

Monday, 6 February 2017

Contact for Apologies: Leonie Boothby, Executive Officer

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FILE: CO.197

Dear Member

NOTICE OF MEETING

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


DATE: Friday, 10 February 2017

TIME: 9:00 – 10:30am

PLACE: Alexandrina Council – 11 Cadell Street Goolwa South

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

Yours faithfully



Leonie Boothby

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

FILE: PM16.14.004

Date: 10 February 2017

Time: 9am

LOCATION – Alexandrina Council Office – 11 Cadell St Goolwa

1. ATTENDANCE

David Cooke (Chairperson)

Alison Kimber

Councillor Pat Chigwidden

Mayor Graham Philp (Deputy Elected Member Representative)

Councillor Madeleine Walker

Councillor Grant Gartrell (Deputy Elected Member Representative)

Mayor Keith Parkes, Alexandrina Council

Victoria MacKirdy (Interim Chief Executive Officer, Alexandrina Council)

Graeme Maxwell (Chief Executive Officer, City of Victor Harbor)

Elizabeth Williams (Acting General Manager Organisation & Culture Alexandrina Council)

2. APOLOGIES

John Coombe OAM [Leave of absence]

3. CONFIDENTIAL REPORTS

3.1 Concerns raised to the Authority by local health and fitness operators

4. NEXT MEETING

Ordinary meeting: Friday 17 February 2017 – Alexandrina Council Office – 11 Cadell St Goolwa

5. CLOSURE

To:	FRAC Authority Board	From:	Executive Officer
Subject:	Concerns raised to the Authority by local health and fitness operators		
Meeting date:	10 February 2017	Item 3.1	
Reference(s):	Local Government Act 1999 FRAC Authority Charter v2.0		
Consultation:	Chief Executive Officer – City of Victor Harbor Chief Executive Officer – Alexandrina Council		
Attachments:	Nil		

CONFIDENTIAL ITEM – Public agenda version

PURPOSE

This report seeks Fleurieu Regional Aquatic Centre Authority Board ('Authority') consideration of concerns raised by local health and fitness centre operators in relation to the Fleurieu Aquatic Centre.

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 Leonie Boothby; Chief Executive Officer City of Victor Harbor, Mr Graeme Maxwell; Interim Chief Executive Officer Alexandrina Council, Ms Victoria MacKirdy; Mayor Alexandrina Council, Mr Keith Parkes; and Acting General Manager Organisation & Culture 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 concerns raised by local health and fitness centre operators 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 information that may confer a commercial advantage on a third party; 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 unreasonable disclosure of information that may confer a commercial advantage on a third party.

Substantiation:

The matter of the agenda item being consideration of concerns raised by local health and fitness centre operators 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 information that may confer a commercial advantage on a third party 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 the disclosure of commercial information of a confidential nature (not being a trade secret) may 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), that the agenda report, associated documents and minutes in relation to the 10 February 2017 confidential item 3.1, *Concerns raised to the Authority by local health and fitness operators*, 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
- 4) 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.