

Confidential Items Register – 30 July 2021

Meeting Date	Agenda Item No. and Minute Book Page	Title of Report	Reason for Confidentiality	Comment to support recommendation	Report (including Attached Supporting Documents) and/or Minutes	Recommendation	Power to revoke delegated to the CEO?	Review Date
30/11/2015	4.1.1 2015/24-25	Corporate and Community Services, The Rex, Barossa Aquatic Fitness Centre – Select Tender for Evaporative Cooling Equipment / Installation Services – Multi Purpose Sports Stadia B3754	Section 90(3)(k) of the Local Government Act 1999 regarding the receiving, reviewing and assessing of tenders for the supply of goods, the provision of services or the carrying out of works, which is specifically commercial information provided in confidence, all tender documentation present be considered in confidence to protect commercial information provided through the tender process.	Tender submissions and associated analysis on balance to protect commercial in confidence information provided through the tender process and the report, attachments and associated documents are provided so as not to divulge commercial information and Council does not disclose information which may prejudice the outcome of the tender or future tenders. and therefore pursuant to Section 90(3)(k) of the Local Government Act 1999.	Report Minutes	Retain Released	Y	30/09/2021
15/11/2016	8.2.1 Works and Engineering 2016/51-52 CO2014/18-36	Tender Footpath Upgrade 2016-2017 – Tender No T)10-2016	Section 90(3)(k) of the Local Government Act 1999 regarding the receiving, reviewing and assessing of tenders for the supply of goods, the provision of services or the carrying out of works, which is specifically commercial information provided in confidence, all tender documentation present be considered in confidence to protect commercial information provided through the tender process.	Tender submissions and associated analysis on balance to protect commercial in confidence information provided through the tender process and the report, attachments and associated documents are provided so as not to divulge commercial information and Council does not disclose information which may prejudice the outcome of the tender or future tenders. And therefore pursuant to Section 90(3)(k) of the Local Government Act 1999.	Report Attachments Minutes	Retain Retain Released	Y	30/09/2021

Confidential Items Register – 30 July 2021

20/12/2016	8.1.1 2016-55-56 CO2014/1 8-38-40	Chief Executive Officer Australia Day Awards 2017- Citizen of the Year and Meritorious Service Awards	Section 90(3)(a) of the Local Government Act 1999 being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials.	The matter and supporting documents of the agenda item on balance may disclose unreasonable personal information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials and therefore pursuant to Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021
20/12/2016	8.1.2 2016-57-58 CO2014/1 8-41	Chief Executive Officer Australia Day Awards 2017- Young Citizen of the Year and Youth Service Awards	Section 90(3)(a) of the Local Government Act 1999 being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials.	The matter and supporting documents of the agenda item on balance may disclose unreasonable personal information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials and therefore pursuant to Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021

Confidential Items Register – 30 July 2021

20/12/2016	8.1.3 2016/59-60 CO2014/1 8-42	Chief Executive Officer Australia Day Awards – Community Event of the Year	Section 90(3)(a) of the Local Government Act 1999 being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials.	The matter and supporting documents of the agenda item on balance may disclose unreasonable personal information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials and therefore pursuant to Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021
20/12/2016	8.1.4 2016-59-60 CO2014/1 8-43	Chief Executive Officer Australia Day Awards 2017 – Community Project of the Year	Section 90(3)(a) of the Local Government Act 1999 being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials.	The matter and supporting documents of the agenda item on balance may disclose unreasonable personal information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials and therefore pursuant to Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021

Confidential Items Register – 30 July 2021

20/12/2016	8.3.1 2016-65-66 CO2014/1 8-45	Group Manager Community Services Public Lighting Services Business Case – Confidential Summary	Section 90(3)(d) of the Local Government Act 1999, 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;	The matter of the agenda item being a Business Case presented by the Local Government Association (LGA), with the support of the Metropolitan Local Government Group (MLGG) including options for an alternative public lighting service for the local government sector, delivering greater efficiencies for councils and communities. Pursuant to Section 90(3) (d) of the Local Government Act 1999. Information that must be considered in confidence in order to ensure that the Council does not disclose information that would prejudice the potential future model for local government public lighting services in South Australia.	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021
21/11/2017	8.1.1 2017/40-41 CO2014/1 8-67	Public Lighting Tariff Dispute	Section 90(3)(i) of the Local Government Act 1999 being information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.	The matter of the agenda item has been requested by the Local Government Association of SA to be kept confidential until the finalisation of the public lighting tariff dispute pursuant to Sections 90(3)(h) and (i) of the Local Government Act 1999 being legal advice and information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council and that there would be prejudice to the fair treatment	Report Attachment Minutes	Retain Retain Retain	Y	30/09/2021

Confidential Items Register – 30 July 2021

				of a public report by an early disclosure.				
21/11/2017	8.2.1 2017/42-43 CO2014/1 8-68	Tender Barossa Regional Procurement Group – Waste Management Services	Section 90(3)(k) of the Local Government Act 1999 regarding the receiving, reviewing and assessing of tenders for the supply of goods, the provision of services or the carrying out of works, which is specifically commercial information provided in confidence, all tender documentation present be considered in confidence to protect commercial information provided through the tender process.	Tender submissions and associated analysis on balance to protect commercial in confidence information provided through the tender process and the report, attachments and associated documents are provided so as not to divulge commercial information and Council does not disclose information which may prejudice the outcome of the tender or future tenders. and therefore pursuant to Section 90(3)(k) of the Local Government Act 1999.	Report Attachment Minutes	Retain Retain Released	Y	30/09/2021
18/09/2018	8.1.1 2018/29-30 CO2014/1 8-85	Royalty Payments for EML 6230 (Springton Quarry)	Section 90(3)(h) and 90(3)(i) of the Local Government Act 1999 being information that must be considered in confidence as it pertains to legal advice and information relating to actual litigation, or litigation that Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of Council.	The matter of the agenda item being negotiations with the Crown regarding royalty payments for Extractive Minerals Lease (EML) 6230 and the receipt of relevant legal advice triggers various confidential interests pursuant to Section 90(3)(h) and 90(3)(i) of the Local Government Act 1999 being; 1. the receiving of Legal advice from Councils solicitor in this matter Whatson Legal that must be considered in confidence. 2. information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or	Report Attachment Minutes	Retain Retain Retain	Y	3/09/2021

Confidential Items Register – 30 July 2021

				an employee of Council due to the possibility that negotiations with the Crown may fail which may result in the Crown seeking to take action against Council.				
6/11/2019	3.1.1 2019/23 CO2018/2 2-16	Tender – Angaston Railway Precinct, Playground, Open Space and Associated Civil Works – T111-2019	Section 90(3)(k) of the Local Government Act 1999 regarding the receiving, reviewing and assessing of tenders for the supply of goods, the provision of services or the carrying out of works, which is specifically commercial information provided in confidence, all tender documentation present be considered in confidence to protect commercial information provided through the tender process.	Tender submissions and associated analysis on balance to protect commercial in confidence information provided through the tender process and the report, attachments and associated documents are provided so as not to divulge commercial information and Council does not disclose information which may prejudice the outcome of the tender or future tenders. and therefore pursuant to Section 90(3)(k) of the Local Government Act 1999.	Report Attachment Minutes	Retain Retain Retain	Y	20/10/2021
2/09/2020	3.1 2020/11 CO2018- 22/27	Taxation Ruling 2009/2 Superannuation of Leave Loading	Section 90(3)(h) ad (i) of the Local Government Act 1999 being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to legal advice and Information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of council; to keep the information and discussion confidential to that the disclosure of certain	The matter of the agenda item being Legal Advice pursuant to Section 90(3)(h) being information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of council pursuant to Section 90(3)(i) of the Local Government Act: being information that must be considered in confidence in order to ensure that Council does not disclose information which may prejudice the outcome of the assessment of	Report Attachment Minutes	Retain Retain Retain	Y	1/09/2021

Confidential Items Register – 30 July 2021

			information would prevent the efficient and effective governance of the Council or committee and legal position of the Council.	the taxation ruling and its application. 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 disclosure of certain information would prevent the efficient and effective governance of the Council or committee and legal position of the Council.				
15/09/2020	8.1.1 2020/21 CO 2018- 22/29	Truck Access – Murray Street Tanunda	Section 90(3)(d)(i)(ii) of the Local Government Act 1999 being commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could be 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 as Council has been provided with information that is commercially sensitive and the disclosure would disadvantage	The matter of the agenda item being Truck Access – Murray Street - Tanunda pursuant to Section 90(3)(d)(i) and (ii) of the Local Government Act 1999 being commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could be 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. 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 Council has been provided with information that is commercially sensitive and the	Report Attachment Minutes	Retain Retain Released	Y	14/09/2021

Confidential Items Register – 30 July 2021

			the business who provided the information.	disclosure would disadvantage the business who provided the information in that it contains sensitive information on freight routes and volumes.				
30/09/2020	3.1.1 2020/23-24	SANFL South Australian Country Football Championships	Section 90(3) (d) of the Local Government Act 1999 being information that must be considered in confidence in order to ensure that Council does not disclose 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.	The matter of the agenda item being a Report regarding Council's potential Expression of Interest to host an event or events in the 2021 SANFL South Australia Country Football Championships and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 being that the information has been provided to Council as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2021 SANFL South Australia Country Football Championships.	Report Attachment Minutes	Retain Retain Retain	N/A	29/09/2021
20/10/2020	8.1.1 2020/25-26 CO2018- 22/31	SANTOS TOUR DOWN UNDER 2021	Section 90(3) (d) of the Local Government Act 1999 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.	The matter of the agenda item being a Report regarding Council's potential Expression of Interest to host an event or events in the 2021 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 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. The matter has been requested to be kept	Report Attachment Minutes	Retain Retain Retain	N/A	20/10/2021

Confidential Items Register – 30 July 2021

				confidential until such dates any embargo on the announcement regarding venues for the 2021 Santos Tour Down Under is lifted by Events South Australia.				
20/10/2020	8.1.2 2020/27-28 CO2018- 22/32	TENDER - CARAVAN PARK MANAGEMENT SERVICES – T126- 2020	Section 90(3)(k) of the Local Government Act 1999 regarding the receiving, reviewing and assessing of tenders for the supply of goods, the provision of services or the carrying out of works, which is specifically commercial information provided in confidence, all tender documentation present be considered in confidence to protect commercial information provided through the tender process.	Tender submissions and associated analysis on balance to protect commercial in confidence information provided through the tender process and the report, attachments and associated documents are provided so as not to divulge commercial information and Council does not disclose information which may prejudice the outcome of the tender or future tenders. And therefore pursuant to Section 90(3)(k) of the Local Government Act 1999.	Report Attachment Minutes	Retain Retain Retain	Y	20/10/2021