

Date: 11 December 2018

Location: Meeting Room, Fleurieu Aquatic Centre – 4 Ocean Road Chiton

Meeting opened at 10:00am

1. ATTENDANCE

Present:

John Coombe OAM (Deputy Chairperson)

Alison Kimber

Councillor David Kemp

Councillor Melissa Rebbeck

In attendance:

Councillor Peter Charles (Deputy Elected Member Representative)

Leonie Boothby, Executive Officer

Elizabeth Williams, General Manager Resources

James Lomax, Area Manager YMCA SA

2. APOLOGIES

David Cooke (Chairperson)

3. MINUTES OF THE PREVIOUS MEETING

Moved: Alison Kimber

Seconded: John Coombe

FRACA000175 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority meeting held on 28 September 2018 as circulated be confirmed as a true and accurate record.

CARRIED

4. BUSINESS ARISING

4.1 Resolutions Report and Work Program

Moved: Cr David Kemp

Seconded: Alison Kimber

FRACA00176 That the Authority note the Work Program and Resolutions Report as at 11 December 2018.

CARRIED

5. PRESENTATIONS

Nil.

6. REPORTS

6.1 2018-19 First Quarter Budget Review

Moved: Cr Melissa Rebbeck

Seconded: Alison Kimber

FRACA000177

1. That the Authority for the period ending 30 September 2018 adopts a Budget Review with Operating Expenses of \$3,210,744, an operating deficit of \$769,839 and estimated cash at end of reporting period of \$839,520.

2. That the 2018-19 Annual Business Plan and Budget be amended to reflect the variances as authorised by the Authority.
3. That the Authority recommend the Budget Review (as at 30 September 2018) and the budget variations contained therein to the constituent Councils for endorsement.

CARRIED

ACTIONS:

- Executive Officer to work with YMCA to review membership options including the potential for aquatic only and gym only memberships to be included in the range of memberships and provide a report to the Board at its February 2019 meeting;
- Executive Officer to work with YMCA to develop proposals around efficiency initiatives to reduce energy consumption and provide a report to the Board at its February 2019 meeting;
- YMCA to provide information regarding forecast bank fees to the Board at its February 2019 meeting.

6.2 Date, Time and Place for Meetings

Moved: Cr Melissa Rebbeck

Seconded: Cr David Kemp

FRACA000178 That the Authority conduct board meetings on the following dates and times for 2019:

9am Friday 22 February 2019

9am Thursday 18 April 2019

9am Friday 24 May 2019

9am Friday 26 July 2019

9am Friday 20 September 2019

9am Friday 22 November 2019

CARRIED

ACTION:

Venue for meetings to be determined at the next meeting.

6.3 Policy review

Moved: Cr David Kemp

Seconded: Alison Kimber

FRACA000179 That the Authority endorse the following revised policies:

- Sustainability Policy
- Disposal of Land and Assets Policy

CARRIED

6.4 Partnership Proposals – Criteria and process

Moved: Cr David Kemp

Seconded: Alison Kimber

FRACA000180 That the Authority endorse the Process for consideration of Partnership Proposals.

CARRIED

ACTION:

Executive Officer to edit draft process in line with feedback provided.

6.5 Executive Officer engagement

The Executive Officer Leonie Boothby and Area Manager YMCA James Lomax left the meeting at 10:50am.

Moved: Cr David Kemp

Seconded: Cr Melissa Rebbeck

FRACA000181 That the Authority:

1. Recruit a new Executive Officer as an employee of the Authority for a minimum period of two to three years with an option for reappointment under relevant Award conditions to attract the right candidate;
2. Appoint a Working Party to:
 - Review the revised Position Description (including Selection Criteria) for the role of Executive Officer;
 - Determine the time requirements for performance of the role (number of days per week) and appropriate award conditions applicable;
 - Determine the logistics for recruitment (including engagement of a human resources firm and constituent Council support as required (the Working Party will seek assistance from the two Councils for HR support and HR/Recruitment organisations that the Councils could recommend)), engagement, payment, support (including provision of office space) and ongoing management of the Executive Officer;
 - Develop a corresponding annual budget for delivery of services; and
 - Oversee the recruitment, induction and transition of a new Executive Officer
2. Determine that the Working Party will comprise the following people: Chairperson David Cooke, Cr Melissa Rebbeck and Cr David Kemp (with Cr Bronwyn Lewis and Cr Peter Charles as proxies).

CARRIED

ACTION:

Working Party meeting to be convened for week beginning 17 December 2018 to begin process.

The Executive Officer Leonie Boothby re-joined the meeting at 11:20am.

6.6 Fleurieu Aquatic Centre Opening Hours 24 & 31 December 2018

Moved: Alison Kimber

Seconded: Cr Melissa Rebbeck

FRACA000182 That the Authority revise the Opening Hours for the Fleurieu Aquatic Centre for 24 and 31 December each year from 6am to 8pm; to 6am to 5pm.

7. MATTERS FOR DISCUSSION

Nil

8 URGENT BUSINESS WITHOUT NOTICE

Nil

9. CONFIDENTIAL REPORTS

9.1 Review 2018 Competitive Neutrality Review

Moved: Cr Melissa Rebbeck

Seconded: Alison Kimber

FRACA000183 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 Resources, 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 a draft Competitive Neutrality Review in relation to the Fleurieu Aquatic Centre, 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) or that relates to legal advice.

Substantiation:

The matter of the agenda item being consideration of a draft Competitive Neutrality Review in relation to the Fleurieu Aquatic Centre 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 reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that discussion will include the disclosure of commercial information of a confidential nature (not being a trade secret) which 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: Alison Kimber

Seconded: Cr David Kemp

FRACA000184 That the Authority:

1. notes the draft Competitive Neutrality Review 2018;
2. receives the draft BDO SA Review of Financial Calculations and notes that the Executive Officer will review the BDO findings and impacts on financial calculations and provide an update to the Board at its February 2019 meeting;
3. 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 11 December 2018 confidential item 9.1, 2018 Competitive Neutrality Review, 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 (2) above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.

CARRIED

ACTION:

Executive Officer to further review draft Competitive Neutrality Review 2018 in line with feedback provided.

NEXT MEETING

9am Friday 22 February 2019, Meeting Room, Fleurieu Aquatic Centre – 4 Ocean Road Chiton

CLOSURE

Meeting closed at 11:49am.

UNCONFIRMED