committee to see the expected risk causes and their likelihoods, the proactive treatments (preventative) and the reactive treatments and the residual risks.

Overall, the risk treatments appear to be delivering the expected outcomes and the risks are being managed in a manner consistent with the Current risk Management charter. However, there is one area in legal liability that remains extreme even with the risk treatments in place. This area is liability caused by claims in tort. The Challenges the Council faces in these area is that the majority of these claims come from the Council undertaking a statutory functions which does not allow it to stop the risky activities and the reduce the likelihood and the ability to transfer liability via insurance is limited or no existent in some areas. Combined with an increasing litigious society, this risk remains extreme, based on the current risk assessment criteria.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the review of governance risk report.

BACKGROUND

Over the past 12 months the key strategic Governance Risks have been reviewed and reanalysed using a fault tree analysis (bow tie) process to better understand how the risks could arise and the potential effects of the risks. This approach has allowed us to consider how numerous causes by themselves or combined with others can ultimately trigger a risk to eventuate and the immediate and knock on effects of the risks.

Treatments or controls were identified and fall into two broad categories. Proactive, intended to prevent or reduce the likelihood of the risk eventuating and reactive, intended to reduce the impact of the risk if it did eventuate.

DISCUSSION

The review process involved pulling information on causes, risk effects, proactive and reactive treatments from completed fault tree analyses and then analysing whether the causes and effects were still relevant and whether the treatments are in place and have been or are still effective. It also considered whether there has been any incidents where a risk has eventuated and if so the impact of this.

The four strategic governance risks of legal liability, inadequate strategic planning, underperforming council and not meeting the obligations of the employer of the CEO identified 13 potential causes, 10 effects, 38 proactive treatments (barrier at the top of the cliff) and 10 reactive treatments (ambulance at the bottom of the cliff).

The emphasis on proactive treatment to eliminate or reduce the possibility of the risk eventuating is consistent with the current risk appetite as detailed in the current Risk Management Charter where the Council aims to generally operate within a low overall risk range with its lowest risk appetite will relating to

financial, safety and compliance objectives, including employee health and safety, with a marginally higher risk appetite towards its strategic, reporting, and operations objectives.

The 4 attachments look at these 4 strategic governance risks, break them down into causes, effects, inherent risk, proactive and reactive treatments, residual risk and the current risk status.

Of the 4 risks reviewed all treatments are in place and working as intended. In all but 2 of the 13 potential causes, these treatments appear to be able to reduce the residual risk to acceptable levels of moderate or lower.

Legal risks arising through claims in tort remains extreme as neither the proactive or reactive treatments can influence the likelihood or severity of the risk. Most claims in tort arise from negligence in the areas building and resource consents. These are statutory functions we are unable to opt out of and our abilities to transfer risk via insurance is being reduced significantly and we are penalised by the principle of joint and several liability.

Not meeting obligations as the employer of the CEO risk remains high due to the severity of non-compliance with the requirements of the Employment Relations Act remaining major and the likelihood reducing from likely to possible. In simple terms, mismanagement of the CEO would have a major impact on the ability of the organisation to deliver the required outcomes so while we can reduce the likelihood, the ability of reduce the potential impact if this did eventuate is limited.

CONSIDERATIONS

Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: World Class; Authentic; Quality; and Value.

Financial Considerations

The financial impact of the proposal is estimated to be \$Nil

Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities for good quality performance of Council's regulatory functions. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

Policy Implications

There are no known policy implications.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith as a Te Tiriti ō Waitangi partner. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the three ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendation/s, objective/s, project/s or service/s outlined within this report.

Risks

There are no known risks.

The review of the governance risks is consistent with the current Risk Management Charter and reflects best practice ensuring these risks are monitored and responded to appropriately.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

No communication/media required.

CONCLUSION

The risk environment is dynamic and is continuing to evolve and change. Reviews of risks are important for ensuring that risk treatments are in place and are delivering the outcomes expected and also allow us to review the current risk climate and adjust or amend our assessments accordingly as we have done for legal liability through tort to reflect our current position.

The key operational strategic risks are currently being reviewed by the Senior Leadership Team to ensure that they are still relevant and consistent with the risks identified in the current long term plan. Once confirmed, fault tree analyses will be undertaken and the results will be reported to the Committee.

ATTACHMENTS

1. Governance Risk Status 2018
2. Risk Assessment Criteria

4.9 AUDIT & RISK COMMITTEE SCHEDULE OF POLICIES FOR REVIEW

Author: Brian Fox, Head of Regulatory and Risk

Authorised by: Gareth Green, Chief Executive Officer

PURPOSE

To receive a Schedule of Policies regularly reviewed by the Audit & Risk Committee of Taupō District Council.

A Schedule of Policies is attached. This contains details of Council policies falling within the Terms of Reference of the Audit & Risk Committee, including dates of last review and when the policies will next appear before the Committee.

RECOMMENDATION(S)

That the Audit & Risk Committee receives the Schedule of Policies for review (A2411544).

ATTACHMENTS

1. Schedule of Policies for Review (A2411544)

5 CONFIDENTIAL BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the local government official information and meetings act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
<p>Agenda Item No: 5.1 Confirmation of Confidential Portion of Audit & Risk Committee Minutes - 29 October 2018</p>	<p>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>
<p>Agenda Item No: 5.2 Litigation Update</p>	<p>Section 7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>Section 48(1)(a)(i)- the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7</p>

I also move that *[name of person or persons]* be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of *[specify]*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *[specify]*.