

## **10.1 Registration of interest – review of confidentiality order**

*This report seeks to review the confidentiality order in relation to our registration of interest to participate in the Local Government Association's pilot photovoltaic bulk purchasing program.*

*This is an update on a previously reported project, concept of issue.*

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File Reference:  
Attachments: Nil

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### **1 Executive summary**

#### **1.1 Topic**

This report seeks to review the confidentiality order in relation to our registration of interest to participate in the Local Government Association's (LGA) pilot photovoltaic bulk purchasing program.

#### **1.2 Context**

At its meeting on 2 February 2010 Council resolved to submit an expression of interest to participate in a pilot bulk purchasing program for the installation of photovoltaic (PV) panels being negotiated by the Local Government Association (LGA).

At the request of the LGA, this item was considered in confidence due to the status of their negotiations with ZEN.

Council resolved under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the minutes and the report be kept confidential on the grounds of information contained in 90(3)(d) until 30 June 2010.

The LGA has confirmed they are seeking to publicly announce the pilot photovoltaic bulk purchasing program in early March 2010. The LGA has further advised that it wishes to announce those councils who have registered an interest in the program at that time. This report seeks to vary the above confidentiality order to allow this to occur.

Legal advice has been obtained from Norman Waterhouse on this matter. We have been advised a report to Council is the appropriate mechanism to vary the confidentiality order in this instance.

### **1.3 Suggested outcome**

It is suggested that Council consider this item in Confidence. Section 90(3)(d) of the Local Government Act 1999 is suggested as the most appropriate to use for this purpose.

That Council resolve to vary the confidentiality order related to this matter and that a rescission motion is not required.

## **2 Recommendation(s).**

### **1. That:**

- a. under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from attendance at the meeting in order to consider in confidence this item.**
- b. the Council is satisfied that it is necessary that the public be excluded to enable the Council to consider the report at the meeting on the following grounds:**

**Section 90(3)(d) 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;**
  - c. accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or discussion confidential.**
- 2. That the confidentiality order (resolution 11.1.4) made at the 2 February 2010 meeting be varied to apply until 30 June 2010 or until the relevant project is announced publicly by the Local Government Association, whichever is sooner.**
  - 3. That an order be made under the provisions of Section 91(7) and (9) of the Local Government Act 1999 that the report to Council titled 'Registration of Interest' dated 16 February 2010 and any associated minutes and other documents, having been dealt with on a confidential basis under Section 90(3)(d) of the Act, be kept confidential until 30 June 2010 or until the relevant project is announced publicly by the Local Government Association, whichever is sooner.**

