NOTICE OF SPECIAL COUNCIL MEETING
Notice is hereby given that a Special Meeting of Council will be held on Wednesday 6 June 2018, in the Council Chambers, 43 – 51 Tanunda Road, Nuriootpa, commencing at 5.00pm

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL
   1.1 Welcome Mayor Sloane - meeting declared open
   1.2 Present
   1.3 Leave of Absence
      Cr Margaret Harris
      Cr John Angas
      Cr Leonie Boothby
   1.4 Apologies for Absence

2. VISITORS TO THE MEETING

3. DEBATE AGENDA
   Nil

4. ADJOURNMENT OF SPECIAL COUNCIL MEETING

5. CONFIDENTIAL AGENDA
5.1 WORKS AND ENGINEERING SERVICES

5.1.1 Barossa Regional Procurement Group – Provision for the Supply and Delivery – Bulk Fuel

5.1.2 Barossa Regional Procurement Group – Provision of Fuel Fleet Cards 2018

6. NEXT MEETING

6.1 Tuesday 19 June 2018

7. CLOSURE
5.1 WORKS AND ENGINEERING SERVICES - CONFIDENTIAL

5.1.1 BAROSSA REGIONAL PROCUREMENT GROUP – PROVISION FOR THE SUPPLY AND DELIVERY OF BULK FUEL
B6453 18/33278

The matter of the agenda item being a tender to carry out works pursuant to Section 90(3)(k) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure that commercial in confidence information is not divulged and Council does not disclose information which may prejudice the outcome of the tender or future tenders.

There is strong public interest in enabling members of the public to observe Council’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contract to the public interest are that:-

- The disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Council report, attachments, and associated document; and
- The disclosure would give an unfair advantage to a person with whom Council proposes to do business.
On balance, the above reasons which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision making.

RECOMMENDATION
That Council:

(1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Community Projects, Director Development and Environmental Services, Director Works and Engineering Services, Acting Director Corporate and Community Services and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 relating to the receiving, reviewing and assessing of tenders for the supply and delivery of bulk fuel being information that must be considered in confidence in order to ensure that Council does not disclose information relating to tenders for the supply of goods, the provision of services or the carrying out of works; and

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the unreasonable exposure of commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated documents and to prevent an unfair advantage to a person with whom Council proposes to do business.
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(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the unreasonable exposure of commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated documents and to prevent an unfair advantage to a person with whom Council proposes to do business.