

**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 Tuesday 18 September 2018 at 6:00pm.**

**PRESENT**

**Members**

Presiding Member – Councillor J Smedley  
Councillor S Charlick  
Mr J Wood  
Mr S Spadavecchia  
Mr S Tu

**Staff**

General Manager Business Services – Mr R Bria  
General Manager City Assets & Services – Mr H Lacy  
Manager Finance – Mr J Newton

**1. OPENING**

The Chairman declared the meeting open at 6pm.

**2. APOLOGIES**

- 2.1 Apologies Received - Nil
- 2.2 Absent - Nil

**3. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**4. CONFIRMATION OF MINUTES**

**Motion**

**That the minutes of the Audit Committee held on 29 August 2018 be taken as read and confirmed.**

Moved by Mr Wood, Seconded by Mr Spadavecchia

**Carried**

## 5. CONFIDENTIAL ITEMS

### 6.1 Brighton Oval Complex – Redevelopment Review (Report No: 316/18)

#### Recommendation – Exclusion of the Public – Section 90(3)(b and 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: 316/18 Brighton Oval Complex – Redevelopment Contract Approval 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: 316/18 Brighton Oval Complex – Redevelopment Review 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 persons with whom the Council is proposing to conduct business and would prejudice the commercial position of the Council in negotiation of the tender and contract.

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.

- 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 in that it would disclose commercial pricing information about a tender and would 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 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 Spadavecchia, Seconded Councillor Charlick

**Carried**

The Audit Committee on 28 August 2018 considered Audit Committee Report No 304/18 – Brighton Oval Redevelopment and resolved the following:

- “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.”*

This report provides for the Audit Committee to further consider the report.

#### **Motion**

- 1. That the Audit Committee note the report.**
- 2. That a further report be provided to the next Audit Committee meeting covering learnings from the discussion and proposed actions.**
- 3. That having considered Attachment 1 and 2 to Report No: 316/18 – 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 Attachment 5 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

Moved Mr Tu, Seconded Mr Spadavecchia

**Carried**

**6. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

**7. DATE AND TIME OF NEXT MEETING**

The next meeting of the Audit Committee will be held on Wednesday 17 October 2018 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

**8. CLOSURE**

The Meeting closed at 7:04 pm.

**CONFIRMED      Wednesday 17 October 2018**

**CHAIRMAN**