

**Date:** 30 September 2016

**Location:** City of Victor Harbor – Encounter Room, Civic Centre, 1 Bay Road, Victor Harbor

Meeting opened at 1:05pm

## 1. ATTENDANCE

### Present:

David Cooke (Chairperson)  
John Coombe OAM  
Alison Kimber  
Councillor Pat Chigwidden  
Councillor Madeleine Walker  
Mayor Graham Philp (Deputy Elected Member Representative)  
Councillor Grant Gartrell (Deputy Elected Member Representative)

### In attendance:

Kate Jessep (Director, Corporate & Community Services, City of Victor Harbor)  
Leonie Boothby, Executive Officer

## 2. APOLOGIES

Victoria MacKirdy (General Manager – Organisation & Culture Alexandrina Council)

## 3. CONFIDENTIAL REPORTS

### 3.1 Facility Management & Operation Request for Tender

**Moved:** Mr John Coombe

**Seconded:** Cr Pat Chigwidden

FRACA000027 That the Authority:

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 Executive Officer, Leonie Boothby; and Director, Corporate & Community Services City of Victor Harbor, Kate Jessep; 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 Facility Management and Operation of the Fleurieu Aquatic Centre, being information that must be considered in confidence in order to ensure that the Authority does not disclose information relating to tenders for the supply of goods, the provision of services or the carrying out of works; and

Accordingly, on this basis, the Authority 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 Authority report, attachments and associated documents and to prevent an unfair advantage to a person with whom the Authority proposes to do business.

**Substantiation:**

The matter of the agenda item being a tender to provide Facility Management and Operation 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 the Authority does not disclose information which may prejudice the outcome of the tender or future contracts.

There is strong public interest in enabling members of the public to observe the Authority’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 meeting of the Authority is one means of satisfying this interest. The public will only be excluded from a meeting of the Authority 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 disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Authority report, attachments and associated documents; and
- the disclosure would give an unfair advantage to a person with whom the Authority 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.

**CARRIED**

**Moved:** Cr Pat Chigwidden

**Seconded:** Ms Alison Kimber

FRACA000029 Having considered this matter in confidence under Section 90(3)(k) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the report, attachments and associated documents in relation to Confidential Item 3.1 of the Authority Meeting held 30 September 2016 and titled Facility Management and Operation Tender and awarding of Management Agreement - Report, be kept confidential and not available for public inspection, until the end of the Management Agreement and that the Executive Officer be delegated the power to review and revoke this order.

And

Makes an order that the minutes relating to the above confidentiality order and other information required to be released in accordance with the requirements of Section 91(8)(b) and (ba) of the Local Government Act 1999, be kept confidential until the Management Agreement is executed by both parties.

**4. NEXT MEETING**

Ordinary meeting: 21 October 2016 – Council Office – 11 Cadell St Goolwa

**5. CLOSURE**

Meeting closed 2:00pm.