

ITEM NUMBER: 13.2

ATTACHMENT 2

CONFIDENTIAL MINUTES - AUDIT COMMITTEE – 29 AUGUST 2018 (Report No: 314/18)

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.**

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.**

Minutes of the meeting of the Audit Committee of the City of Holdfast Bay held in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 29 August 2018 at 6:30pm.

9.1 **Loan Receivables** (Report No: 298/18)

Motion

Recommendation – Exclusion of the Public – Section 90(3)(d) 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 Staff in attendance at the meeting in order to consider Report No: 298/18 Loan Receivables 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: 298/18 Loan Receivables 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 prejudice the commercial position of the person who supplied the information, as this would prejudice the commercial position who supplied the information.

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 Mr Wood, Seconded Mr Tu

Carried

Loan Receivables (Report No: 298/18)

In order to complete the financial statements for the year ended 30 June 2018 an assessment is required of community loans that are owed to Council and whether there is any objective evidence that they will not be fully repaid. This assessment has been done and it is presented to the Audit Committee for review.

Motion

That the Audit Committee advises Council that:

1. It has received and considered an assessment of community loans receivable as at 30 June 2018.
2. The current impairment amount of \$517,780 be maintained for impairment of community loans receivable as at 30 June 2018.
3. In accordance with Accounting Standards the impairment amount be reviewed and updated annually.

RETAIN IN CONFIDENCE - Section 91(7) Order

- 4.. That having considered Agenda Item 14.1 Loan Receivables (Report No: 298/18) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Audit Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of six months and the Chief Executive Officer is authorised to release the documents when the Audited Financial Statements are presented to Council.

Moved Mr Spadavecchia, Seconded Mr Tu

Carried

6.4 Brighton Oval Complex – Redevelopment (Report No: 304/18)**Recommendation – Exclusion of the Public – Section 90(3)(d) 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 Staff in attendance at the meeting in order to consider Report No: 304/18 Brighton Oval Complex - Redevelopment 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: 304/18 Brighton Oval Complex - Redevelopment 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 prejudice the commercial position of the person who supplied the information, as this would prejudice the commercial position who supplied the information.

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 Mr Wood, Seconded Mr Tu

Carried

Brighton Oval Complex – Redevelopment (Report No: 304/18)

At its meeting on 14 August 2018 Council resolved the following in regards to the Brighton Oval Sporting Complex Redevelopment:

“That the background papers supporting the motion, together with all other supporting documentation including the internal/external correspondence, budgets, cash flow forecasts, feasibility statements and memos concerning the recommendation that the Managing Contractor model be adopted as the prudent option, and a copy of the subsequent tender documents be presented to Audit Committee for review and comment.”

Attached to this report are the key documents that have been sourced for review and comment.

Motion

1. That the Audit Committee note the report.
2. That the Audit Committee acknowledge the receipt of Attachment 6 (Council Report No: 294/18 – Brighton Oval Complex – Redevelopment Contract Report).
3. That the Audit Committee request a further special meeting within three weeks to further consider the report.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Attachments 5 and 6 to Report No: 304/18 – Brighton Oval Redevelopment in confidence under section 83(5) of the Local Government Act 1999, the Council, pursuant to section 91(7) of the Act orders that Attachments 5 and 6 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Mr Wood, Seconded Mr Tu

Carried

CONFIRMED

Wednesday 17 October 2018

CHAIRMAN

CONFIDENTIAL