

COVER SHEET

CONFIDENTIAL REPORT

16 March 2021

Council Meeting

8.3 CORPORATE AND COMMUNITY SERVICES

8.3.1 TENDERS – ANGAS RECREATION PARK - MULTI USE CHANGEROOM AND CLUBROOM EXTENSIONS AND UPGRADES – CONSTRUCTION – T0153-2021 and JUNIOR OVAL CONSTRUCTION – T0152-2021

The matter of the agenda item being tenders for the provision of services 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 tenders 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 for the Tenders - Angas Recreation Park Multi Use Changeroom and Clubroom Extensions and Upgrades – Construction – T0153-2021 and Angas Recreation Park Junior Oval Construction – T0152-2021 and the Council report, attachments, and associated documents; 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 Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering 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 the Tenders Angas Recreation Park Multi Use Changeroom and Clubroom Extensions and Upgrades – Construction – T0153-2021 and Angas Recreation Park Junior Oval Construction – T0152-2021, 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.

CONFIDENTIAL