

ITEM NUMBER: 14.1

ATTACHMENT 1

CONFIDENTIAL – DRAFT MINUTES - ALWYNDOR MANAGEMENT COMMITTEE SPECIAL MEETING– 21 MARCH 2022

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.

CITY OF HOLDFAST BAY

Minutes of the meeting of the Special Alwyndor Management Committee of the City of Holdfast Bay held via Audio-visual telecommunications on Monday 21 March 2022 at 6.00pm.

PRESENT

Elected Members

Councillor Susan Lonie
Councillor Robert Snewin

Independent Members

Mr Kim Cheater - Chair
Ms Julie Bonnici
Ms Joanne Cottle
Prof Judy Searle
Prof Lorraine Sheppard
Ms Trudy Sutton
Mr Kevin Whitford

Staff

Chief Executive Officer – Mr Roberto Bria
General Manager Alwyndor – Ms Beth Davidson-Park
Manager, Residential Services – Ms Natasha Stone
Manager, Finance – Mr Damian Capurro
Manager, Projects and Quality – Ms Emma Burke
Manager, People and Culture – Ms Lisa Hall
Personal Assistant - Ms Marisa Dinham

1. OPENING

The Chairperson declared the meeting opened at 6.05pm.

Welcome to Jo Cottle – AMC new member.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chair stated:

We acknowledge the Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. APOLOGIES

- | | | |
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| 3.1 | For Absence | Nil |
| 3.2 | Leave of Absence | Nil |

4. DECLARATION OF INTEREST

Committee members were reminded to declare any interest before each item.

Ms J Bonnici – the AMC noted Meals on Wheels (MoW) advice for the project and that it is also noted as a contingency in Alwyndor’s COVID-19 Response Plan. In her role of General Manager Operations for MoW Ms Bonnici has participated in advice but does not have a conflict for the matters being discussed.

5. CONFIDENTIAL

8.1 Alwyndor Service Delivery Business Case (Report No: 08/22)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No: 08/2022 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 08/22 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor’s financial position is reported as part of Council’s regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The

benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved by Cr Susan Lonie, Seconded by Mr K Whitford

Carried

The report was taken as read.

The General Manager advised that legal advice had been sought from HWL Ebsworth in relation to two interrelated matters: the recruitment of current Vision staff and any potential transmission of business as a part of the transition of the service to inhouse delivery. Advice was also sought in regard to the known debt which Vision has with the Australia Tax Office in regard to employee superannuation payments.

In relation to the proposed transition: the main area of risk exposure is the potential for transmission of business in terms of employee entitlements, specifically Long Service Leave and other leave entitlements. To mitigate this risk the following was proposed:

- Vision be formally advised that the provision of further employment or the termination and payout of all legal entitlements for kitchen staff employed by Vision remains the responsibility of Vision and Alwyndor will take on no obligations in reference to this. This negates any risk of transmission.
- Alwyndor will approach key staff following the above with the intent of retention. Negotiation will be on an individual basis consistent with current conditions.
- Alwyndor will advise all Vision staff that we will recruit via agency and they may choose to register for consideration.
- Alwyndor will commence recruitment of a Catering Manager immediately following notification of Vision.
- the upcoming Enterprise Bargaining negotiations will include a proposal to introduce the Local Government Tourism, Hospitality and Retail Award to ensure the future employment of kitchen hands and assistants will be under appropriate industrial conditions.
- notification of Vision to be undertaken verbally at the end of the month with confirmation of written intent provided at this time. The draft letter is being reviewed by HWL Ebsworth.

Governance: the General Manager will notify Council and the Audit Committee as appropriate regarding the AMC recommendations, risk management issues and mitigations.

AMC requested that external advisors who are engaged in the project to be noted, these are as follows:

- HWL Ebsworth for legal advice,

- Mr Stewart Merrylees, Food Services Manager, Meals on Wheels
- HDS, Mr Chirag Joshi, CEO, with assistance from Julie Dundon, Advanced Accredited Practising Dietitian, Nutrition Professionals Australia
- Kathy Manning – Independent Consultant

Capital upgrades are required to commence this financial year to ensure that operations move forward smoothly after handover. The General Manager will ensure this proposal is presented to Council for consideration and approval of appropriate financial arrangements.

It was noted that AMC to be informed should there be any further contingencies required.

AMC unanimously supported the Business Case.

Motion:

That the Alwyndor Management Committee:

1. Approves the new catering model and implementation proposal.
2. Approves the engagement of Kathy Manning as the consultant to lead the implementation.
3. Approved the required capital expenditure to upgrade the kitchenettes.

RETAIN IN CONFIDENCE - Section 91(7) Order

1. That having considered Agenda Item 8.1 General Manager's Report (Report No: 08/22) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 3 years and that this order be reviewed every 12 months.

Moved by Cr S Lonie, Seconded by Cr B Snewin

Carried

9. OTHER BUSINESS – Subject to the leave of the meeting

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on **Thursday 31 March 2022** in the Boardroom Alwyndor, 52 Dunrobin Road, Hove or via Audio-visual telecommunications (to be advised).

11. CLOSURE

The meeting closed at 6.59pm.

CONFIRMED 31 March 2022

CHAIRPERSON