

12 Confidential items

12.1 Australian Competition and Consumer Commission Authorisations

MOVED Mayor Rosenberg.

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 this item in confidence.*
- b. the Audit, Risk, Value and Efficiency Committee is satisfied that it is necessary that the public be excluded to enable the Audit, Risk, Value and Efficiency Committee 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; and
Section 90(3)(h) legal advice.*
- c. accordingly, on this basis the principle that meetings of the Audit, Risk, Value and Efficiency Committee should be conducted in a place open to the public has been outweighed by the need to keep the information and/or discussion confidential.*

Seconded by Cr Kilby.

CARRIED

MOVED Cr Kilby.

- 2. That the Audit, Risk, Value & Efficiency Committee note the confidential report presented to Council on 5 May 2015 at Item 15.1 regarding Australian Competition and Consumer Commission Authorisations of Council Solutions.*

Seconded by Mayor Rosenberg.

CARRIED

MOVED Mayor Rosenberg.

- 3. That the matter of Australian Competition and Consumer Commission Authorisations having been considered by the Audit, Risk, Value and Efficiency Committee in confidence under sections 90(2), 90(3)(d) and 90(3)(h) of the Local Government Act 1999 that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the Australian Competition and Consumer Commission Authorisations and the minutes and the report of the Audit, Risk, Value and Efficiency Committee relating to discussion of the subject matter be kept confidential until the matter is resolved in regards to Australian Competition and Consumer Commission Authorisation to each council's satisfaction. Attachment 1 to the agenda report is to remain in confidence until there is no legal or commercial need for confidentiality, subject to the annual review by the Chief Executive Officer.*
- 4. That, pursuant to section 91(9)(a) of the Local Government Act 1999, Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or their sub-delegate.*
- 5. That, pursuant to section 91(9)(c) of the Local Government Act 1999, Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or their sub-delegate.*

Seconded by Cr Kilby.

CARRIED

RELEASED 15/7/20