

CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held at Alwyndor Aged Care, Dunrobin Road, Hove on Tuesday 18 April 2017 at 8.30 pm.

PRESENT

Elected Members

Councillor R Aust
Councillor S Lonie

Independent Members

Chairman – Mr D Royans

Ms J Bonnici
Ms J Cudsi (via phone)
Mr O Peters
Mr I Pratt
Ms L Wills

Staff

General Manager Alwyndor– Mr R Kluge
Personal Assistant – Ms R Gordon

1. OPENING

The Chairman declared the meeting open at 8.30pm.

2. APOLOGIES

- 2.1 For Absence - Nil
- 2.2 Leave of Absence - Mr T Bamford

3. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

4. CONFIRMATION OF MINUTES

Motion

That the minutes of the Alwyndor Management Committee held on 21 March 2017 be taken as read and confirmed.

Moved by Cr Lonie, Seconded by Mr Peters

Carried

5. REPORTS/ITEMS OF BUSINESS

5.1 General Manager's Report (Report No: 13/17)

Motion

These items are presented for the information of the Committee.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Moved Mr Peters, Seconded Ms Bonnici

Carried

5.2 Resident and Representative Survey Results (Report No: 12/17)

Motion

That the Committee notes and receives the results of the Resident and Representative Survey.

Moved Mr Peters, Seconded Cr Lonie

Carried

5.3 Finance Sub-Committee Agenda

Exclusion of the Public – Section 90(3)(b) Order

Motion

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Item 5.3 in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Item 5.3 on the following grounds:**
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Alwyndor Management Committee would prejudice the commercial position of**

Alwyndor Management Committee by disclosing the detailed financial reporting for the operations of Alwyndor.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

- 3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Cr Lonie, Seconded Mr Peters

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

That having considered Agenda Item 5.3 Finance Sub-Committee Agenda in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Cr Lonie, Seconded Mr Peters

Carried

6. CONFIDENTIAL

- 6.1 Legal Advice on Alwyndor Trust Deed (Report No: 16/17)

Recommendation – Exclusion Of The Public – Section 90(3)(h) Order

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 16/17, Legal Advice on Alwyndor Trust Deed in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 16/17, Legal Advice on Alwyndor Trust Deed on the following grounds:**
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice in that it has been provided by O’Loughlin Lawyers and Kelledy Jones Lawyers on instruction from the General**

Manager Alwyndor regarding the structure of the Trust Deed for Alwyndor Aged Care Facility.

3. **The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Mr Pratt, Seconded Ms Bonnici

Carried

Retain in Confidence - Section 91(7) Order

That having considered Agenda Item 16/17 Legal Advice on Alwyndor Trust Deed in confidence under section 90(2) and (3)(h) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Report and Minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Mr Pratt, Seconded Ms Bonnici

Carried

- 6.2 Provision of Therapy Services to Residential Care (Report No: 14/17)

Recommendation – Exclusion Of The Public – Section 90(3)(d) Order

- 1 **That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report No: 14/17, Provision of Therapy Services to Residential Care in confidence.**
2. **That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 14/17, Provision of Therapy Services to Residential Care on the following grounds:**
 - d. **commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 would, on balance, be contrary to the public interest.**
3. **The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Moved Ms Wills, Seconded Cr Lonie

Carried

Retain in Confidence - Section 91(7) Order

That having considered Agenda Item 14/17 Provision of Therapy Services to Residential Care in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Report and Minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Mr Peters, Seconded Ms Wills

Carried

7. URGENT BUSINESS – Subject to the Leave of the Meeting

7.1 WHS Management System Gap Analysis

Exclusion of the Public – Section 90(3)(b) Order

Motion

- 1 That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Item 7 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Item 7 on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Alwyndor Management Committee would prejudice the commercial position of Alwyndor Management Committee by disclosing the detailed financial reporting for the operations of Alwyndor.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr Aust, Seconded Ms Wills

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

That having considered Agenda Item 7 WHS Management System Gap Analysis verbal update in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachment and Minutes be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Cr Lonie, Seconded Ms Cudsi

Carried

8. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on Tuesday 16 May 2017 in the Meeting Room, Alwyndor Aged Care, 52 Dunrobin Road, Hove.

9. CLOSURE

The meeting closed at 9.38 pm.

CONFIRMED Tuesday 16 May 2017

CHAIRMAN