CONFIDENTIAL ITEMS 2003 – JULY 2026

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
223	11 October 2023	Summit Sport and Recreation Park Board – Hills Football League Licence Agreement Update	Section 90 (3) (b) Order 1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Hills Football League License Agreement Update. The Board is satisfied that 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 Board is: conducting business; or would prejudice the commercial position of the Board MOUNT BARKER DISTRICT COUNCIL SUMMIT SPORT AND RECREATION PARK BOARD MEETING HELD ON 11 OCTOBER 2023 5 DOC/23/145488 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 continued nondisclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations Section 91(7) Order 6. Pursuant to Section 90 (3) (b) That having considered Agenda Item 12.1 Hills Football League License Agreement update, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution MOUNT BARKER DISTRICT COUNCIL SUMMIT	Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution MOUNT BARKER DISTRICT COUNCIL SUMMIT SPORT AND RECREATION PARK BOARD MEETING HELD ON 11 OCTOBER 2023 6 DOC/23/145488 to the Hills Football League	The Board is satisfied that 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 Board is: conducting business; or would prejudice the commercial position of the Board MOUNT BARKER DISTRICT COUNCIL SUMMIT SPORT AND RECREATION PARK BOARD MEETING HELD ON 11 OCTOBER 2023 5 DOC/23/145488 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 continued nondisclosure of this information. The benefit to the public at large resulting from withholding the	Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution MOUNT BARKER DISTRICT COUNCIL SUMMIT SPORT AND RECREATION PARK BOARD MEETING HELD ON 11 OCTOBER 2023 6 DOC/23/145488 to the Hills Football League, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.	7 Oct 25	Within 12 months	*Report and Minutes released on the website 6 November 2026*

PART RELEASED

CONFIDENTIAL ITEMS 2003 – JULY 2026

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
			SPORT AND RECREATION PARK BOARD MEETING HELD ON 11 OCTOBER 2023 6 DOC/23/145488 to the Hills Football League, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.		information outweighs the benefit to it of disclosure of the information. The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.				

PART RELEASED

12. CONFIDENTIAL REPORTS

12.1 REPORT TITLE: HILLS FOOTBALL LEAGUE LICENCE AGREEMENT UPDATE

DATE OF MEETING: 11 OCTOBER 2023

FILE NUMBER: DOC/2023/133930

ATTACHMENTS: 1: DOC/23/60028 - LETTER FROM HILLS FOOTBALL LEAGUE DATED 9 MAY 2023
2: DOC/21/73536 - HILLS FOOTBALL LEAGUE EXECUTED LICENCE AGREEMENT
3: DOC/23/59491 - REQUEST BY MOUNT BARKER FOOTBALL CLUB TO BE TREATED AS A REGULAR USER – 9 MAY 2023
4: DOC/23/135171 - HILLS FOOTBALL LEAGUE DEBTOR BALANCE SHEET AT 8 SEPTEMBER 2023

Key Contact Alison Hancock, Executive Manager

Manager/Sponsor Andrew Stuart, Chief Executive Officer

Community Plan 2020-2035:
Community Wellbeing
CW Goal 1 Activity and Movement Physical and mental health and wellbeing is supported by opportunities to access parks and natural areas, quality open space and recreation and sporting facilities.

Annual Business Plan:
The Annual Business Plan provides for the income generated from the regular licence agreements entered into for the SSRP.

Summit Sport and Recreation Park Terms of Reference:
2.1 The Board will:

2.1.1 maximise participation of the facility and seek to minimize the cost

7.4 Management and Other Agreements

- Negotiate and execute the management agreements (i.e. lease/licence) that are in accordance with the approved SSRP Business Plan and Operations and Governance Model and approved Council Policies, with the user groups.

RELEASED CONFIDENTIAL

Purpose:
To seek a resolution of the SSRP Board to terminate the License agreement with the Hills Football League as per their request dated 9 May 2023.

Summary – Key Issues:

- The Hills Football League (HFL) compliance with their license responsibilities in relation to the outstanding payment of fees and charges has been of concern to the Board for some time.

- The SSRP Chair and Executive Manager have been in contact with the HFL over recent months to understand the current issues.

- The SSRP Chair and Executive Manager met with the President of the HFL, Ms Joanne Purdie on Friday, 10 March 2023 at which time she verbally advised that the HFL Board wished to terminate the licence agreement with Council. The Mount Barker Football Club was in attendance at that meeting.

- The Executive Manager emailed the HFL on 23 March, 3 April and 9 May 2023 to follow up on the meeting discussions.

- A letter was received on 9 May 2023 from the President of the HFL requesting termination of the licence agreement with Council (see attachment 1).

- The Chair of the SSRP Board has written to the President of the HFL outlining the Board's resolution of 9 May 2023.

- Follow up correspondence has been sent to the HFL requesting their formal written response. To date no formal response has been received.

Recommendation:

Section 90 (3) (b) Order

1. Pursuant to Section 90(3)(b)
   Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Hills Football League License Agreement Update.

   The Board is satisfied that 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 Board is:

   conducting business; or
   would prejudice the commercial position of the Board

RELEASED CONFIDENTIAL

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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.

2. That the Summit Sports and Recreation Park Board approves the termination of the Hills Football League license agreement effective immediately.

3. That the Summit Sports and Recreation Park Board authorises Council staff to take all reasonable action to recover the outstanding debts of the Hills Football League in accordance with the normal debt recovery practices of the Council.

4. That the Summit Sports and Recreation Park Board authorises the Chair of the SSRP Board to write to the Hills Football League to notify them of the resolution of the Board in this matter.

5. That the Summit Sports and Recreation Park Board notes that the Executive Manager will provide updates to the Board via email of any response or action arising from this resolution.

Section 91(7) Order

6. Pursuant to Section 90 (3) (b)
That having considered Agenda Item 12.1 Hills Football League License Agreement update, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution to the Hills Football League, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Background:

1. The Hills Football League (HFL) entered into a licence with Council dated 6 May 2021.

RELEASED CONFIDENTIAL

2. As per the agenda item earlier for this meeting, the current outstanding debt of the HFL is $65,603 with $59,058 outside terms.

3. There is currently no other formal agreement held by another party for the use of the Summit AFL oval during the winter football season.

4. The Executive Manager had previously requested the HFL determine whether it wishes to enter into a sub-licence agreement with the Mount Barker Football Club. This did not eventuate and as a consequence the MBFC has no formal agreement for use of the site.

Discussion:

5. The Hills Football League Licence has for some time been a point of concern for the Board in relation to the outstanding debt which still exists with an outstanding balance of $65,603 as at the time of writing this report (see Attachment 4).

6. The President of the HFL has on more than one occasion stated that the HFL licence for the use of the Summit Sports and Recreation Park will not be a financial burden to the HFL.

7. The HFL have previously advised that all charges for the Summit facility license fee and reimbursable items will be passed through to their regular users – Sturt Football Club and Mount Barker Football Club. The HFL have further advised that as a consequence, they will not make payment to Council unless and until those users have paid the HFL. The Mount Barker Football Club have separately advised that they are not making payment to the HFL until a formal agreement is negotiated and in place.

8. Regardless of the points above, as the Licensee to Council, the HFL remains solely responsible for the outstanding monies payable to Council. Whilst there has been follow up enquiries made with the HFL about the outstanding balance, no formal debt recovery action has commenced against the HFL.

9. If the SSRP Board terminates the HFL licence with Council, the outstanding debts owed to Council/SSRP will continue to be legally able to be recovered a debt.

10. The continuation of the duality of the current HFL licence still being active as well as the Council being the booking agency for casual hire of the SSRP facility has the potential to cause confusion with user groups who wish to access and use the SSRP facility.

11. The continuation of the HFL licence is also inhibiting the Council/SSRP from negotiating with other entities for the Licence over the Premier Oval and clubroom facility for the 2024 winter season and beyond.

CONFIDENTIAL
RELEASED

12. The termination of the HFL licence will provide clarity for all current and potential user groups and clear the path for negotiating a more effective License arrangement which meets the needs of the facility being accessible and utilised as a regional facility.

Community Engagement:

Informing only	Should the Board determine to terminate the HFL licence agreement, the Executive Manager will notify all Mount Barker council region based HFL club Presidents of the change in contact details for the booking of the Summit oval direct to Council.

Budget:
The continued non-compliance with the payment of invoiced amounts and reimbursement of charges has a detrimental effect on the approved SSRP budget.

Statutory/Legal:
There are provisions within the licence agreement for the termination of the HFL licence. The licence provides that the HFL should give 6 months' notice.

Staff Resource Requirements:
The Council's Venue Co-ordinator will continue to provide support to the SSRP Board through casual user booking arrangements at the Summit facility.

Social:
The SSRP was constructed to be a regional facility, open and accessible to all individuals and user groups. It was not envisaged that it be the home ground for one particular group but rather be shared and utilised for state, regional as well as grassroots sport and leisure/entertainment opportunities.

Asset Management:
The current AFL oval is being maintained at a high service level, which has the effect of an increased cost of maintenance. This was in reflection of the provision of a higher and better use standard than other ovals across the region that are usually depicted as 'home grounds' for grassroots and local football clubs. This higher standard has been maintained in order to attract regional, state and national games and entertainment opportunities.

Conclusion:
The Hills Football League have requested the termination of their current winter season licence agreement for the remaining term of the licence agreement.

Given the non-compliance with payment as well as the SSRP Board not receiving any response to our correspondence as at the date of writing this report, it is recommended that the SSRP Board now terminate the HFL licence with

CONFIDENTIAL RELEASED

immediate effect and pursue outstanding monies in accordance with Council's normal debt recovery processes.

Previous Decisions By/Information Reports to the Summit Sport and Recreation Park Board

Meeting Date	18 May 2023	CM Reference	DOC/23/59490
Title	HILLS FOOTBALL LEAGUE LICENCE AGREEMENT		
Purpose	To table correspondence received from the Hills Football League requesting a termination of their licence agreement.		

Meeting Date	7 JUNE 2021	CM Reference	DOC/21/73577
Title	SUMMIT SPORT AND RECREATION PARK (SSRP) BOARD – NON-EXCLUSIVE LICENCE EXECUTION		
Purpose	To inform Council the SSRP Board executed non-exclusive licence agreements with Football SA and Hills Football League on 6 May 2021 in accordance with the Licence Negotiation Strategy approved by the Board on 2 December 2020.		

Meeting Date	18 January 2021	HPRM Reference	DOC/20/187333
Title	Regional Sports Hub Stage 1 Progress Update		
Purpose	To provide a progress report on the regional sports hub stage 1 project construction and preparation for operations.		

RELEASED
CONFIDENTIAL

[redacted]

12. CONFIDENTIAL REPORTS

12.1 REPORT TITLE: HILLS FOOTBALL LEAGUE LICENCE AGREEMENT UPDATE
DATE OF MEETING: 11 OCTOBER 2023
FILE NUMBER: DOC/23/133930
ATTACHMENTS: 1: DOC/23/60028 - LETTER FROM HILLS FOOTBALL LEAGUE DATED 9 MAY 2023
2: DOC/21/73516 - HILLS FOOTBALL LEAGUE EXECUTED LICENCE AGREEMENT
3: DOC/23/59191 - REQUEST BY MOUNT BARKER FOOTBALL CLUB TO BE TREATED AS A REGULAR USER – 9 MAY 2023
4: DOC/23/135171 - HILLS FOOTBALL LEAGUE DEBTOR BALANCE SHEET AT 8 SEPTEMBER 2023

Moved Peter Scargill:

Section 90 (3) (b) Order

1. Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Board orders that all members of the public except Executive Manager and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.1 Hills Football League License Agreement Update.

The Board is satisfied that 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 Board is:

conducting business; or
would prejudice the commercial position of the Board

RELEASED
CONFIDENTIAL

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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Board is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the Board's commercial position may severely prejudice the Board's ability to be able to negotiate a cost-effective proposal for the benefit of the Board and the community in this matter and in relation to other contract negotiations.

Seconded Jane Russo CARRIED
SSRP20231011.6

Moved Paul Brown:

2. That the Summit Sports and Recreation Park Board approves the termination of the Hills Football League license agreement effective immediately.

3. That the Summit Sports and Recreation Park Board requests Council staff to take all reasonable action to recover the outstanding debts of the Hills Football League in accordance with the normal debt recovery practices of the Council.

4. That the Summit Sports and Recreation Park Board authorises the Chair of the SSRP Board to write to the Hills Football League to notify them of the resolution of the Board in this matter.

5. That the Summit Sports and Recreation Park Board notes that the Executive Manager will provide updates to the Board via email of any response or action arising from this resolution.

Seconded Jane Russo CARRIED
SSRP20231011.7

Moved: Jane Russo

Section 91(7) Order

6. Pursuant to Section 90 (3) (b)
That having considered Agenda Item 12.1 Hills Football League License Agreement update, in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Board pursuant to Section 91(7) of the Act orders that the Board report, related documents and all minutes be retained in confidence except for the provision of notification of the Board's resolution

RELEASED
CONFIDENTIAL

to the Hills Football League, and that all other information will remain confidential until licence negotiations are complete or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Peter Scargill CARRIED

SSRP20231011.8

