

Attachment 1

ITEM NUMBER: 13.1

CONFIDENTIAL MINUTES – ALWYNDOR MANAGEMENT COMMITTEE – 18 APRIL 2017 (Report No: 136/17)

Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- 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.

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Confidential Minutes of the Alwyndor Management Committee Meeting held in the Boardroom, Alwyndor Aged Care, 52 Dunrobin Road Hove on Tuesday 18 April 2017.

ITEMS IN CONFIDENCE

5.3 Financial Sub-Committee Agenda (Report No: 17/17)

Exclusion of the Public – Section 90(3)(b) 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 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 5.5 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

The Alwyndor Management Committee discussed the recommendations from the Financial Sub-Committee meeting held 18 April 2017.

Motion

That the Committee received and endorses the Finance Sub-Committee agenda as held on 18 April 2017.

Moved Cr Aust, Seconded Mr Pratt

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)

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

Motion

That the Alwyndor Management Committee received and notes the legal advice provided in this report.

Moved Cr Lonie, Seconded Cr Aust

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)

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

Motion

That the Alwyndor Management Committee agree to:

1. Cease the service contract between Wellness and Lifestyle and Alwyndor Aged Care with an effective date of 31 July 2017 or earlier if negotiated; and

2. Recruit or redirect current internal resources, 2 x Physio Therapists to conduct the relevant allied health services for Alwyndor Residents.

Moved Ms Bonnici, Seconded Ms Wills

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

The General Manager Alwyndor provided a verbal update on the WHS Management System Gap Analysis Report.

Motion

1. That the Alwyndor Management Committee notes the verbal report provided by the General Manager Alwyndor;
2. That the WHS Management Gap Analysis report be circulated under separate cover to the Alwyndor Management Committee; and
3. That an action plan be provided to the Alwyndor Management Committee at the next meeting.

Moved Ms Cudsi, Seconded Cr Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

Motion

That having considered Agenda Item 7 verbal update on WHS Management System Gap Analysis 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

CONFIRMED

CHAIRMAN