

**Date:** 8 September 2017

**Location:** Fleurieu Aquatic Centre Meeting Room, Lot 50 Ocean Road, Hayborough

Meeting opened at 10:03am

## 1. ATTENDANCE

**Present:**

David Cooke (Chairperson)  
Alison Kimber  
Councillor Pat Chigwidden  
Councillor Grant Gartrell

**In attendance:**

Leonie Boothby, Executive Officer  
Kellie Knight Stacey, A/Director Corporate & Community Services – City of Victor Harbor  
Elizabeth Williams, A/ General Manager Organisation & Culture - Alexandrina Council  
Victoria MacKirdy, General Manager Economic Development, Innovation and Culture – Alexandrina Council

## 2. APOLOGIES

John Coombe OAM (Deputy Chairperson)  
Cr Anne Woolford (Deputy Elected Member Representative)  
Mayor Graham Philp (Deputy Elected Member Representative)

## 3. CONFIDENTIAL REPORTS

### 3.1 Competitive Neutrality Review

**Moved:** Cr Pat Chigwidden

**Seconded:** Alison Kimber

FRACA000097 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 consideration of this matter, except for the Executive Officer, Ms Leonie Boothby; Acting Director, Corporate & Community Services – City of Victor Harbor, Ms Kellie Knight Stacey; General Manager Economic Development, Innovation and Culture, Ms Victoria MacKirdy; 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) 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 the consideration of a 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) or that relates to legal advice; and

- 2) Accordingly, on this basis, the Authority is satisfied that public interest in conducting discussions 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 Competitive Neutrality Review 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 commercial information of a confidential nature (not being a trade secret) 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 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 Grant Gartell

FRACA000099 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 this report, the unredacted Competitive Neutrality Review July 2017 report and minutes in relation to consideration of this item, 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**

**10 NEXT MEETING**

Ordinary meeting: Friday 22 September 2017 10am Alexandrina Council Office – 11 Cadell St Goolwa, Large Meeting Room

**11 CLOSURE**

Meeting closed at 10:39am.