

Date & Time: Friday 8 September 2023, 9:30am
Location: Encounter Room, City of Victor Harbor

Meeting Opened: 9.35 am

1. Present

Steve Mathewson	Independent Chairperson
Mark Easton	Independent Member
Angela Schiller	Council Member Representative, City of Victor Harbor
Margaret Gardner	Council Member Representative, Alexandrina Council

In Attendance

Lou Nicholson	Deputy Council Member Representative, Alexandrina Council
Kellie Knight-Stacey	Acting Executive Office, FRACA
Danielle Leckie	Administration Officer, FRACA

2. Apologies

Vicki Tomlinson	Independent Member
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3. Conflicts of Interest

Steve Mathewson declared a general conflict of interest. He has commenced a contracted position as the Consultant Chief Information Officer with Alexandrina Council on 6 March 2023. Steve has identified he will remain in the role of Chair and undertake regular business unless a specific conflict of interest is identified in the future. Each item of business will be considered, and any identified conflicts of interest declared and addressed as appropriate.

4. Minutes of Previous Meeting

4.1. Adoption of Minutes

Motion: FRACA00670
Moved: Cr Angela Schiller
Seconded: Cr Margaret Gardner

The Authority Board:

- *adopt the minutes of the Board meeting held on 25 May 2023; and*
- *note and adopt the resolution of the out of session Board meeting held via email 23 May 2023 which states:*
 - *The Board authorise the Executive Officer to complete the formal response form, Authorisation to Execute, and return to LGA Procurement indicating that FRACA will participate in the current Supply of Electricity procurement process as detailed in the LGSA Recommendation Report dated 22 May 2023.*

CARRIED

5. Business Arising

5.1. Board Annual Work Plan

Motion: FRACA00671
Moved: Cr Margaret Gardner
Seconded: Mark Easton

The Authority Board:

- *receive and note the updated Authority Board Annual Work Plan 2023 and 3-year Business Plan summary actions for 2023/24; and*
- *endorse the actions recommended for continuation with all others placed on hold pending the outcome of the Executive Structure Review, subject to the inclusion of any required recruitment activity of the Authority.*

CARRIED

6. Verbal Reports

6.1. Acting Executive Officer Verbal Report

Motion: FRACA00672
Moved: Cr Angela Schiller
Seconded: Cr Margaret Gardner

The Authority Board note the verbal report provided by the Acting Executive Officer.

CARRIED

6.2. Chairperson Verbal Report

Motion: FRACA00673
Moved: Cr Angela Schiller
Seconded: Mark Easton

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of the Acting Executive Officer, Kellie Knight-Stacey, and Administration Officer, Danielle Leckie, on the basis that it will receive and consider item 6.2 Chairperson Verbal Report.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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.*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential as it contains information that may prejudice the commercial position of the Authority.

CARRIED

7. Reports

7.1. Audit and Risk Management Committee Appointment Terms

Motion: FRACA00675
Moved: Cr Margaret Gardner
Seconded: Mark Easton

The Authority Board:

- *Receives and notes the report; and*
- *Recommends to Constituent Councils the reappointment of Peter van der Eijk to the position of Independent Chairperson on the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee until 30 June 2024; and*
- *Recommends to Constituent Councils the reappointment of Claudia Goldsmith to the position of Independent Committee Member on the Fleurieu Regional Aquatic Centre Authority Audit & Risk Management Committee until 30 June 2024; and*
- *Requests the Executive Officer prepare the appropriate correspondence to Constituent Councils to communicate the recommendations of the Authority Board for their endorsement.*

CARRIED

Confidential Reports

8.1. YMCA Performance Report – Q4

Motion: FRACA00676
Moved: Cr Margaret Gardner
Seconded: Mark Easton

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of the Acting Executive Officer, Kellie Knight-Stacey and Administration Officer, Danielle Leckie, on the basis that it will receive and consider item 8.1 YMCA Performance Report – Q4.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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.*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential as it contains information relating to the commercial operations of the Fleurieu Aquatic Centre as managed by the YMCA.

CARRIED

8.2. Strategic Risk Management Framework

Motion: FRACA00678
Moved: Cr Angela Schiller
Seconded: Mark Easton

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of the Acting Executive Officer, Kellie Knight-Stacy and Administration Officer Danielle Leckie, on the basis that it will receive and consider item 8.2 Strategic Risk Management Framework.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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;*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential as it contains information relating to the commercial operations of the Fleurieu Aquatic Centre as managed by the YMCA.

CARRIED

8.3. FRACA Resourcing

Motion: FRACA00680
Moved: Cr Angela Schiller
Seconded: Cr Margaret Gardner

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of the Acting Executive Officer, Kellie Knight-Stacey, and Administration Officer, Danielle Leckie, on the basis that it will receive and consider item 8.3 FRACA Resourcing.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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.*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential as it contains information relating to resourcing of the Authority and potential future commercial arrangements.

CARRIED

8.4. Energy Efficiency Project

Motion: FRACA00682

Moved: Cr Angela Schiller

Seconded: Cr Margaret Gardner

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of Acting Executive Officer, Kellie Knight-Stacey and Administration Officer, Danielle Leckie, on the basis that it will receive and consider item 8.4 Energy Efficiency Project.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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.*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential as it contains information relating to a current tender process of the Authority.

CARRIED

8.5. FAC Management Agreement

Motion: FRACA00684
Moved: Cr Margaret Gardner
Seconded: Mark Easton

Pursuant to section 90(2) of the Local Government Act 1999, the Authority orders that all members of the public be excluded, with the exception of, Kellie Knight-Stacey, Acting Executive Officer and Danielle Leckie, Administration Officer, on the basis that it will receive and consider item 8.5 FAC Management Agreement.

The Authority is satisfied, pursuant to section 90(3)(d) of the Act, that the information to be received, discussed or considered in relation to this Agenda Item is:

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.*

Accordingly, the Authority is satisfied that the principle that the meeting should be conducted 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) as it includes information that may prejudice the commercial position of the Authority.

CARRIED

9. Next Meeting: 29 September 2023

10. Meeting Closed: 12.10 pm

It should be noted that in accordance with the legal advice received by the Authority dated 26 August 2020, all reports, minutes, attachments, and associated documents from items deliberated by the Authority in confidence, will automatically remain in confidence in perpetuity, unless a resolution of the Board is made to release such items. Items may also be removed from confidence under delegation. At the conclusion of each agenda item that is considered by the Authority in confidence, the default position is for the return to open / public meeting, until such time as a further resolution is made to return to confidential meeting procedures.