



City of
Mount Gambier

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

Date: Tuesday, 23 August 2022
Time: 5.30 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Special Council Meeting 23 August 2022

**Sarah Philpott
Chief Executive Officer
22 August 2022**

Order Of Business

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1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil



4 NEW CONFIDENTIAL ITEMS

4.1 WULANDA RECREATION AND CONVENTION CENTRE - OPERATIONAL MATTERS – REPORT NO. AR22/56796

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR22/56796 Wulanda Recreation and Convention Centre - Operational Matters.

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 information to be received for consideration with this agenda item has been provided on a confidential basis creating a duty of trust, and further, is information of a commercial nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the Council or confer advantage on a third party, and would reveal the commercial information of a third party

The public interest in the release of this information is outweighed by the objective of protecting Council from litigation for breach of confidence and obtaining best value in the negotiation and delivery of contractual services on behalf of the community.

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 AR22/56796 Wulanda Recreation and Convention Centre - Operational 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), (d) and (g) be kept confidential and not available for public inspection until the provider of the information has released Council from its duty of confidence, with the relevant fees and charges and associated resolution to be released immediately upon notification to the operator.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

4.2 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL AND FINANCIAL MATTERS – REPORT NO. AR22/56817

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 the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial Matters.

The Council is satisfied that, pursuant to section 90(3) (b) and (d) 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

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 information to be received for consideration with this item relates to commercial contracts between Council and contractors for the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council and third parties and is considered on balance to be contrary to the public interest as it could reasonably be expected to prejudice the Council's position in obtaining best value project delivery on behalf of the community.

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 AR22/56817 Wulanda Recreation and Convention Centre - Contractual and Financial 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 (d) be kept confidential and not available for public inspection until further order of Council, or determination by the Chief Executive Officer to release, in part or full, with the contract price to be released upon execution of relevant documents.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

5 MEETING CLOSE

