

16 April 2021

Contact for apologies: [admin@fleurieuaquaticcentre.com.au](mailto:admin@fleurieuaquaticcentre.com.au)

Dear Member

### **Notice of Special Meeting**

Notice is hereby given pursuant to the Fleurieu Regional Aquatic Centre Authority Charter and Section 87(7) of the Local Government Act, 1999, as amended that a **Special Meeting** of the **Fleurieu Regional Aquatic Centre Authority** has been called for:

Date: Friday 23 April 2021

Time: 9:30am

Place: Alexandrina Council Office – Large Meeting Room

Please find enclosed a copy of the Agenda for the meeting.

Yours faithfully



**Lauren McKee**  
Executive Officer

**Date & Time:** Friday 23 April 2021 at 9:30 am

**Location:** Alexandrina Council Office – Large Meeting Room

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**1. Attendance**

- Steve Mathewson (Chairperson)
- Mark Easton (Independent Member)
- Trish Kirkland (Independent Member)
- Councillor David Kemp (City of Victor Harbor)

**2. Apologies**

- Councillor Margaret Gardner (Alexandrina Council)

**3. Conflict of Interest**

**4. Confidential Reports**

4.1 Mediation

4.2 Competitive Neutrality Review - Annual Review of Business Operations

**5. Next Meeting**

Friday 28 May 2021, Encounter Room – City of Victor Harbor

**6. Meeting Closed**

It should be noted that in accordance with the legal advice received by the Authority dated 26 August 2020, all reports, minutes, attachments and associated documents from items deliberated by the Authority in confidence, will automatically remain in confidence in perpetuity, unless a resolution of the Board is made to release such items. Items may also be removed from confidence under delegation. At the conclusion of each agenda item that is considered by the Authority in confidence, the default position is for the return to open / public meeting, until such time as a further resolution is made to return to confidential meeting procedure.

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**To:** FRAC Authority Board  
**From:** Lauren McKee - Executive Officer  
**Subject:** 4.1 Mediation  
**Date:** 23 April 2021  
**References:**  
**Consultation:**  
**Confidential Attachments:** 4.1a Mediation Summary; 4.1b Mediation Submission

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## Background

On 15 March 2021 Steve Mathewson and Lauren McKee attended mediation facilitated by the Officer of the Small Business Commissioner and the outcome of the meeting has been summarised by the mediation team for consideration of the Board.

During the mediation, it was agreed that the other parties would provide a separate submission to the Authority to identify particular issues they would like to be considered by the Board in relation to the operations and pricing structure of the Centre. A submission has been received by one of the parties and has been included as an attachment to this report.

## Recommendation

*Pursuant to section 90(2) of the Local Government Act 1999, the Authority Board orders that all members of the public be excluded, with the exception of the Executive Officer and the minute taker, on the basis that it will receive and consider item 4.1 Mediation.*

*The Committee is satisfied, pursuant to section 90(3)(d) of the Act, that 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 –*

- (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.*

*Accordingly, the Committee is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.*

## Substantiation

The matter of the agenda item relating to item 4.1 Mediation being information that may prejudice the commercial position of the Authority is not divulged.