

AMENDED ITEM
(as at 3.46pm 28/11/2012)

28 November 2012
To the Ordinary Council Meeting

Procedural Item
Corporate Services Department

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2004/11710 - D03195795

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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 10A(2)(a) and (c) of the Local Government Act 1993:***
 - 5.1 ***2012-16 Strategic Plan – September Quarter Review Q1 – only that part arising from the Legal matters on page 26***
 - 9.1 ***Mayoral Minute – General Manager’s Mid Year Performance Review 2012-13***
 - 9.2 ***Facility Agreement – Borrowings for LIRS projects***
- 2 ***That Council note its reasons for considering part of Report 5.1 2012-16 Strategic Plan – September Quarter Review Q1, is that it contains advice concerning litigation or would be otherwise privileged; Report No 9.1 – Mayoral Minute – General Manager’s Mid Year Performance Review 2012-13, is that discussion is anticipated which concerns the rights of individuals; and 9.2 – Facility Agreement – Borrowings for LIRS projects, as it contains information that, if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business with.***
- 3 ***That Council request the General Manager to report on this matter in open session of Council.***

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,

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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.”*