

Confidential Minutes of the Ordinary Meeting of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg on 9 April 2024.

18. ITEMS IN CONFIDENCE

**18.1 Confidential Minutes – Audit and Risk Committee – 27 March 2024
(Report No: 95/24)**

Motion - Exclusion of the Public – Section 90(3)(b, d, j and k) Order C090424/7725

- 1. That pursuant to section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 95/24 – Confidential Minutes – Audit and Risk Committee – 27 March 2024 in confidence.**
- 2. That in accordance with section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 95/24 – Confidential Minutes – Audit and Risk Committee – 27 March 2024 on the following grounds:**
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council by revealing the commercial details that may advantage third parties whom council is proposing to engage.**
 - 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.**
 - j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by the Auditor-General.**

The Auditor-General in the information between Council, Auditor-General and relevant parties relating to the service review is requested by the Auditor-General to remain confidential until the report is delivered to Parliament.

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.

- k. pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the carrying out of works. Council is seeking to commission a construction contractor for the Jetty Road Masterplan project and the content of this report may prejudice Council's position in the market.
3. The Council 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 Councillor Fleming, Seconded Councillor Kane Carried Unanimously

The confidential minutes of the meeting of the Audit and Risk Committee held 27 March 2024 were presented to Council for information.

Motion

C090424/7726

That Council notes the confidential minutes of the meeting of the Audit and Risk Committee of 27 March 2024, namely that the Audit and Risk Committee:

1. recommends to Council it:
 - receives the letter to the Mayor from the Auditor-General;
 - receives the review findings and recommendations; and
 - approves the final written response prepared by Administration.

2. supports the proposed Jetty Road Masterplan Construction Procurement Plan and notes this will reduce the delivery risks of the project.
3. recommends that Council:
 - endorses the exemption to the Procurement Policy for a contract variation to continue utilising the TechnologyOne Software as a Service (SaaS) Enterprise Resource Planning (ERP) platform;
 - authorises the Chief Executive Officer to negotiate, execute, and administer the contract variation relating to the TechnologyOne SaaS platform on terms acceptable to the City of Holdfast Bay (CHB) for a maximum seven-year contract variation; and
 - notes the budget allocation for the TechnologyOne SaaS fee is included in the draft 2024-25 budget and subsequent future budgets will include the uplift in the significantly discounted SaaS fee.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 18.1 – Confidential Minutes – Audit and Risk Committee – 27 March 2024 in confidence under section 90(2) and (3)(b, d, j and k) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 24 months and/or the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried Unanimously