



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

I hereby give notice that a Confidential Special Council Meeting will be held on:

Date: Tuesday, 3 March 2020
Time: 6.15 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

Special Council Meeting
3 March 2020

A handwritten signature in black ink, appearing to read 'A Meddle', is written over a horizontal line.

Andrew Meddle
Chief Executive Officer

3 March 2020

4 NEW CONFIDENTIAL ITEMS

4.1 ITEM 1 - COMMUNITY AND RECREATION HUB - REQUEST FOR SUMMARY LISTING OF COMPANY NAMES AND TENDER PRICES – REPORT NO. AR20/14664

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/14664 Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- 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
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty
 -

The Council 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 matter to be discussed is the subject of a tender process that is still under assessment and to which stringent confidentiality provisions have been applied to ensure integrity of the procurement process thus creating a duty of confidence in related matters.

The premature disclosure of information associated with the tender could reasonably be expected to prejudice the integrity of the procurement process.

Further, the premature discussion and potential disclosure of information arising from tenderer submissions could reasonably be expected to include information of a commercial and/or confidential nature the release of which could prejudice the commercial position of the Council as the principal in the procurement process.

The public interest in the public disclosure of such information is considered to be outweighed by the public benefit of the project the subject of this matter, which project and/or project timing could be put at risk by any material factors that could undermine the integrity of the procurement process.



4.1 ITEM 1 - COMMUNITY AND RECREATION HUB - REQUEST FOR SUMMARY LISTING OF COMPANY NAMES AND TENDER PRICES – REPORT NO. AR20/14664

Committee:	Council
Meeting Date:	3 March 2020
Report No.:	AR20/14664
CM9 Reference:	AF13/64
Author:	Paul Jenner, Councillor
Authoriser:	
Summary:	Special Meeting called by 3 Elected Members.
Community Plan Reference:	Goal 1: Our People
	Goal 2: Our Location
	Goal 3: Our Diverse Economy
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
- (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
- (g) information concerning matters that must be considered in confidence in order to ensure that the Council does not: breach any law, order or direction of a court or tribunal constituted by law, breach any duty of confidence, or breach any other legal obligation or duty.

REPORT RECOMMENDATION

1. That Council Report No. AR20/14664 titled 'Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices' as presented on 03 March 2020 be noted.
2. The CEO immediately provide to Council a written summary listing the company names and their respective tender prices for the now closed tender process for the Regional Recreation and Sports Centre project.



ATTACHMENTS

Nil

CONFIDENTIAL



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/14664 Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until until the relevant tender(s) associated with the Regional Sport and Recreation Project have been considered and determined by the Council, or 2 years, whichever is the earlier.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CONFIDENTIAL SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 3 MARCH 2020 AT 6.15 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

COUNCIL OFFICERS: Chief Executive Officer - Mr A Meddle
Manager Executive Administration - Mr M McCarthy
Communications Officer - Mrs A Watson

4 NEW CONFIDENTIAL ITEMS

4.1 ITEM 1 - COMMUNITY AND RECREATION HUB - REQUEST FOR SUMMARY LISTING OF COMPANY NAMES AND TENDER PRICES – REPORT NO. AR20/14664

RESOLUTION 2020/75

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, M McCarthy and A Watson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/14664 Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- 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
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:



- breach any law, order or direction of a court or tribunal constituted by law,
- breach any duty of confidence, or
- breach any other legal obligation or duty

The Council 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 matter to be discussed is the subject of a tender process that is still under assessment and to which stringent confidentiality provisions have been applied to ensure integrity of the procurement process thus creating a duty of confidence in related matters.

The premature disclosure of information associated with the tender could reasonably be expected to prejudice the integrity of the procurement process.

Further, the premature discussion and potential disclosure of information arising from tenderer submissions could reasonably be expected to include information of a commercial and/or confidential nature the release of which could prejudice the commercial position of the Council as the principal in the procurement process.

The public interest in the public disclosure of such information is considered to be outweighed by the public benefit of the project the subject of this matter, which project and/or project timing could be put at risk by any material factors that could undermine the integrity of the procurement process.

CARRIED

MOTION

Moved: Cr Paul Jenner

1. That Council Report No. AR20/14664 titled 'Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices' as presented on 03 March 2020 be noted.
2. The CEO immediately provide to Council a written summary listing the company names and their respective tender prices for the now closed tender process for the Regional Recreation and Sports Centre project.

After taking into account the Guiding Principles the Mayor refused to accept the Motion, in accordance with R12 (6) on the basis that it should be dealt with by way of a written Notice of Motion.

RESOLUTION 2020/76

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/14664 Item 1 - Community and Recreation Hub - Request for summary listing of company names and tender prices and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not



available for public inspection until the relevant tender(s) associated with the Regional Sport and Recreation Project have been considered and determined by the Council, or 2 years, whichever is the earlier.

2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

Cr Ben Hood entered the meeting at 6.30 pm

The public interest in the disclosure of such information is considered to be outweighed by the public benefit of achieving a beneficial outcomes from the procurement processes.

CARRIED

RESOLUTION 2020/78

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.2 AR20/14687 Item 4 - Community and Recreation Hub - Request for Verbal Update - Several Matters and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (g) be kept confidential and not available for public inspection until 31 December 2021.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

