

Date: 28 September 2018

Location: Alexandrina Council Office – 11 Cadell St Goolwa, Large Meeting Room

Meeting opened at 10:01am

1. ATTENDANCE

Present:

David Cooke (Chairperson)
John Coombe OAM (Deputy Chairperson)
Alison Kimber (via video link)
Councillor Pat Chigwidden
Councillor Grant Gartrell

In attendance:

Mayor Graham Philp (Deputy Elected Member Representative)
Councillor Anne Woolford (Deputy Elected Member Representative)
Leonie Boothby, Executive Officer
Elizabeth Williams, General Manager Organisation & Community Alexandrina Council
James Lomax, Area Manager YMCA SA

2. APOLOGIES

3. MINUTES OF THE PREVIOUS MEETING

Moved: Mr John Coombe

Seconded: Mayor Graham Philp

FRACA000163 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority meeting held on 20 July 2018 as circulated be confirmed as a true and accurate record.

CARRIED

Cr Chigwidden joined the meeting at 10:05am.

4. BUSINESS ARISING

4.1 Resolutions Report and Work Program

Moved: Ms Alison Kimber

Seconded: Cr Grant Gartrell

FRACA00164 That the Authority note the Work Program and Resolutions Report as at 28 September 2018.

CARRIED

5 PRESENTATIONS

Nil.

6 REPORTS

6.1 Audit & Risk Management Committee: Minutes 20 September 2018

Moved: Mr John Coombe

Seconded: Cr Grant Gartrell

FRACA000165 That the Authority receive the unconfirmed minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on 20 September 2018.

CARRIED

6.2 2017-18 Financial Results

Moved: Ms Alison Kimber

Seconded: Cr Pat Chigwidden

FRACA000166

1. That in accordance with S10 of the Local Government (Financial Management) Regulations 2011, the report showing the audited financial results of the Authority compared with the budget for the financial year ending 30 June 2018 be received.
2. That the 2018-19 Annual Business Plan and Budget be updated to reflect the year end results.

CARRIED

6.3 Draft Annual Report and Audited Financial Statements 2017-18

Moved: Mr John Coombe

Seconded: Ms Alison Kimber

FRACA000167 That the Authority Board:

1. Adopts the 2017-18 Annual Report for Fleurieu Regional Aquatic Centre Authority as presented in the attachment, with any necessary non-material amendments to be made by the Executive Officer;
2. Receives and notes the Fleurieu Regional Aquatic Centre Authority Annual Financial Statements 2017-18;
3. Delegates approval of any changes to the Year End Financial Statements required by audit to the Authority Chairperson on behalf of the Board;
4. Delegates to the Deputy Chairperson to sign Year End Financial Statements in the absence of the Chairperson;
5. Endorses presentation to the constituent Councils of the Annual Report (incorporating Year End Financial Statements) prior to 30 September 2018;
6. Approves an exemption from Authority Procurement Policy requirements to facilitate engagement of current provider Alexandrina Council as provider of Finance Support Services for financial years 2018-19, 2019-20 and 2020-21 and request that, in line with external audit recommendation, that in providing future services, Alexandrina Council consider retention of corporate knowledge via provision of suitable backfill arrangements as required;
7. Reviews the Authority Asset Accounting Policy in line with external audit comments; specifically, to review the methodology, process and timing of revaluation of assets and associated impacts on 2018-19 Budget Depreciation Expense, asset values for 2018-19 and changes to Long Term Financial Plan forecasts; and
8. As part of the process of development of the Authority Risk Management Framework, undertake a review of legislative compliance in line with external audit recommendations.

CARRIED

6.4 LGFA Depreciation Reserve Funds

Moved: Mr David Cooke

Seconded: Cr Pat Chigwidden

FRACA000168 That the Authority:

1. Notes that:

- a) from 1 July 2018, Council contributions will no longer include cash depreciation and that the 2018-19 Budget and Long Term Financial Plan will be updated as part of the First Quarter Budget Review; and
- b) in line with the resolution of constituent Councils in August 2018 that from 1 July 2018 no further monies will be transferred to the Authority depreciation reserve account established with the Local Government Finance Authority.

2. Recommends to constituent Councils that:

- a) no changes to the Authority Charter to implement non-cash depreciation from 1 July 2018 are required at this time (to be further reviewed as part of broader Charter Review to be undertaken (timing to be determined in line with Management Options Review)); and
- b) three years prior to Depreciation Reserves held by the Authority being fully utilised (estimated as financial year 2025-26) the Authority Board and constituent Councils of the day determine a policy for future capital expenditure on renewal and replacement of assets.

CARRIED

6.5 Policy review: Internal Financial Control Policy

Moved: Ms Alison Kimber

Seconded: Mr John Coombe

FRACA000169 That the Authority endorse the revised Internal Financial Control Policy.

CARRIED

[Please note: Agenda Item 6.6 Reappointment Independent Board Member – Ms Alison Kimber was moved to the end of the agenda]

6.7 Additional Fees 2018-19: AquaPlay

Moved: Mr David Cooke

Seconded: Cr Grant Gartrell

FRACA000170

That the Authority adopt the following 2018-19 Fleurieu Aquatic Centre fees for the AquaPlay program; noting that the fees include GST:

Fee	2018-19 Fee
Parent and child	\$8.50
Parent and two children	\$10.50

CARRIED

6.8 2018 Competitive Neutrality Review

Moved: Mr John Coombe

Seconded: Mr David Cooke

FRACA000171 That the Authority develop a tender scope for engagement of an independent consultant with relevant experience to review the financial calculations and methodology applied to development of the 2018 Competitive Neutrality Review and provide recommendations, prior to presentation of findings to the Board.

CARRIED

7. MATTERS FOR DISCUSSION

7.1 Executive Officer recruitment

The Board noted the verbal update and timelines provided.

7.2 Risk Management Framework

The Board noted the update provided.

8 URGENT BUSINESS WITHOUT NOTICE

Nil

9. CONFIDENTIAL REPORTS

9.1 Review contract performance Operational Managers

Moved: Mr David Cooke

Seconded: Mr John Coombe

FRACA000172 That the Authority:

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; and General Manager Organisation & Community Alexandrina Council, Ms Elizabeth Williams; 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 the review of contract performance for the Fleurieu Aquatic Centre Operational Managers, 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

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 the review of contract performance of the Fleurieu Aquatic Centre Operational Managers 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 the disclosure of commercial information of a confidential nature (not being a trade secret) 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

Ms Alison Kimber left the meeting at 11:45am and re-joined the meeting at 11:48pm.

Moved: Cr Pat Chigwidden

Seconded: Ms Alison Kimber

FRACA000173 That:

1. The Authority notes the review of contract performance for the Fleurieu Aquatic Centre Operational Managers; and
2. 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 and associated documents in relation to the 28 September 2018 confidential item 9.1, *Review contract performance Fleurieu Aquatic Centre Operational Managers*, 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 FRACA000173 and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

CARRIED

6.6 Reappointment Independent Board Member – Ms Alison Kimber

Ms Alison Kimber registered a material conflict of interest and left the meeting at 12:00pm.

Moved: Mr David Cooke

Seconded: Mr John Coombe

FRACA000174 That the Authority recommend to the constituent Councils that Ms Alison Kimber be appointed as an Independent Board Member for a second term commencing 8 March 2019 and concluding 7 March 2022.

CARRIED

NEXT MEETING

Ordinary meeting: Friday 9 November 2018, 10am – City of Victor Harbor – Encounter Room, Civic Centre, 1 Bay Road, Victor Harbor

CLOSURE

Meeting closed at 12:04pm.