



The Barossa Council

NOTICE OF SPECIAL COUNCIL MEETING

**Notice is hereby given that a Special Meeting of Council
will be held on Wednesday 6 October 2021
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 6.15pm.**

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

- 1.1 Welcome
By Mayor Lange – meeting declared open
- 1.2 Members Present
- 1.3 Leave of Absence
Nil
- 1.4 Apologies for Absence
Nil

2. CONFIDENTIAL AGENDA

2.1 OFFICE OF THE MAYOR AND CEO

- 2.1.1 Legal Claim.....4

2.2 THE BIG PROJECT

- 2.2.1 2022 - 2023 SANFL SOUTH AUSTRALIA COUNTRY FOOTBALL
CHAMPIONSHIPS 6

3. NEXT MEETING

Tuesday 19 October 2021 at 9.00am

4. CLOSURE

Reference: TRIM

28 September 2021

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Dear Martin

Re: Calling of a Special Meeting of Council

Pursuant to Section 82 of the Local Government Act I hereby request that a special meeting of Council be called for 6:15pm, Wednesday, 6 October 2021.

I request that the agenda shall consist of the following item:

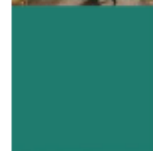
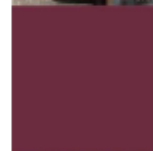
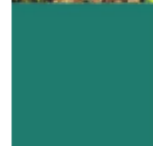
1. Confidential Matter – Legal Claim – Follow-up from July 2021 Council Report; and
2. Confidential Matter – Application for Hosting of SANFL Country Championships 2023.

Please prepare the necessary agenda and distribute.

Yours sincerely



Bim Lange OAM
Mayor



premium wine food tourism heritage lifestyle community

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COVER SHEET

CONFIDENTIAL REPORT

6 October 2021

Council Meeting

2.1 OFFICE OF THE MAYOR AND CEO CONFIDENTIAL REPORT

2.1.1 LEGAL CLAIM

The matter of the agenda item being legal advice; pursuant to Section 90(3)(h) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

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 public 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 contrary to the public interest are that the report contains legal advice that relates to litigation that Council believes on reasonable grounds will take place.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs 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*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director 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 2.1.1 Legal Claim being information that must be considered in confidence pursuant to:

Section 90(3)(h) of the *Local Government Act 1999*:

legal advice; 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 in order that the report contains legal advice that relates to litigation that Council believes on reasonable grounds will take place.

COVER SHEET

CONFIDENTIAL REPORT

6 October 2021

Council Meeting

2.2 THE BIG PROJECT CONFIDENTIAL REPORT

2.2.1 2022 - 2023 SANFL SOUTH AUSTRALIA COUNTRY FOOTBALL CHAMPIONSHIPS

The matter of the agenda item being commercial information of a confidential nature (not being a trade secret) the disclosure of which-

(i) 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; and

(ii) would, on balance, be contrary to the public interest; pursuant to Section 90(3)(d) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

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 public 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 reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council as commercial in confidence through a tender process. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2022 and 2023 SANFL South Australia Country Football Championships..

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs 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*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Directory of 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 2.2.1 2022 - 2023 SANFL South Australia Country Football Championships being information that must be considered in confidence pursuant to:

Section 90(3)(d) of the *Local Government Act 1999*:

commercial information of a confidential nature (not being a trade secret) the disclosure of which-

(i) 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; and

(ii) would, on balance, be contrary to the public interest; 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 in order that In this matter the reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council as commercial in confidence through a tender process. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2022 and 2023 SANFL South Australia Country Football Championships.