

DATE & TIME: Friday 22 May 2020 at 3:02pm
LOCATION: Via Zoom due to Covid 19

1. ATTENDANCE

Steve Mathewson (Chairperson)
Mark Easton (Independent Member)
Trish Kirkland (Independent Member)
Councillor Margaret Gardner (Alexandrina Council)
Councillor David Kemp (City of Victor Harbor)
Elizabeth Williams (General Manager Resources, Alexandrina Council)
Karen Rokicinski (Director Corporate & Customer Service, City of Victor Harbor)

Debbie Palmer (Executive Officer)

2. APOLOGIES

Councillor Peter Charles (Deputy Elected Member Representative)

3. CONFLICT OF INTEREST

Nil

4. MINUTES OF PREVIOUS MEETINGS

4.1 Authority Board – for confirmation: 24 April 2020

Moved: Cr David Kemp
Seconded: Cr Margaret Gardner

FRACA00284

That the Minutes of the meeting held 29 April 2020 be received.

CARRIED

4.2 Audit & Risk Committee – 6 May April 2020

Moved: Mark Easton
Seconded: Cr Margaret Gardner

FRACA00285

That the Minutes of the meeting held 6 May 2020 be received.

CARRIED

5. BUSINESS ARISING

5.1 New Independent Members

Moved: Mark Easton

Seconded: Cr David Kemp

FRACA00286

That the Authority:

- Welcome Steve Mathewson as Independent Member and Chairperson of the Board for an initial period of (3) three years.
- Welcome Trish Kirkland as an Independent Member for an initial period of (2) two years.
- Thank Independent Member Mark Easton for his efforts as Acting Chairperson during this recruitment process

CARRIED

5.2 Deputy Chairperson Appointment

Moved: Cr Margaret Gardner

Seconded: Cr David Kemp

FRACA00287

That the Authority:

1. Mark Easton be appointed as Deputy Chairperson to the Authority for a period of (3) years commencing May 2020 until May 2023.

CARRIED - unanimously

5.3 Audit & Risk Committee Independent Member Appointment

Trish Kirkland nominated for the role of Audit Committee Independent Member and subsequently declared a material conflict of interest due to the role attracting remuneration for committee meeting attendance and nominated to leave the meeting and abstain from discussion, debate and voting on the resolution.

Trisk Kirkland left the room at 3:27pm

Moved: Cr David Kemp

Seconded: Cr Margaret Gardner

FRACA00288

That the Authority:

1. Based on a unanimous vote, recommend to constituent Councils the appointment of Trish Kirkland to the FRACA Audit & Risk Committee for a period of two years from May 2020 until May 2022.

CARRIED

Trish Kirkland returned at 3:29pm.

5.4 **Update to ANZ account signatories**

Moved: Cr Margaret Gardner

Seconded: Mark Easton

FRACA00289

That the Authority:

1. Remove the following signatories to the ANZ bank account:
 - a. Mark Easton
2. Add the following signatory to the ANZ bank account:
 - a. Chairperson Steve Mathewson

CARRIED

6. URGENT BUSINESS WITHOUT NOTICE

Nil

7. CONFIDENTIAL REPORTS

7.1 **20/21 Budget and Fees & Charges**

Moved: Cr Margaret Gardner

Seconded: Mark Easton

FRACA00290

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; Director Corporate & Customer Service, City of Victor Harbor, Karen Rokicinski and General Manager Resources Alexandrina Council, Ms Elizabeth Williams; 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 20/21 Budget and Fees & Charges and supporting reports for 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 20/21 budget and supporting reports for the Fleurieu Aquatic Centre be 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.

CARRIED

Moved: Cr David Kemp

Seconded: Trish Kirkland

1. **That having considered this matter in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Board, pursuant to Section 91(7) and (9) of the Local Government Act 1999, orders that:**

1.1 the reports and associated documents as applicable of the FRACA Special meeting held on 22 May 2020 confidential item 7.1, 20/21 Budget and Fees & Charges are to remain confidential and will not be available for public inspection for a period as determined by the Executive Officer on the basis that it contains 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;
2. That this order be reviewed at least once every 12 months.
 3. That pursuant Section 91(9)(c) of the Local Government Act 1999, the Board delegates the Executive Officer the power to review and revoke the order in whole or in part, the order made in paragraph 1 of this resolution at any time.

CARRIED

Moved out of Confidence:

Moved: Mark Easton
Seconded: Cr Margaret Gardner

7.2 **Covid 19 & FRAC Reopening**

Moved: Cr David Kemp
Seconded: Mark Easton

FRACA00292

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; Director Corporate & Customer Service, City of Victor Harbor, Karen Rokicinski and General Manager Resources Alexandrina Council, Ms Elizabeth Williams; 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 Covid 19 & FRAC Reopening , 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 Covid 19 & FRAC reopening for the Fleurieu Aquatic Centre be 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.

CARRIED

Moved: Trish Kirkland
Seconded: Mark Easton

1. That having considered this matter in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Board, pursuant to Section 91(7) and (9) of the Local Government Act 1999, orders that:
 - 1.1 the reports and associated documents as applicable of the FRACA Special meeting held on 22 May 2020 confidential item 7.2, Covid 19 & FRAC Reopening are to remain confidential and will not be available for public inspection for a period as determined by the Executive Officer on the basis that it contains 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;
2. That this order be reviewed at least once every 12 months.
3. That pursuant Section 91(9)(c) of the Local Government Act 1999, the Board delegates the Executive Officer the power to review and revoke the order in whole or in part, the order made in paragraph 1 of this resolution at any time.

CARRIED

Moved out of Confidence:

Moved: Cr David Kemp
Seconded: Cr Margaret Gardner

7.3 **Confidential Authority Board Minutes 29 April 2020**

Moved: Mark Easton
Seconded: Trish Kirkland

FRACA00294

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; Director Corporate & Customer Service, City of Victor Harbor, Karen Rokicinski and General Manager Resources Alexandrina Council, Ms Elizabeth Williams; 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 Confidential Authority Board Minutes 29 April 2020, 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 Confidential Authority Board Minutes 29 April 2020 for the Fleurieu Aquatic Centre be 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.

CARRIED

Moved: Cr David Kemp
Seconded: Cr Margaret Gardner

1. That having considered this matter in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Board, pursuant to Section 91(7) and (9) of the Local Government Act 1999, orders that:
 - 1.1 the reports and associated documents as applicable of the FRACA Special meeting held on 22 May 2020 confidential item 7.3, Confidential Authority Board Minutes 29 April 2020 are to remain confidential and will not be available for public inspection for a period as determined by the Executive Officer on the basis that it contains 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;
2. That this order be reviewed at least once every 12 months.
3. That pursuant Section 91(9)(c) of the Local Government Act 1999, the Board delegates the Executive Officer the power to review and revoke the order in whole or in part, the order made in paragraph 1 of this resolution at any time.

CARRIED

Moved out of Confidence:

Moved: Mark Easton
Seconded: Trish Kirkland

7.4 **Confidential Audit & Risk Management Committee Minutes 6 May 2020**

Moved: Trish Kirkland
Seconded: Cr Margaret Gardner

FRACA00296

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; Director Corporate & Customer Service, City of Victor Harbor, Karen Rokicinski and General Manager Resources Alexandrina Council, Ms Elizabeth Williams; 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 Confidential Audit & Risk Management Committee Minutes 6 May 2020, 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 the Confidential Audit & Risk Management Committee Minutes 6 May 2020 for the Fleurieu Aquatic Centre be 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.

CARRIED

Moved: Trish Kirkland
Seconded: Cr Margaret Gardner

1. **That having considered this matter in confidence under Section 90(2) and (3)(b) of the Local Government Act 1999, the Board, pursuant to Section 91(7) and (9) of the Local Government Act 1999, orders that:**

1.1 the reports and associated documents as applicable of the FRACA Special meeting held on 22 May 2020 confidential item 7.4, Confidential Audit & Risk Management Committee Minutes 6 May 2020 are to remain confidential and will not be available for public inspection for a period as determined by the Executive Officer on the basis that it contains 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;

2. **That this order be reviewed at least once every 12 months.**

3. That pursuant Section 91(9)(c) of the Local Government Act 1999, the Board delegates the Executive Officer the power to review and revoke the order in whole or in part, the order made in paragraph 1 of this resolution at any time.

CARRIED

Mark Easton left the electronic meeting at 4:57pm

Moved out of Confidence:

Moved: Trish Kirkland
Seconded: Cr Margaret Gardner

NEXT MEETING

9:30am 5 June 2020 (Special Meeting and Workshop) at Fleurieu Regional Aquatic Centre.

CLOSURE

Meeting closed 5:06pm

MINTUES CONFIRMED:..... **Chair**

DATED:.....