

AMENDED ITEM

12 August 2015
To the Ordinary Council Meeting

Procedural Item
General Manager's Unit

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2015/00040 - D11984330

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SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the "Confidential" business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

RECOMMENDATION

- 1 ***That Council consider the following matters in Confidential Session, pursuant to Sections 10 A (2)(a), 10 A (2)(d)(iii) and 10 A (2)(g) of the Local Government Act 1993:***
 - 8.1 – ***Councillor Outcomes Report***
 - 8.2 – ***464 Ruttleys Road, Manning Park – Status Update***
 - 8.3 – ***Mayoral Minute – Recruitment of General Manager Proposal***
- 2 ***That Council note its reason for considering Report No 8.1 – Councillor Outcomes Report, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3 ***That Council note its reason for considering Report No 8.2 – 464 Ruttleys Road, Manning Park – Status Update, as it contains information on advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.***
- 4 ***That Council note its reason for considering Report No 8.3 – Mayoral Minute – Recruitment of General Manager Proposal, as it contains information on personnel matters concerning particular individuals (other than Councillors).***
- 5 ***That Council request the General Manager to report on this matter in open session of Council.***

1.5 Notice of Intention to Deal with Matters in Confidential Session (contd)

Note: Explanation - Section 10A of the Local Government Act 1993 states:

- “2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the Council, or*
 - (iii) reveal a trade secret,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) alleged contraventions of any code of conduct requirements applicable under section 440.”*

ATTACHMENTS

Nil