



## 12 Reports

### 12.8 Confidential Items Report

#### Recommendation continued

Pursuant to Section 90 [ 2 ] of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.8 relating to Confidential Items Report

The Council is satisfied that pursuant to section 90 [ 3 ] [ g ] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty

The Council is satisfied that pursuant to section 90 [ 3 ] [ h ] of the Act, the information to be received, discussed or considered in relation to the agenda item is legal advice

The Council is satisfied that pursuant to section 90 [ 3 ] [ k ] of the Act, the information to be received, discussed or considered in relation to the agenda item is tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because of information that has been provided previously to the Council under Section 90 of the Local Government Act and retained under Section 91 of the Local Government Act.

#### Recommendation

having considered agenda Item 12.8 in confidence under section 90 [ 2 ] and [ 3 ] [ a ], [ b ], [ d ], [ g ], [ h ] and [ k ] of the Local Government Act 1999, the Council pursuant to section 91 [ 7 ] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2018, as to if this order is to continue in operation

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## 12 Reports

### 12.6 Correspondence Report dated January 2017

#### 12.6.1 Correspondence from DM Przibilla

Cr Kevin O'Driscoll moved Cr Allan Dunsford seconded that the Works Manager investigate the rehabilitation process of DM Przibilla's Rubble pit to ensure Council have successfully completed their obligations

**Carried 14 / 0117**

**12.14 pm** The Works Manager attended the meeting at the Council's request and answered all questions satisfactorily

### 12.7 Gift Report

Nil

### 12.8 Confidential Items Report

Cr Kevin O'Driscoll moved Cr Brian Toogood seconded that the Confidential Items Report dated January 2016 be received

**Carried 15 / 0117**

Cr Allan Dunsford moved Cr Kevin O'Driscoll seconded that pursuant to Section 90 [ 2 ] of the Local Government Act 1999 the Council orders that all persons, except the Chief Executive Officer and the Minute Secretary be excluded from attendance at the meeting for Agenda Item 12.8 relating to Confidential Items Report

The Council is satisfied that pursuant to section 90 [ 3 ] [ a ] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

The Council is satisfied that pursuant to section 90 [ 3 ] [ b ] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would on balance be contrary to the public interest

## 12 Reports

### 12.8 Confidential Items Report

#### Decision continued

The Council is satisfied that pursuant to section 90 [ 3 ] [ d ] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which 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 would, on balance, be contrary to the public interest;.

The Council is satisfied that pursuant to section 90 [ 3 ] [ g ] of the Act, the information to be received, discussed or considered in relation to the agenda item is information the disclosure of which matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty

The Council is satisfied that pursuant to section 90 [ 3 ] [ h ] of the Act, the information to be received, discussed or considered in relation to the agenda item is legal advice

The Council is satisfied that pursuant to section 90 [ 3 ] [ k ] of the Act, the information to be received, discussed or considered in relation to the agenda item is tenders for the supply of goods, the provision of services or the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because of information that has been provided previously to the Council under Section 90 of the Local Government Act and retained under Section 91 of the Local Government Act at 12:19 pm

**Carried 16 / 0117**

Cr Neville Pfeiffer moved Cr Dunsford seconded that having considered agenda Item 12.8 in confidence under section 90 [ 2 ] and [ 3 ] [ a ], [ b ], [ d ], [ g ], [ h ] and [ k ] of the Local Government Act 1999, the Council pursuant to section 91 [ 7 ] of the Act orders that the item and the minutes, reports and all other records, relating to the matter be retained in confidence. This order is to be reviewed at or before the Ordinary Council Meeting to be held in January 2018, as to if this order is to continue in operation at 12:27 pm

**Carried 17 / 0117**