Monday 17 February 2020

Contact for Apologies: Deb Palmer, Executive Officer
Phone: 0412 131 315
Email: admin@fleurieuaquaticcentre.com.au

FILE: CO.197

Dear Member

NOTICE OF 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 Board Meeting of the Fleurieu Regional Aquatic Centre Authority has been called for:

DATE: Friday February 21st, 2020
TIME: 9:30am
PLACE: Meeting Room, Goolwa Council Office – 11 Cadell Street, Goolwa

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

Yours faithfully

Deb Palmer
Executive Officer

Please be advised that filming, photography and audio recording may take place at this meeting when the public and media are not lawfully excluded under Section 90 of the Local Government Act 1999
CONFIDENTIAL
Board Meeting Agenda

DATE & TIME: Friday 21 February 2020 at 9:30am
LOCATION: Meeting Room, Goolwa Council Office – 11 Cadell Street, Goolwa

1. ATTENDANCE
   Matt Grant (Chairperson)
   Mark Easton (Independent Member)
   Councillor Margaret Gardner (Alexandrina Council)
   Councillor David Kemp (City of Victor Harbor)
   Councillor Peter Charles (Deputy Elected Member Representative)
   Elizabeth Williams (General Manager Resources, Alexandrina Council)
   Karen Rokicinski (Director Corporate & Customer Service, City of Victor Harbor)

   Debbie Palmer (Executive Officer)

2. APOLOGIES
   John Coombe OAM (Deputy Chairperson)

3. MINUTES OF PREVIOUS MEETINGS
   Minutes of previous meetings – for confirmation: 19 December 2019

4. BUSINESS ARISING
   4.1 Executive Officer Performance
   4.2 Outstanding Action List

<table>
<thead>
<tr>
<th>Authority meeting &amp; Item Number</th>
<th>Subject</th>
<th>Comments</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 December 2019 Item 4.</td>
<td>Review of operating plant.</td>
<td></td>
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<tr>
<td>19 December 2019 Item 4.</td>
<td>Strategic Planning workshop to be held in March 2020</td>
<td>Workshop date set 27 March 2020</td>
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</tr>
<tr>
<td>19 December 2019 Item 6.1.2</td>
<td>That the Authority recommends the Budget Review (as at 30 September 2019) with no budget variations contained therein to the constituent Councils for endorsement.</td>
<td>City of Victor Harbor endorsed the FRACA quarterly budget review at their Council meeting on 28 January 2020</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Item</td>
<td>Details</td>
<td></td>
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<tr>
<td>27 September 2019 Item 4</td>
<td>Discussion around the high costs of electricity, solar installation and the next steps. K Rokicinski to discuss matters with Chief Executive Officer, City of Victor about possible presentation at the next FRACA Board meeting to Board Members and the new Executive Officer, giving an overview of the management model, including details from the commencement of the facility.</td>
<td></td>
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</tr>
<tr>
<td>26 July 2019 Item 6.2</td>
<td>Previous Board discussion around potential appointment of an ongoing Asset Management Working Group to be revisited at a future meeting (refer to 11 December 2018 Board Paper 6.5 for further detail).</td>
<td></td>
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</tr>
<tr>
<td>26 July 2019 Item 6.3</td>
<td>That the Authority extend the offer to the Great Southern Swimming Club of a 100% waiver of lane hire fees to 30 June 2020 on the understanding that during the next twelve months the club will: 1. Demonstrate reasonable efforts made to raise external funds including grant funding and fundraising initiatives; 2. Provide a copy of a 2019-20 Club Plan to the Authority; and 3. Meet with YMCA and the Authority Executive Officer quarterly to review its progress.</td>
<td></td>
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</tr>
<tr>
<td>26 July 2019 Item 6.4.1 &amp; 2</td>
<td>Swimming into Action 1. Allow funds previously held by the Swimming Into Action group to be transferred directly to the Authority bank account to be used for the specific purpose of commissioning artwork as per agreed project scope and in line</td>
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<td></td>
</tr>
</tbody>
</table>
with the quantum of funding provided; and
2. That the Authority Executive Officer undertake a limited tender process to produce the artwork in due course.

5. PRESENTATIONS
Nil

6. REPORTS
6.1 ANZ Signatories update
6.2 Recruitment of Independent Board Members

7. URGENT BUSINESS WITHOUT NOTICE
Nil

8. CONFIDENTIAL REPORTS
8.1 Executive Officer appointment
8.2 Audit & Risk Management Committee: Minutes 11 February 2020
8.3 FRAC Management Options
8.4 Competitive Neutrality correspondence

NEXT MEETING
9:30am Friday 24 April, Meeting Room, Fleurieu Aquatic Centre – 50 Ocean Road Chiton

CLOSURE
To: FRAC Authority Board  From: Executive Officer
Subject: 3. Confirmation of Minutes 19 December 2019
Meeting date: 21 February 2020
Reference(s): Local Government Act 1999
FRAC Authority Charter v2.0
Consultation: Nil
Attachments: 

PURPOSE
To confirm the Minutes of meeting held 19 December 2020.

Recommendation
That the Minutes of the meeting held 19 December 2020 be received.
Date: Thursday 19 December 2019
Location: Meeting Room, Fleurieu Aquatic Centre – 4 Ocean Road, Chiton

Meeting opened at 11:00am

1. ATTENDANCE

Matt Grant (Chairperson)
John Coombe OAM (Independent Member)
Mark Easton (Independent Member)
Councillor Margaret Gardner (Alexandrina Council)
Councillor David Kemp (City of Victor Harbor)
Councillor Peter Charles (City of Victor Harbor - Deputy Elected Member Representative)

In attendance:
Vanessa Harvey (Minute Taker) (Personal Assistant Alexandrina Council)

2. APOLOGIES

3. Confidential – Confirmation of Minutes of Meetings held 27 September 2019 and 22 October 2019

Moved: Cr Margaret Gardner
Seconded: John Coombe OAM:
FRACA000256

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of the Minute Taker on the basis that it will receive and consider Item 3. titled Confidential – Confirmation of Minutes of meetings held 27 September 2019 and 22 October 2019.

The Authority is satisfied, pursuant to section 90(3)(a); (b)(i); (g); (h) and (j)(i) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –
(a) would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
(b)(i) could reasonably be expected to confer a commercial advantage on a person with whom the Authority is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
(g) matters that must be considered in confidence in order to ensure that the Authority does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
(h) legal advice;
(j)(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Authority, or a person engaged by the authority).

The Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information provided in this report if disclosed, may result in damage to a party’s commercial interests, intellectual property or trade secrets, does not breach any law, order or direction of a court, and are relate to the personal affairs of applicants and are deemed to not be in the public interest.

CARRIED

Moved: Cr Margaret Gardner
Seconded: Mark Easton

FRACA000257

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Board orders that the report, minutes, attachments and associated documents of the Board meeting held on 19 December 2019 in relation to confidential item 3 Confidential – Confirmation of Minutes of Meetings held 27 September 2019 and 22 October 2019 having been considered and dealt with by the Board on a confidential basis under Part 3 of the Act, be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or until the instrument of engagement is executed, whichever occurs first; and

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

CARRIED

4. BUSINESS ARISING

Cr Kemp suggested an Action List heading with two items to start with.

Outstanding Action listing:

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</table>
5. PRESENTATIONS

Nil.

6. REPORTS

6.1 2019-20 First Quarter Budget Review

Moved: Cr David Kemp
Seconded: Cr Margaret Gardner
FRACA000258
1. That the Authority for the period ending 30 September 2019 adopts a Budget Review with an Operating Deficit $643,560 and estimated cash at end of reporting period of $9,17,016 noting there are no amendments to forecast figures since adoption in June 2019.
2. That the Authority recommends the Budget Review (as at 30 September 2019) with no budget variations contained therein to the constituent Councils for endorsement.

CARRIED

7. MATTERS FOR DISCUSSION

The Authority to review the Agenda format at the next available meeting.

8. URGENT BUSINESS WITHOUT NOTICE

Nil.

9. CONFIDENTIAL REPORTS

9.1 Executive Officer

Moved: Cr Margaret Gardner
Seconded: John Coombe OAM
FRACA000259
That pursuant to Sections 90(2) and (3)(a) of the Local Government Act 1999, the Board orders that the public be excluded from the meeting on the basis that the Board considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information in relation to agenda item 9.1 Executive Officer and the Board is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/Involves:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Substantiation:
Matters are likely to be raised and discussed that relate to the personal affairs of Executive Officer and are deemed to not be in the public interest.

CARRIED

Moved: Matt Grant
Seconded: Cr Margaret Gardner

FRACA000260

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Board orders that the report, minutes, attachments and associated documents of the Board meeting held on 19 December 2019 in relation to confidential item 3 Confidential – Confirmation of Minutes of Meetings held 27 September 2019 and 22 October 2019 having been considered and dealt with by the Board on a confidential basis under Part 3 of the Act, be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or until the instrument of engagement is executed, whichever occurs first; and

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

CARRIED UNANIMOUSLY

9.2 Competitive Neutrality Complaint

Moved: Cr Margaret Gardner
Seconded: John Coombe OAM

FRACA000261

The Authority is satisfied, pursuant to section 90(3)(b)(i); (g); (h) and (j)(i) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which –

(b)(i) could reasonably be expected to confer a commercial advantage on a person with whom the Authority is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(g) matters that must be considered in confidence in order to ensure that the Authority does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

(h) legal advice;

(j)(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Authority, or a person engaged by the authority).

The Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed in the circumstances because the information provided in this report if disclosed, may result in damage to a party’s commercial interests, intellectual property or trade secrets, does not breach any law, order or direction of a court, and are relate to the personal affairs of applicants and are deemed to not be in the public interest.

CARRIED
Moved: Cr David Kemp
Seconded: Cr Margaret Gardner

1. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Board orders that the report, minutes, attachments and associated documents of the Board meeting held on 19 December 2019 in relation to confidential item 3 Confidential – Confirmation of Minutes of Meetings held 27 September 2019 and 22 October 2019 having been considered and dealt with by the Board on a confidential basis under Part 3 of the Act, be kept confidential and not available to the public for a period of twelve months from the date of this confidentiality order, or until the instrument of engagement is executed, whichever occurs first; and

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

CARRIED

Last Board Meeting for John Coombe OAM
Moved: Matt Grant
Seconded: Cr Margaret Gardner

That as this will be the last meeting for John Coombe OAM the Chair thanked John for his unique contribution, effort and time that John has given to the Board over his time as an Independent Member.

CARRIED

NEXT MEETING
To be advised

CLOSURE
Meeting closed at 11:50am

MINUTES CONFIRMED ..............................................................

Chair

DATED: ..............................................................
PURPOSE
The purpose of this report is to request a change to the signatories on the ANZ bank account in line with current Executive Officer and Chairman.

RECOMMENDATION
That the Authority:

1. Remove the following signatories to the ANZ bank account:
   a. David Cooke
   b. Leonie Boothby
2. Add the following signatories to the ANZ bank account:
   a. Executive Officer Debbie Palmer

INFORMATION
Prior to Leonie’s departure from the Executive Officer role the updating of signatories through ANZ commenced however upon checking with the Victor Harbor branch, it is evident that the changes have not been made.

With a new Executive Officer it is an opportune time to get this information updated which to do so, ANZ require such an update to be authorised via a Board Meeting and recorded in the minutes.

It is to note that FRACA, at its 29 April 2016 Board meeting, passed the following resolution

6.8 Banking Report
Moved: Alison Kimber
Seconded: Councillor Grant Gartrell
FRACA00008 That the Fleurieu Regional Aquatic Centre Authority Board establishes a bank account with the ANZ bank operated with a minimum of two signatories required.

That the Chairperson, Executive Officer, Manager Finance, City of Victor Harbor and Manager Finance, Alexandrina Council be authorised signatories for the operation of the Authorities’ ANZ Bank Account.

That the Executive Officer apply for and operate a credit card of $10,000 per calendar month for use in accordance with the Procurement Policy.

A cash reserve account is to be established with the Local Government Finance Authority and surplus funds greater than $10,000 are to be transferred to this account when not required for payment of invoices.
A depreciation reserve account is to be established with the Local Government Finance Authority with monies transferred on a quarterly basis in line with estimated annual depreciation for the purposes of funding future capital renewal.

That the Executive Officer, Manager Finance, City of Victor Harbor and Manager Finance, Alexandrina Council be authorised signatories for the operation of the Local Government Finance Authority accounts and delegated to transfer Authority funds to and from the LGFA account.

CARRIED

It is recommended that Elizabeth Williams and Kellie Knight Stacey remain as existing signatories in addition to the above mentioned amendments and that these changes be moved at the 21 February board meeting as to not delay any administrative duties of the Executive Officer in working for the Authority.

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
There are no direct budget implications associated with the recommendation.
To: FRACA Board  
From: Executive Officer  
Subject: Recruitment of Independent Board Members  
Meeting date: 11 February 2020  
Item: 6.2  
Reference(s): FRAC Authority Charter  
Consultation: Nil  
Attachments: The Advertiser 8 February 2020  
Letter of Resignation – M Grant

PURPOSE
The purpose of this report is to provide information on the recruitment process for Independent Board Members to the Fleurieu Regional Aquatic Centre Authority (Authority).

INFORMATION
Deputy Chairman John Coombe is approaching the end of his tenure on the FRACA Board and Chairman Matt Grant has been appointed to a position with Alexandrina Council. Both members require replacing on the FRACA Board so a recruitment process has commenced following the process as set out in the Charter.

The FRACA Charter sets out the process for recruitment to be led by a Selection Panel – as follows:

3.6 Selection Panel

3.6.1 The Selection Panel is to be comprised of five (5) members being the Mayors and the Chief Executive Officers of the Constituent Councils or in the case of the Mayors a proxy elected member appointed by the Mayor or in the case of the Chief Executive Officer a proxy officer appointed by the Chief Executive Officer (where the proxy must respectively be a member or officer from the appointer’s council) and either a legal practitioner or a human resource specialist, not being an employee or elected member of a Constituent Council, unanimously agreed to by the Chief Executive Officers and Mayors of the Constituent Councils and engaged for the purpose – and who in the opinion of the Chief Executive Officers and Mayors will add value by their abilities and experience to the effective performance of the Authority’s business and management obligations.

3.6.2 Those members of the Selection Panel comprising the Mayors or Chief Executive Officers of the Constituent Councils will cease to hold office as a member of the Selection Panel upon ceasing to hold office as a Mayor of a Constituent Council or ceasing to be employed as a Chief Executive Officer of a Constituent Council.

3.6.3 Subject to Clause 3.6.4, the member of the Selection Panel being a legal practitioner or human resource specialist will hold office for up to three years as determined by the Chief Executive Officers and Mayors of the Constituent Councils and at the conclusion of their term of office will be eligible for reappointment.

3.6.4 The Chief Executive Officers and Mayors of the Constituent Councils may at any time terminate the appointment of the member of the Selection Panel being the legal practitioner or human resource specialist.

3.6.5 The member of the Selection Panel, being the legal practitioner or human resource specialist, shall be remunerated by the Authority in such amount as determined by the Chief Executive Officers and Mayors of the Constituent Councils.
The Selection Panel has been arranged and is comprised of the following members:

Mayor Moira Jenkins – City of Victor Harbor (Chair)
Mayor Keith Parks – Alexandrina Council
Glen Rappensberg – CEO, Alexandrina Council
Rebecca Hunt – Divisional Manager, HR & Recruitment, McArthur (HR representative)

An advertising campaign has commenced with The Advertiser, The Times and online platforms. A copy of the advertisement from The Advertiser can be seen attached.

A time frame for this recruitment process has been established:

<table>
<thead>
<tr>
<th>Step</th>
<th>Details</th>
<th>By whom</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Selection Panel determined</td>
<td>Panel members nominated by Councils</td>
<td>Councils Selection Panel</td>
<td>By 24 Jan COMPLETE</td>
</tr>
<tr>
<td></td>
<td>Selection Panel Chair nominated</td>
<td></td>
<td>By 31 Jan COMPLETE</td>
</tr>
<tr>
<td></td>
<td>HR/legal consultant procured</td>
<td></td>
<td>By 31 Jan COMPLETE</td>
</tr>
<tr>
<td>Produce process documents</td>
<td>Review documents used for 2018 EOI process [includes: advert, nomination form, information sheet, role descriptions, interview questions etc.] Approve documents</td>
<td>EO Selection Panel</td>
<td>By 31 Jan COMPLETE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>By 7 Feb COMPLETE</td>
</tr>
<tr>
<td>EOI advertised</td>
<td>Advertise for independent member via:</td>
<td>FRACA EO</td>
<td>On or before 7 Feb COMPLETE</td>
</tr>
<tr>
<td></td>
<td>• Print media: The Adelaide Advertiser, local papers x 2</td>
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<td></td>
<td>• Websites: FAC, Local Government Association Jobs web page, SEEK job board, Council websites</td>
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<tr>
<td></td>
<td>• Social media: FAC, Councils</td>
<td></td>
<td></td>
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<tr>
<td>Review applications</td>
<td>Collate applications</td>
<td>EO Selection Panel</td>
<td>By 28 Feb</td>
</tr>
<tr>
<td></td>
<td>Review applications and develop short list for interview for Chair and Board member</td>
<td></td>
<td>By 13 March</td>
</tr>
<tr>
<td>Conduct first interviews / reference checks</td>
<td>Arrange interviews Conduct interviews Undertake reference checks on preferred candidate</td>
<td>EO Selection Panel Selection Panel Chair</td>
<td>By 20 March Interviews 27 March</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>By 3 April</td>
</tr>
<tr>
<td>Develop report &amp; provide to Councils</td>
<td>Draft Selection Panel report with recommendations to Councils for appointment of Board member Approve report and provide to Councils for consideration</td>
<td>EO / Selection Panel Chair Selection Panel</td>
<td>By 7 April</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>By 9 April</td>
</tr>
</tbody>
</table>
Written advice from Councils

| Written advice from Councils | Each Constituent Council must give notice in writing to the Authority of its appointment of Board Member, the term of appointment, any other conditions. | Councils | By 15 April
Note Alexandrina Council meets 20 April 2020, Victor Harbor Council meets 27 April 2020 |

| 24 April successful candidates first FRACA board meeting |

RISK ASSESSMENT
Risks associated with this information has been assessed as follows:

**Governance** – the current recruitment process which is in progress is being completed in accordance with the requirements of the Charter. *Low risk.*

**BUDGET IMPLICATION**
The recruitment process for the Independent Board Members has incurred advertising costs of $1,775 and independent HR consulting fees through McArthur of approximately $3,950.
BUSINESS MANAGER

SITUATED AN HOURS DRIVE SOUTH OF ADENALON THE BEAUTIFUL FLEURIEU PENINSULA, INVESTIGATOR COLLEGE IS A WORLD-CLASS ANGLICAN ELC-12 SCHOOL WITH NEARLY 700 STUDENTS IN VICTOR HARBOR. THE COLLEGE ALSO OFFERS AN VERTICAL EDUCATIONAL PATHWAY AT THE VITAL SKILLS CENTRE ON THE BANKS OF CURRENCY CREEK. REPORTING TO THE DIRECTOR AND PART OF THE SENIOR TEAM, THIS ROLE PROVIDES A UNIQUE OPPORTUNITY TO HELP SHAPE THE FUTURE OF A LEADING EDUCATIONAL ORGANISATION.

Key responsibilities include:

• Providing strategic advice to the College Board and Principal in regards to the operational and strategic management of the College;
• Developing and managing effective financial planning and budgetary control and managing assets, ICT, governance, risk, compliance and external suppliers;
• Capturing, recording and reporting vital information for use by key decision makers and stakeholders;
• Leading, developing, monitoring and managing the College’s dedicated non-academic staff.

Applications are encouraged from ideally CA/CPA qualified professionals with the commercial acumen, superior negotiation skills, drive, energy and warmth necessary for a multi-dimensional role. This is an exciting role for an education sector professional to add genuine and industry leadership to the Fleurieu Education Centre.

Please visit henderconsulting.com.au to apply and for a job and person specification.

For further information on our client, please visit InvestigatorCollege.com.au. Applications should be addressed to Andrew Reed. For a confidential discussion, please call Andrew or Christian Gascner on (08) 8100 8827.
Dear Mayors and CEOs

I write to advise I resign from my position as an Independent Board Member (and Chairperson) of the Fleurieu Regional Aquatic Centre Authority. This is necessary as I have taken a role at Alexandrina Council and as an employee of one of the constituent Councils of the Authority I will be conflicted. My last day in the role as Board Member and Chair will be Friday 28th February 2020, unless you choose otherwise.

As you are aware a recruitment process is currently underway to fill an Independent Board Member in place of outgoing Board Member (and deputy Chair), John Coombe OAM. I suggest expanding this recruitment call to fill my vacancy as soon as possible. Once the 2 new Independent Board members are filled a Chairperson and Deputy Chairperson will need to be appointed.

I have been proud to Chair the Authority that oversees such an important regional community asset and service. I have enjoyed the past 10 months and believe I have willingly and professionally embraced the challenges as Chair of the Authority. I would like to take this opportunity to sincerely thank the administration of both of your Councils for their professional support.

I wish the Authority every success as it enters the next stage of centre oversight.

Yours Sincerely

Matt Grant

CC:

FRACA Executive Officer Deb Palmer

FRACA Board Members
To: FRAC Authority Board  
From: Chairperson Matt Grant  
Subject: Executive Officer Appointment  
Meeting date: 21 February 2020  
Item 8.1  
Reference(s): Local Government Act 1999, FRAC Authority Charter v2.0  
Consultation: Nil  
Attachments: Nil  

PUBLIC AGENDA VERSION

PURPOSE
The purpose of this report is to confirm the appointment of a part-time Interim Executive Officer for the Fleurieu Regional Aquatic Centre Authority.

RECOMMENDATIONS

1. That pursuant to Sections 90(2) and (3) (a) of the Local Government Act 1999, the Board orders that the public be excluded from the meeting on the basis that the Board considers it necessary and appropriate to act in a manner closed to the public in order to receive, discuss and consider information in relation to agenda item 8.1 Executive Officer Appointment and the Board is satisfied that the meeting should be conducted in a place open to the public is outweighed in relation to the matter because receiving, considering and discussing the report and associated documentation contains/Involves:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Substantiation:
A number of matters are likely to be raised and discussed that relate to the personal affairs of the preferred applicant. These matters are deemed to not be in the public interest. Once the appointment and associated documentation is finalised, the report and minutes will be released as public documents.

2. That pursuant to Sections 91(7) and (9) of the Local Government Act 1999 (SA) (Act), the Board orders that the report, minutes, attachments and associated documents of the Board meeting held on 10 May 2019 in relation to confidential item 8.1 Executive Officer Appointment having been considered and dealt with by the Board on a confidential basis under Part 3 of the Act, 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 above and Section 91(9)(c) of the Local Government Act 1999, authorises the Executive Officer to review and revoke the order.
To: FRAC Authority Board  
From: Executive Officer
Subject: Audit & Risk Management Committee Minutes 11 February 2020

Meeting date: 21 February 2020  
Item: 8.2
Reference(s): Local Government Act 1999
Consultation: Nil
Attachments: Audit & Risk Management Committee - Minutes 11 February 2020

PUBLIC AGENDA VERSION

PURPOSE

The purpose of this report is to provide key documents and information for review by the Fleurieu Regional Aquatic Centre Authority (Authority) in relation to the Authority Audit & Risk Management Committee (Committee).

RECOMMENDATION

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 the Executive Officer, Ms Debbie Palmer; Group Manager Governance & Finance – City of Victor Harbor, Ms Kellie Knight-Stacey; 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 unconfirmed confidential minutes of the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee meeting held on the 11 February 2020; 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 11 February 2020 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.

The Authority:

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, associated documents and minutes in relation to the 11 February 2020 confidential item 8.2, Audit & Risk Management Committee - Confidential Minutes 11 February 2020, 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.
CONFIDENTIAL ITEM – Public agenda version

PURPOSE

This report seeks Fleurieu Regional Aquatic Centre Authority (Authority) Board consideration in relation to matters that are considered by the Authority in confidence (for example matters considered and retained in confidence by order) under section 90 of the Local Government Act 1999.

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 the Executive Officer, Ms Debbie Palmer; in order to consider in confidence a report relating to Section 90(3)(b) of the Local Government Act 1999:

   (b) information the disclosure of which—
      (i) 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
      (ii) would, on balance, be contrary to the public interest;

   relating to future contractual negotiations for Facility Management and Operation of the Fleurieu Aquatic Centre, being information that must be considered in confidence in order to ensure that the Authority does not disclose information that may prejudice the commercial position of the Authority; 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.

Substantiation:

The matter of the agenda item relating to future contractual negotiations for Facility Management and Operation of the Fleurieu Aquatic Centre pursuant to Section 90(3)(b) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence to ensure that information that may prejudice the commercial position of the Authority 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 information that may prejudice the commercial position of the Authority, 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) Having considered this matter in confidence under Section 90(2) and 90(3)(b) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the agenda report, minutes and associated documents in relation to the 21 February 2020 confidential item 8.3, FRAC Management Options, 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.
CONFIDENTIAL ITEM – Public agenda version

PURPOSE
This report seeks Fleurieu Regional Aquatic Centre Authority Board (‘Authority’) to receive correspondence regarding Competitive Neutrality for the Fleurieu Aquatic Centre (FAC).

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 the Executive Officer, Ms Debbie Palme, Ms Kellie Knight-Stacey General Manager Governance & Finance City of City of Victor Harbor and Ms Elizabeth Williams General Manager Resources Alexandrina Council, 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 Competitive Neutrality correspondence 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

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 the Competitive Neutrality correspondence 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 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.

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, associated documents and minutes in relation to the 21 February 2020 confidential item 8.4, 2018 Competitive Neutrality Correspondence, 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.