

ITEM NUMBER: 18.1

CONFIDENTIAL REPORT

CONFIDENTIAL MINUTES – AUDIT AND RISK COMMITTEE – 15 APRIL 2024

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:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - i. 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
 - ii. would, on balance, be contrary to the public interest.

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

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: 127/24 Confidential Minutes – Audit and Risk Committee – 15 April 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: 127/24 Confidential Minutes – Audit and Risk Committee – 15 April 2024 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, or 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 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.
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Item No: 18.1

Subject: **CONFIDENTIAL MINUTES – AUDIT AND RISK COMMITTEE –
15 APRIL 2024**

Summary

The confidential minutes of the meeting of the Audit and Risk Committee held 15 April 2024 are presented to Council for information.

Recommendation

That Council notes the confidential minutes of the meeting of the Audit and Risk Committee of 15 April 2024, namely that the Audit and Risk Committee advises Council that:

1. it has received and considered the request from Glenelg Football Club for debt forgiveness on 50% of its outstanding debt with Council; and
2. it recommends that Council should consider the debt forgiveness proposal from Glenelg Football Club.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 18.1 127/24 Confidential Minutes – Audit and Risk Committee – 15 April 2024 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, 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.

Background

The Audit and Risk Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit and Risk Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- liaising with the council's auditor; and

- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

Report

The confidential minutes of the meeting of the Audit and Risk Committee held on 15 April 2024 are attached for Members' information.

Refer Attachment 1

The Committee received a report pertaining to a proposal from the Glenelg Football Club to repay a portion of its outstanding loan with Council. The Committee deliberated the commercial considerations in relation to the offer and recommends to Council it considers the debt forgiveness proposal.

Budget

Not applicable

Life Cycle Costs

Not applicable

Strategic Plan

Statutory compliance

Council Policy

Not applicable

Statutory Provisions

Local Government Act 1999, Sections 41 and 126

Written By: Executive Assistant, Strategy and Corporate

General Manager: Strategy and Corporate, Ms S Wachtel

Attachment 1

Confidential Minutes of the Audit and Risk Committee Meeting of the City of Holdfast Bay held in the Kingston Room, Brighton Civic Centre, 24 Jetty Road, Brighton on Monday 15 April 2024.

10. CONFIDENTIAL ITEMS

10.1 Glenelg Football Club Loan (Report No: 109/24)

Motion – Exclusion of the Public -- Section 90(3)(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: 109/24 Glenelg Football Club Loan 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: 109/24 Glenelg Football Club Loan 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, or 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 Councillor Snewin, Seconded P Davies

Carried

The Glenelg Football Club Working Group has continued to meet with an aim to resolving the outstanding debt of \$1,029,922 owed by the Club to Council. This

included receiving an investigative report on the Club's current and future financial position which highlights that, though sustainable, its capacity is limited.

As part of the negotiations, Glenelg Football Club has written to Council with a proposal to pay 50% of the debt by 30 June 2024 and a request for debt forgiveness on the remaining 50%. This amount would then be used by the Club to invest in identified projects that aim to raise additional revenue and develop football across the community.

Due to an existing provision within Council's financial statements for an impairment on the loan, a 50% forgiveness of the outstanding debt would have no impact on its operating result or its Long Term Financial Plan. The \$514,961 cash receipt, when received, would be used to reduce Council's borrowing requirements in 2023-24.

That Audit and Risk Committee advises Council that:

1. it has received and considered the request from Glenelg Football Club for debt forgiveness on 50% of its outstanding debt with Council; and
2. it recommends that Council should consider the debt forgiveness proposal from Glenelg Football Club.

RETAIN IN CONFIDENCE – Section 91(7) Order

3. That having considered Agenda Item 10.1 109/24 Glenelg Football Club Loan in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Audit and Risk 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 Audited Financial Statements are presented to Council.

Moved P Davies, Seconded D Powell

Carried

CONFIRMED

12 June 2024

PRESIDING MEMBER