

11. Confidential Items

11.1 Confidential Report on Proposed Changes to the Constitution of the Noarlunga Centre Community Recreation Association

Cr Oakes MOVED

1. (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 with the exception of General Manager City Development, General Manager City Services, General Manager City Projects, Group Manager Economic Development, Chief Executive Officer, Group Manager Governance, and Minute Secretary at the meeting 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 Olbrich.

Cr Ferguson and Cr Manson declared an interest as members of the NCCRA board.

Cr Fletcher MOVED that the meeting continue until the conclusion of business.

Seconded by Cr Ferguson.

CARRIED

Cr Fletcher MOVED

2. *That Council having considered the legal advice and the offer by LeisureCo to exit from being a member of NCCRA resolves that:*
 - *The Chief Executive Officer write to the Chairman of NCCRA proposing the Board call a special general meeting of the members to amend the Constitution and Rules of the Association to in effect establish Council as the sole member.*
 - *Subject to Council being established as the sole member of NCCRA, it retain the present quorum requirements of the NCCRA Board and subject to their agreement appoint the three LeisureCo appointees as Council appointees Mr Ray Gilbert, Mr Tim Flaherty and Mr Mark Wheaton to 30 June 08 or as otherwise determined by Council for the period 30 June 2008*
 - *That Council appointees be notified in writing of their obligations to Council*
 - *The NCCRA Association be wound up following the appointment from July 1 2008 of a new recreation management services provider under a direct relationship with Council.*
3. *That Bruce Williams General Manager City Projects be appointed as a member of the NCCRA Board filling the vacancy arising from the resignation of Robert Pride.*

Seconded by Cr Manson.

CARRIED

Cr Mazzachi MOVED

4. *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) excluding resolution 3 of 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 Cr Erwin.

CARRIED
