



The Barossa Council

MINUTES OF THE MEETING OF SPECIAL COUNCIL MEETING

held on Wednesday 6 October 2021 commencing at 6.15pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

1. THE BAROSSA COUNCIL

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 6.15pm

1.2 MEMBERS PRESENT

Mayor Bim Lange, Deputy Mayor Russell Johnstone, Crs John Angas, Don Barrett, Leonie Boothby, David de Vries, David Haebich, Tony Hurn, Richard Miller, Kathryn Schilling and Carla Wiese-Smith (via Teams)

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Cr Cathy Troup

MOVED Cr Miller

That the Council receive and accept Cr Troup's apology.

SECONDED Cr de Vries

CARRIED 2018-22/562

2. CONFIDENTIAL AGENDA

2.1 OFFICE OF THE MAYOR AND CEO

2.1.1

LEGAL CLAIM

21/73561

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.

MOVED Deputy Mayor Johnstone

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 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.

SECONDED Cr de Vries

CARRIED 2018-22/563

The meeting moved into confidence at 6.16pm

Resumption of open council meeting at 6.17pm

2.2 THE BIG PROJECT

2.2.1

2022 - 2023 SANFL SOUTH AUSTRALIA COUNTRY FOOTBALL CHAMPIONSHIPS 21/74787

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.

MOVED Cr Hurn

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 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..

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/564

The meeting moved into confidence at 6.17pm

Resumption of open council meeting at 6.18pm

3. NEXT MEETING

Tuesday 19 October 2021 at 9.00am

4. CLOSURE

Mayor Lange declared the meeting closed at 6.19pm

Confirmed at Council Meeting on 19 October 2021

Date:.....

Mayor:.....