

Minutes of the meeting of the Audit and Risk Committee of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 27 March 2024 at 5:30pm.

PRESENT

Members

Presiding Member – Councillor J Smedley
Councillor R Snewin
Ms P Davies
Ms C Garrett
Mr D Powell

Staff

Chief Executive Officer – Mr R Bria
General Manager Strategy and Corporate – Ms S Wachtel
General Manager Alwyndor – Ms B Davidson-Park
Manager Finance – Mr C Blunt
Manager Strategy and Governance – Ms A Karzek

1. OPENING

The Presiding Member declared the meeting open at 5.31pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kaurna 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 Kaurna People today.

3. APOLOGIES

- 3.1 Apologies Received
- 3.2 Absent

4. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

5. CONFIRMATION OF MINUTES

Motion

That the minutes of the Audit and Risk Committee held on 15 November 2023 and special meeting held on 14 February 2024 be taken as read and confirmed.

Moved by Councillor Snewin, Seconded by D Powell

Carried

6. ACTION ITEMS

The Action Items were tabled and discussed.

7. PRESENTATIONS

7.1 Budget Position

The Manager Finance provided an update to the Committee on the draft 204-25 Annual Business Plan.

8. REPORTS BY OFFICERS

8.1 Standing Items (Report No: 74/24)

The Audit and Risk Committee is provided with a report on standing items at each ordinary meeting.

Motion

That the Audit and Risk Committee advises Council it has received and considered a Standing Items Report addressing:

- **Monthly Financial Statements**
- **External Audit**
- **Public Interest Disclosures**
- **Economy and Efficiency Audits**
- **Council Recommendations**
- **Audit and Risk Committee meeting schedule.**

Moved D Powell, Seconded Councillor Snewin

Carried

8.2 Internal Audit Report (Report No: 76/24)

The risk-based audits scheduled for the Internal Audit Program 2023-24, have now commenced, with the program attached to this report for further information.

In addition, the 'Audit Recommendations Outstanding Actions Update' is attached in three parts, highlighting those actions that are either completed, in progress or not yet implemented.

Motion

That the Audit and Risk Committee notes this report.

Moved P Davies, Seconded C Garrett

Carried

8.3 Risk Report (Report No: 75/24)

A review of the Strategic Risk Register and high operational risks was undertaken in line with Council's Risk Management Policy and ISO31000 (2018), to ensure an accurate reflection of the current risk position across the business, scoping both business risks and opportunities.

Motion

That the Audit and Risk Committee notes this report.

Moved C Garrett, Seconded P Davies

Carried

8.4 Financial Governance Report (Report No: 77/24)

Administration of Council has a statutory requirement to prepare a number of prescribed budget reports for Council to consider each year. It is also important they have processes which provide sound budgeting and financial management that enable the efficient management of operations and the provision of essential services to the public.

A summary of the processes used to meet these obligations while ensuring robust, but efficient, management of budgets throughout the year was presented to the Audit and Risk Committee.

Motion

That the Audit and Risk Committee notes this report.

Moved C Garrett, Seconded D Powell

Carried

9. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**10. CONFIDENTIAL ITEMS****10.1 Review of Service (Report No: 81/24)****Motion – Exclusion of the Public (Section 90(3)(j) Order**

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Audit Committee 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: 81/24 Review of Service in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Audit Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 81/24 Review of Service on the following grounds:**

- 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 or to the Auditor-General (not being an employee of the Council, or a person engaged by the Council).

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.

3. The Audit 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 P Davies, Seconded D Powell

Carried

Motion - RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 10.1 81/24 Review of Service in confidence under section 90(2) and (3)(j) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the Auditor-General's report is delivered to Parliament and that this order be reviewed every 12 months.

Moved P Davies, Seconded C Garrett

Carried

10.2 **Jetty Road Masterplan Construction Procurement Plan (Report No: 80/24)**

Motion – Exclusion of the Public (Section 90(3)(b and k) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* the Audit and Risk Committee 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: 80/24 Jetty Road Masterplan Construction Procurement Plan in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Audit and Risk Committee is satisfied that it is necessary that

the public be excluded to consider the information contained in Report No: 80/24 Jetty Road Masterplan Construction Procurement Plan in confidence 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/s 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.

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 is may to prejudice Council's position in the market.

3. The Audit and Risk 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 P Davies, Seconded D Powell

Carried

Motion - RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 10.2 80/24 Jetty Road Masterplan Construction Procurement Plan in confidence under section 90(2) and (3)(b and k) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 18 months or the Chief Executive Officer is authorised to release the documents when the Coast and Transition Zones of the Masterplan have been finalised for construction.

This order is subject to section 91(8)(b) of the Act which provides that details of the identity of the successful tenderer must be released once Council has made a selection. In addition, section 91(8)(ba) of the Act requires details of the amount(s) payable by the Council under a contract for the provision of

cleaning services must be released once the contract has been entered into by all concerned parties.

Moved D Powell, Seconded C Garrett

Carried

10.3 **Procurement Policy Exemption (Report No: 79/24)**

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* the Audit and Risk Committee 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: 79/24 Procurement Policy Exemption in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* the Audit and Risk Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 79/24 Procurement Policy Exemption 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 conducting business.
 - 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.

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 Audit and Risk 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 P Davies, Seconded C Garrett

Carried

Motion - RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 10.3 79/24 Procurement Policy Exemption in confidence under section 90(2) and (3)(b and d) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence for a period of 12 months and/or the Chief Executive Officer is authorised to release the documents when the contract is signed and that this order be reviewed every 12 months.

Moved C Garrett, Seconded D Powell

Carried

11. DATE AND TIME OF NEXT MEETING

The next meeting of the Audit and Risk Committee will be held on Monday 15 April 2024 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

12. CLOSURE

The Meeting closed at 7.14pm.

CONFIRMED Monday 15 April 2024

PRESIDING MEMBER