

11.1 Confidential - Noarlunga Leisure Centre

Cr Ferguson and Cr Manson declared an interest as board members of the Noarlunga Leisure Centre.

Cr Ferguson MOVED

- (a) *That under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting with the exception of Chief Executive Officer, Group Manager Governance, General Manager City Development, General Manager Corporate Services, Acting General Manager City Services, Manager Property, Projects Officer, Economic Development Officer, Richard McNeil Partner Cowell and Clarke and the Minute Secretary in order to consider in confidence this item.*
- (b) *That the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:*
- *Section 90 (3) (g), (h) information the disclosure of which -*
 - (g) *matters that must be considered in confidence in order to ensure that Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
 - (h) *legal advice;*
- (c) *That accordingly, on this basis the principle that meetings of Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.*

Seconded by Cr Coomans.

CARRIED

Cr Nash left her seat in the chamber at 8.00pm.

Cr Nash resumed her seat in the chamber at 8.02pm.

Cr Jamieson MOVED

That Council having considered the legal advice and the options available to it resolves that the Chief Executive Officer write to the Chairman of NCCRA requesting that all actions and records in respect of NCCRA including any dealings with the accounts and funds be placed in the hands of the Council appointees. Further requesting those arrangements should remain in place until such time as a thorough investigation of the records can properly ascertain the membership of NCCRA and its Board.

That in the event it is demonstrated that LeisureCo is not entitled to appoint members of the Board Council resolves to:

- Strongly recommend its appointees to the Board to exercise their rights under the Constitution to assign to Council NCCRA's interest in the lease of the Noarlunga Leisure Centre and the management services agreement with LeisureCo. Following completion of these assignments to Council strongly recommend its appointees to the Board to wind up NCCRA.*
- 4. That Council appointed representatives to the board be requested to consider the relevant changes to the association's constitution and report back to Council within 1 month after assignment occurring.*

Seconded by Cr Fletcher.

CARRIED

Cr Fletcher MOVED

That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the abovementioned document (or part of such document) including the minutes and the report of the Council relating to discussion of the subject matter of that document, having been dealt with on a confidential basis under Section 90 of the Act, should be kept confidential on the grounds of information contained in 90(3)(g), 90(3)(h) until the expiry of the existing management arrangements for Noarlunga Leisure Centre and the process of entering into a new management arrangement is completed.

Seconded by Cr Ferguson.

CARRIED