
To:	FRAC Authority Board	From:	Executive Officer
Subject:	Audit & Risk Management Committee - Confidential Minutes 22 March 2018		
Meeting date:	18 April 2018	Item:	9.1
Reference(s):	Local Government Act 1999		
Consultation:	Nil		
Attachments:	Audit & Risk Management Committee - Confidential Minutes 22 March 2018		

PURPOSE

To receive the unconfirmed confidential minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on 22 March 2018.

RECOMMENDATIONS

That the Authority:

- 1) Under the provisions of Section 90(2) of the Local Government Act 1999 make an order that the public be excluded from the meeting, except for Ms Leonie Boothby, Executive Officer; Ms Elizabeth Williams, General Manager Organisation & Community, Alexandrina Council; and Ms Kellie Knight-Stacey, Director Corporate & Community Services City of Victor Harbor; in order to consider in confidence a report relating to Section 90(3)(d) of the Local Government Act 1999:
(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;
relating to the consideration of unconfirmed confidential minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on 22 March 2018; which includes information that must be considered in confidence in order to ensure that the Authority does not disclose commercial information of a confidential nature (not being a trade secret); and
- 2) Accordingly, on this basis, the Authority is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of commercial information of a confidential nature (not being a trade secret).

Substantiation:

The matter of the agenda item being consideration of unconfirmed confidential minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on 22 March 2018 pursuant to Section 90(3)(d) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence to ensure that commercial information of a confidential nature (not being a trade secret); is not divulged.

Confidential Board Report

There is strong public interest in enabling members of the public to observe the Authority's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a meeting of the Authority is one means of satisfying this interest. The public will only be excluded from a meeting of the Authority when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that discussion will include discussion pertaining to the disclosure of commercial information of a confidential nature (not being a trade secret) that may prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

- 3) **That the Authority receive the unconfirmed confidential minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on 22 March 2018.**
- 4) Having considered this matter in confidence under Section 90(2) and 90(3)(d) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the agenda report, associated documents and minutes in relation to the 18 April 2018 confidential item 9.1, *Audit & Risk Management Committee - Confidential Minutes 22 March 2018*, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and

In accordance with (3) above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

INFORMATION

Minutes

The unconfirmed confidential minutes for the meeting of the Audit & Risk Management Committee held on Thursday 22 March 2018 are provided as an attachment to this report.

RISK ASSESSMENT

Risks associated with the recommendation have been assessed as follows:

Governance - the recommendation meets the requirements of the Charter and legislation. Low risk.

BUDGET IMPLICATION

Nil

AUDIT & RISK MANAGEMENT COMMITTEE - MINUTES

Date: Thursday 22 March 2018

Location: City of Victor Harbor – Encounter Room, Civic Centre, 1 Bay Road, Victor Harbor

Meeting opened at 2:05pm

1. ATTENDANCE

Present:

Ian Swan (Independent Chairperson)

John Coombe OAM (FRACA Board Member)

Alison Kimber (FRACA Board Member) (via telephone)

Elizabeth Williams (General Manager Organisation & Community, Alexandrina Council)

Kellie Knight-Stacey (Director Corporate & Community Services City of Victor Harbor)

In attendance:

Leonie Boothby, Executive Officer

2. APOLOGIES

Nil

3. CONFLICT OF INTEREST

Nil

4. MINUTES OF THE PREVIOUS MEETING

Moved: Mr John Coombe

Seconded: Ms Kellie Knight-Stacey

FRACA-ARMC0006 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on Tuesday 6 February 2018 as circulated be confirmed as a true and accurate record.

CARRIED

5. BUSINESS ARISING

5.1 Resolutions Report and Work Program

Moved: Ms Elizabeth Williams

Seconded: Ms Alison Kimber

FRACA-ARMC0007 That the Committee note the Work Program and Resolutions Report as at 22 March 2018.

CARRIED

6. PRESENTATIONS

Nil

7 REPORTS

7.1 Fees & Charges 2018-19

Moved: Mr John Coombe

Seconded: Ms Alison Kimber

FRACA-ARMC0008 The Committee recommend that the Fleurieu Regional Aquatic Centre Authority endorse the proposed Fleurieu Aquatic Centre fees and charges for 2018-19 (as detailed in the report for Agenda Item 7.1 Fees & Charges 2018-19).

CARRIED

7.2 Draft 3-Year Business Plan 2018-2021 & Budget 2018-19

Moved: Mr John Coombe

Seconded: Ms Elizabeth Williams

FRACA-ARMC0009:

1. The Committee recommend to the Authority the 3-Year Business Plan 2018-2021 (incorporating the 2018-2019 Authority Business Plan and Fleurieu Aquatic Centre Business & Marketing Plan); and
2. The Committee recommend to the Authority the 2018-19 Budget with Operating Expenses of \$3,260,479 and estimated cash as at 30 June 2019 of \$1,478,641

CARRIED

7.3 Draft Asset Management Plan 2018-2027

Moved: Ms Alison Kimber

Seconded: Ms Kellie Knight-Stacey

FRACA-ARMC0010 That the Committee:

1. Note the draft FRACA Asset Management Plan 2018-2027 and that the Executive Officer will update the plan in line with Committee feedback and finalised Long Term Financial Plan 2018-2027 data;
2. Recommend that the Fleurieu Regional Aquatic Centre Authority endorse the revised draft FRACA Asset Management Plan 2018-2027 for the purposes of public consultation.

CARRIED

7.4 Draft Long Term Financial Plan 2018-2027

Moved: Ms Kellie Knight-Stacey

Seconded: Mr John Coombe

FRACA-ARMC0011 That the Committee:

1. Note the draft FRACA Long Term Financial Plan 2018-2027 and that the Executive Officer will update the plan in line with Committee feedback;
2. Recommend that the Fleurieu Regional Aquatic Centre Authority endorse the draft FRACA Long Term Financial Plan 2018-2027 for the purposes of public consultation.

CARRIED

8 URGENT BUSINESS WITHOUT NOTICE

Nil

9. CONFIDENTIAL REPORTS

9.1 Draft YMCA Operational Management Key Performance Indicators

Moved: Mr John Coombe

Seconded: Ms Elizabeth Williams

FRACA-ARMC0012 That the Committee:

1. Under the provisions of Section 90(2) of the Local Government Act 1999 make an order that the public be excluded from the meeting, except for the Executive Officer, Ms Leonie Boothby; in order to consider in confidence a report relating to Section 90(3)(d) of the Local Government Act 1999:

(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;

relating to the consideration of draft Key Performance Indicators for YMCA South Australia for management and operations of the Fleurieu Aquatic Centre for 2018-2019, being information that must be considered in confidence in order to ensure that the Authority does not disclose commercial information of a confidential nature (not being a trade secret); and

2. Accordingly, on this basis, the Authority is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of commercial information of a confidential nature (not being a trade secret).

Substantiation:

The matter of the agenda item being consideration of draft Key Performance Indicators for YMCA South Australia for management and operations of the Fleurieu Aquatic Centre for 2018-2019 pursuant to Section 90(3)(d) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence to ensure that commercial information of a confidential nature (not being a trade secret); is not divulged.

There is strong public interest in enabling members of the public to observe the Authority’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a meeting of the Authority is one means of satisfying this interest. The public will only be excluded from a meeting of the Authority when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that discussion will include discussion pertaining to the disclosure of commercial information of a confidential nature (not being a trade secret) that may prejudice the commercial position of the person who supplied the information or confer a commercial advantage on a third party.

On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

CARRIED

Moved: Ms Alison Kimber

Seconded: Mr John Coombe

FRACA-ARMC0013

The Committee recommend that the Fleurieu Regional Aquatic Centre Authority endorse the Key Performance Indicators for YMCA South Australia for management and operations of the Fleurieu Aquatic Centre for 2018-2019 (as detailed in the report for Agenda Item 9.1 Draft Operational Management Key Performance Indicators 2018-2019).

CARRIED

Moved: Ms Kellie Knight-Stacey

Seconded: Ms Elizabeth Williams

FRACA-ARMC0014 That the Committee:

1. Having considered this matter in confidence under Section 90(2) and 90(3)(d) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the agenda report, associated documents and minutes in relation to the 22 March 2018 confidential item 9.1, Draft Operational Management Key Performance Indicators 2018-2019, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and
2. In accordance with (3) above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

CARRIED

10. NEXT MEETING

10am, Thursday 26 April 2018, Alexandrina Council Office – 11 Cadell St Goolwa, Large Meeting Room

CLOSURE

Meeting closed at 3:34pm