

**Date:** 17 February 2017

**Location:** Alexandrina Council Office – 11 Cadell St Goolwa

Meeting opened at 10:05am

## 1. ATTENDANCE

**Present:**

David Cooke (Chairperson)

Alison Kimber

Councillor Pat Chigwidden

Councillor Madeleine Walker

Councillor Grant Gartrell (Deputy Elected Member Representative)

Mayor Graham Philp (Deputy Elected Member Representative)

**In attendance:**

Leonie Boothby, Executive Officer

Kate Jessep, Director Corporate & Community Services – City of Victor Harbor *[arrived 10:15am]*

Elizabeth Williams, Acting General Manager – Organisation & Culture Alexandrina Council

## 2. APOLOGIES

John Coombe OAM (Deputy Chairperson) *[Leave of absence]*

## 3. MINUTES OF THE PREVIOUS MEETING

**Moved:** Cr Pat Chigwidden

**Seconded:** Ms Alison Kimber

FRACA000052 That the minutes of the previous Fleurieu Regional Aquatic Centre Authority meetings held on Friday 16 December 2016 and Friday 10 February 2017 as circulated be confirmed as a true and accurate record.

**CARRIED**

## 4. BUSINESS ARISING

### 4.1 Resolutions Report and Work Program

**Moved:** Cr Pat Chigwidden

**Seconded:** Ms Alison Kimber

FRACA000053 That the Fleurieu Regional Aquatic Centre Authority note the Work Program and Resolutions Report as at 17 February 2017.

**CARRIED**

*[Mayor Philp left the meeting at 10:35am]*

#### 4.2 Reappointment of Independent Board Member Mr. John Coombe OAM

The Board endorsed for noting in these minutes, the Fleurieu Regional Aquatic Centre Authority Board Out of Session email resolution completed on 17 January 2017, which determined as follows:

**Moved:** Ms Alison Kimber

**Seconded:** Mr David Cooke

FRACA000047 That the Fleurieu Regional Aquatic Centre Authority recommend to the constituent Councils that Mr John Coombe OAM be appointed as an Independent Board Member for a second term commencing 8 March 2017 and concluding 7 March 2020.

**CARRIED**

#### 4.3 Risk management framework

The Executive Officer provided a verbal update on risk management framework currently under development.

**Action:** Executive Officer to provide a draft risk management framework and discussion paper to the next Board meeting.

### 5 PRESENTATIONS

5.1 Nil

### 6 REPORTS

#### 6.1 Executive Officer Update

The Executive Officer provided a verbal update on progress towards opening of the Fleurieu Aquatic Centre and progress against current work plan milestones.

Following a verbal update from the Executive Officer regarding further discussions with Wallmans Lawyers regarding competitive neutrality; Board support was noted for engagement of Wallmans Lawyers to prepare a Competitive Neutrality report.

#### 6.2 Second quarter budget review

**Moved:** Ms Alison Kimber

**Seconded:** Cr Madeleine Walker

FRACA000054 That the Fleurieu Regional Aquatic Centre Authority receive the Second Quarter Budget Review for 2016/17 (as at 31 December 2016); and recommend the review to the constituent Councils; noting that further assessment of required Council funding contributions will be undertaken following the Third Quarter Budget Review and before the end of financial year.

**CARRIED**

#### 6.3 Future meeting dates

**Actions:**

- Board members to consider proposed meeting dates out of session to determine availability; noting that meeting dates have been proposed to meet key timelines and milestones.
- Executive Officer to determine with YMCA suitability of using Fleurieu Aquatic Centre facilities for future meetings.

#### 6.4 Strategic planning workshop

*[Matter deferred for discussion following the confidential agenda item 8.1]*

## 7 URGENT BUSINESS WITHOUT NOTICE

### 7.1 Fleurieu Aquatic Centre – Official opening 2 April 2017

#### Actions:

- Mayor Philp requested that the Executive Officer to work with Council Communications Officers on a media release announcing the opening to the public on Saturday 25 March 2017 and the official opening and family fun day on 2 April 2017.
- Mayor Philp requested that the Ocean Encounter Singers be considered for involvement in official opening and family fun day proceedings on 2 April 2017.

### 7.2 Fleurieu Aquatic Centre – Expressions of interest – community groups

#### Actions:

- Mayor Philp requested that the Executive Officer follow up outstanding correspondence with groups that have registered interest via the Expressions of Interest process recently undertaken by YMCA.

## 8 CONFIDENTIAL REPORTS

### 8.1 Correspondence with health and fitness operators

**Moved:** Cr Pat Chigwidden

**Seconded:** Cr Madeleine Walker

FRACA000055 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; Director, Corporate & Community Services – City of Victor Harbor, Ms Kate Jessep; and Acting General Manager Organisation & Culture Alexandrina Council, Ms Elizabeth Williams; in order to consider in confidence a report relating to Sections 90(3)(d) and (h) 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;

(h) legal advice;

relating to correspondence between Authority representatives and local health and fitness centre operators in relation to the Fleurieu Aquatic Centre, being information that must be considered in confidence to ensure that the Authority does not disclose information that may confer a commercial advantage on a third party; or that relates to legal advice 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 or that relates to legal advice.

#### Substantiation:

The matter of the agenda item being consideration of correspondence between Authority representatives and local health and fitness centre operators in relation to the Fleurieu Aquatic Centre pursuant to Section 90(3)(d) and (h) 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 or that relates to legal advice 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 legal advice; and, 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.

*[Cr Gartrell left the meeting at 11:25am]*

**Moved:** Mr David Cooke

**Seconded:** Cr Pat Chigwidden

FRACA000056 That the Fleurieu Regional Aquatic Centre Authority:

- 1) Continue with implementation of the Fleurieu Aquatic Centre model and supporting plans as directed by constituent Councils and South Australian and Australian Government partners;
- 2) Develop formal criteria and a process for future consideration of partnership proposals; and
- 3) In line with the above, convey to the health and fitness operators that the Board has considered the proposals put forward *[received via email by the Chairperson and Executive Officer from Mr Bruce Konings and dated 14 February 2017]* and determined not to progress with either proposal at this point in time.

**CARRIED**

**Moved:** Ms Alison Kimber

**Seconded:** Cr Madeleine Walker

FRACA000057 That the Fleurieu Regional Aquatic Centre Authority supports the Chairperson and Executive Officer to seek further legal advice in relation to correspondence with health and fitness operators.

**Moved:** Mr David Cooke

**Seconded:** Cr Madeleine Walker

FRACA000058 That the Fleurieu Regional Aquatic Centre Authority, having considered this matter in confidence under Section 90(2) and 90(3)(d) and (h) of the Local Government Act 1999, makes an order pursuant to Section 91(7) and (9), that the associated documents in relation to the 17 February 2017 confidential item 8.1, Correspondence with 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 for a period of twelve months; 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.

**CARRIED**

#### 6.4 Strategic planning workshop

The Executive Officer provided an overview of the strategic planning framework for the Authority, requirements for development of key strategic documents within that framework; and proposed development of an inaugural ten-year Strategic Plan.

**Action:** Executive Officer to provide an overview of the strategic planning framework for the Authority, high level draft Strategic Plan and discussion paper to the next meeting of the Board.

Cr Walker raised a request that the Authority consider providing payment to Elected Member Board members; as is paid to independent members. The Board noted that a change to the Charter would be required. Ms Williams advised that legal advice has previously been sought by Alexandrina Council in relation to another s43 regional subsidiary.

**Action:** Ms Williams to review legal advice and provide to Executive Officer for further action regarding future consideration by the Board.

#### 7 NEXT MEETING

Ordinary meeting: Date to be determined, City of Victor Harbor – Encounter Room, Civic Centre, 1 Bay Road, Victor Harbor

#### 8 CLOSURE

Meeting closed at 12:38pm.