

FILE: PM16.14.004

Date: 10 February 2017

Location: Alexandrina Council Office – 11 Cadell St Goolwa

Meeting opened at 9am

1. ATTENDANCE

Present:

David Cooke (Chairperson)
Alison Kimber
Councillor Pat Chigwidden
Councillor Madeleine Walker (via telephone)
Mayor Graham Philp (Deputy Elected Member Representative)
Councillor Grant Gartrell (Deputy Elected Member Representative)

In attendance:

Mayor Keith Parkes, Alexandrina Council
Victoria MacKirdy (Interim Chief Executive Officer, Alexandrina Council)
Graeme Maxwell (Chief Executive Officer, City of Victor Harbor)
Leonie Boothby, Executive Officer

2. APOLOGIES

John Coombe OAM

3. CONFIDENTIAL REPORTS

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

Moved: Cr Pat Chigwidden

Seconded: Alison Kimber

FRACA000047 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; Chief Executive Officer City of Victor Harbor, Mr Graeme Maxwell; Interim Chief Executive Officer Alexandrina Council, Ms Victoria MacKirdy and Mayor Alexandrina Council, Mr Keith Parkes; 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

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.

CARRIED

Moved: Ms Alison Kimber

Seconded: Cr Grant Gartrell

FRACA000048 That the Authority instructs the Executive Officer and Chairperson to convey to concerned operators that the resolutions passed by the Authority at its 16 December 2016 meeting remain; and that the Authority will continue to explore potential future partnership opportunities with groups and businesses in the community.

CARRIED

Moved: Cr Pat Chigwidden

Seconded: Ms Alison Kimber

FRACA000049 That the Authority notes advice received from Wallmans Lawyers dated 6 February 2017 regarding competitive neutrality obligations and endorses the Authority Executive Officer to further engage suitably qualified consultants to prepare a competitive neutrality report.

CARRIED

Moved: David Cooke

Seconded: Cr Pat Chigwidden

FRACA000050 That the Authority notes advice received from Wallmans Lawyers dated 6 February 2017 regarding the need for a review of the Authority Charter and endorses the Authority Executive Officer to refer the matter to Norman Waterhouse Lawyers for review and changes as required.

CARRIED

4. NEXT MEETING

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

5. CLOSURE

Meeting closed 10:40am.