

**MINUTES  
OF THE SPECIAL AUDIT & RISK COMMITTEE MEETING OF THE CITY OF TEA  
TREE GULLY HELD ON WEDNESDAY 19 JULY 2023 AT 6.32PM IN THE CIVIC  
CENTRE, 571 MONTAGUE ROAD, MODBURY**

**1. Opening and Welcome**

**2. Attendance Record:**

**2.1 Present – Physical Attendance**

Crs I Zagladov (*Presiding Member*), R Unger, Mr R Haslam, Mr D Edgecombe and Ms D Bear.

**2.2 Apologies**

Nil

**2.3 Record of Officers in in Physical Attendance onsite**

Ryan McMahon	Chief Executive Officer
Justin Robbins	General Manager Strategy & Finance
Felicity Birch	General Manager City Operations
Michael Pereira	General Manager Community Services
Marley Marks	Risk Officer
Alex Pukallus	Coordinator, Risk & Audit
Rebecca Baines	Manager Finance & Rating Operations
Greg Salmon	Manager Project Management Office

**Record of Officers in Attendance via Electronic Means (audio-visual link)**

Nil

**2.4 Record of Number of Persons in the Public Gallery – Physical Attendance**

2 Attendees.

**2.5 Record of Media in Physical Attendance**

Nil

**3. Confirmation of Minutes to the Previous Meeting**

Moved Mr Haslam, Seconded Mr Edgecombe

That the Minutes of the Audit & Risk Committee Meeting held on 17 May 2023 be confirmed as a true and accurate record of proceedings.

**Carried Unanimously (13)**

**4. Public Forum - Nil**

**5. Deputations - Nil**

**6. Presentations - Nil**

**7. Petitions - Nil**

**8. Declaration of Conflicts of Interests – Nil**

**9. Adjourned Business - Nil**

**10. Motions Lying on the Table - Nil**

**11. Management Reports**

**Office of the Chief Executive Officer**

**11.1 Internal Audit Plan 2023-24 (D23/43229)**

Moved Cr Unger

That the proposed internal audit projects for the financial year 2023-24 be adopted as follows:

- (a) Corporate Performance Reporting
- (b) Cyber Security x 2 – internal scan and external scan

- (c) Building Code compliance
- (d) Dog and Cat Management

**Motion lapsed for a want of a seconder**

Moved Mr Haslam, Seconded Mr Edgecombe

That the proposed internal audit projects for the financial year 2023-24 be adopted as follows:

- (a) Corporate Performance Reporting
- (b) Cyber Security x 2 – internal scan and external scan
- (c) Building Code compliance
- (d) Dog Management

**Carried Unanimously (14)**

**City Operations - Nil**

**Corporate Services - Nil**

**Community Services - Nil**

**Strategy & Finance - Nil**

**12. Notice(s) of Motions - Nil**

**13. Motions without Notice - Nil**

**14. Questions on Notice - Nil**

**15. Questions without Notice - Nil**

## **16. Information Reports**

The following Information reports were received at the meeting:

### **16.1 Annual External Audit Plan 2023 (D23/48914)**

### **16.2 Third Quarter Budget Review for Financial Year 30 June 2023 (D23/49470)**

## **17. Status Report on Council and Committee Resolutions - Nil**

## **18. Other Business**

Ryan McMahon, Chief Executive Officer provided a brief summary of emerging risks.

## **19. Section 90(2) Local Government Act 1999 – Confidential Items**

### **19.1. Tilley Recreation Park Phase 1 Section 48 Prudential Report (D23/49089)**

#### **Recommendation for Moving into Camera**

Moved Mr Edgecombe, Seconded Mr Haslam

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Audit & Risk Committee orders that the public (except staff on duty, including Mayor Ryan and Michael Richardson (BRM Advisory)) be excluded from the meeting to enable discussion on the Tilley Recreation Park Phase 1 Section 48 Prudential Report.
2. That the Audit & Risk Committee is satisfied that pursuant to section 90(3) b (i) and b (ii) of the Local Government Act 1999, the information be received, discussed or considered in relation to this 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, or proposing to conduct, business, or to prejudice the commercial position of the council; AND
  - information the disclosure of which would, on balance, be contrary to the public interest.
    - on the basis that it would compromise a competitive tender process for the engagement of the building contractor.

3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the 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. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that it would compromise a competitive tender process for the engagement of the building contractor.

**Carried Unanimously (15)**

**The following staff members on duty remained at the meeting for the following item:**

R McMahan, J Robbins, F Birch, M Pereira, G Salmon, R Baines, A Pukallus, M Marks, Mayor Ryan and Michael Richardson (BRM Advisory).

### **19.1 Tilley Recreation Park Phase 1 Section 48 Prudential Report (D23/49089)**

Moved Mr Haslam, Seconded Mr Edgecombe

That the Audit & Risk Committee recommends to Council:

That having considered the report “Tilley Recreation Park Phase 1 Section 48 Prudential Report” and dated 19 July 2023 Council resolves:

1. The Prudential Report for the Tilley Recreation Park Phase 1 (Prudential Report) prepared by BRM Advisory meets the criteria of Section 48 of the Local Government Act 1999.
2. To proceed with the Tilley Recreation Park Phase 1 project at a price consistent with the Prudential Report findings.

**Carried Unanimously (16)**

### **Retention of confidential documents:**

Moved Cr Unger, Seconded Mr Haslam

1. That having considered the agenda item titled “ Tilley Recreation Park Phase 1 Section 48 Prudential Report” and dated 19 July 2023 in confidence under section 90(2) & (3) b (i) and b (ii) and Section 91(7) of the Local Government Act 1999:
  - 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
  - information the disclosure of which would, on balance, be contrary to the public interest.the Audit & Risk Committee pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until the contract has been signed and awarded or until the Audit & Risk Committee resolves otherwise, whichever occurs first.
2. That Audit & Risk Committee gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried Unanimously (17)**

## **19.2. Modbury Sporting Clubroom Section 48 Prudential Report (D23/49057)**

### **Recommendation for Moving into Camera**

Moved Mr Edgecombe, Seconded Mr Haslam

1. That pursuant to Section 90(2) of the Local Government Act, 1999 the Audit & Risk Committee orders that the public (except staff on duty, including Mayor Ryan and Michael Richardson (BRM Advisory)) be excluded from the meeting to enable discussion on the Modbury Sporting Clubroom Section 48 Prudential Report.
2. That the Audit & Risk Committee is satisfied that pursuant to section 90(3) b (i) and b (ii) of the Local Government Act 1999, the information be received, discussed or considered in relation to this 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, or proposing to conduct, business, or to prejudice the commercial position of the council; AND
  - information the disclosure of which would, on balance, be contrary to the public interest.
    - on the basis that it would compromise a competitive tender process for the engagement of the building contractor.
3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the 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. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances on the basis that it would compromise a competitive tender process for the engagement of the building contractor.

**Carried Unanimously (18)**

### **The following staff members on duty remained at the meeting for the following item:**

R McMahon, J Robbins, F Birch, M Pereira, G Salmon, R Baines, A Pukallus, M Marks, Mayor Ryan and Michael Richardson (BRM Advisory).

## **22.4 Modbury Sporting Clubroom Section 48 Prudential Report (D23/49057)**

### **Confidential Page Removed**

The Confidential Resolution No 19 has been withdrawn from the public minute record in accordance with Resolution No 20.

### **Retention of confidential documents:**

Moved Mr Edgecombe, Seconded Ms Bear

1. That having considered the agenda item titled “ Modbury Sporting Clubroom Section 48 Prudential Report ” and dated 19 July 2023 in confidence under section 90(2) & (3) b (i) and b (ii) and Section 91(7) of the Local Government Act 1999:
  - 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
  - information the disclosure of which would, on balance, be contrary to the public interest.

the Audit & Risk Committee pursuant to section 91(7) of the Act orders that the report, attachments and minutes relevant to this item be retained in confidence until the contract has been signed and awarded or until the Audit & Risk Committee resolves otherwise, whichever occurs first.

2. That Audit & Risk Committee gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Chief Executive Officer consulting with the Mayor and reporting to the Elected Members of the revocation.

**Carried Unanimously (20)**



**20. Date of Next Ordinary Meeting**

6 September 2023

The Presiding Member declared the meeting closed at 7.41pm.

Confirmed.....  
Presiding Member 6 September 2023