

RURAL CITY OF MURRAY BRIDGE
CONFIDENTIAL ITEMS REGISTER – RELEASED
Pursuant to Section 90 and 91(7) of the Local Government Act 1999
REVIEW OF CONFIDENTIAL ITEMS RELEASED – 12 August 2019

Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
2018/2019							
9/7/18S	S128.3	CEO KPIS 2018-2019	To seek the endorsement of Council of the Chief Executive Officer's Key Performance Indicators for 2018-2019 that will be the basis for review of the CEO's performance.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item S128.3 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	released from confidence consequent on Council's endorsement		Released at meeting 9/7/18

2017/2018							
9/10/17	179.5	Council Performance Assessment Evaluation Part c	To provide the results of the Council Performance Assessment Survey Part C – 2017.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 179.5 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person	decision be released and the report and Attachment - Council Performance Assessment Part C be retained in confidence until October 2019 and that this	CEO REVIEW – 13 August 2018 Item 151.2 no change	Decision released 9/10/17

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				(living or dead).	order be reviewed every 12 months in duration or such lesser period as may be determined by the Chief Executive Officer.		
10/7/17	123.3	CEO – Key Performance Indicators 2017-2018	To seek the endorsement of Council of the Chief Executive Officer' Key Performance Indicators for 2017-2018 that will be the basis for review of the CEO's performance.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 123.3 is: (i) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the Chief Executive Officer.	released from confidence		10/7/17

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10/4/17	76.2	Good Governance Performance Evaluation	To seek Council's endorsement of the Performance Assessment Action Plan and Statement of Behaviour for Elected Members.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 76.2 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	Released at meeting		10/4/17

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Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
2016/2017							
8/8/16	165.1	<i>Confidential NOM – Cr Wilson – Sponsorship Agreement</i>	For Council to consider the staging of events at Sturt Reserve	Section 90(3) (d)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 165.1 is: (i) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest	Retained in confidence until all documentation relating to the matter is finalised for a period of 7 years (2023) and that this order be reviewed every 12 months in duration or such lesser period as may be determined by the Chief Executive Officer.	Released by CEO under delegated authority CEO REVIEW – 12 Sept 2016 – 165.1 Retain documentation not completed – no change	14/12/16
8/8/16	165.3	<i>CEO –KPIs 2016/2017</i>	To seek the endorsement of Council of the Chief Executive Officer' Key Performance Indicators for 2016-2017 that will be the basis for review of the CEO's performance.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 165.3 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the Chief Executive Office	<i>All documents and/or minutes related to the CEO Employment contract in agenda item 165.3 be released from confidence consequent on Council's endorsement.</i>		8/8/16

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2015/2016

14/9/15	225.5	Lerwin Strategic Direction	To provide Council with a summary of the ownership and operations options that were presented at a workshop with Elected Members on 7 September 2015 and to provide an outline of the next steps to provide a governance and operational focus for the next three year period and beyond.	Section 90(3) (b)(i), (b)(ii), (d)(i) and (d)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 225.5 is: (i) 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 (ii) information the disclosure of which would, on balance, be	Report be released from confidence on Tuesday 15 September 2015.		15/9/15
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				<p>contrary to the public interest; and</p> <p>(iii) commercial information of a confidential nature (not being a trade secret) 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</p> <p>(iv) commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest.</p>			
27/1/16	19.2	Sponsorship Agreement	For Council to consider its position regarding the existing Sponsorship Agreement	<p>Section 90(3) (b)(i) and (b)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item is:</p> <p>(i) 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;</p>	All documents and/or minutes related to agenda item 19.2 be retained in confidence until all documentation relating to the matter be retained for a period of 7 years (2023) and that this order be reviewed every 12	Released by CEO under delegation CEO REVIEW – 12 Sept 2016 – 19.2 Retain documentation – no change	14/12/16

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				and (ii) information the disclosure of which would, on balance, be contrary to the public interest. The Sponsorship Agreement between Rural City of Murray Bridge and the Promoter is a commercial arrangement the terms of which should remain confidential.	months in duration or such lesser period as may be determined by the Chief Executive Officer.		
8/2/16	38.2	<i>Regulated and Significant trees in the Rural City of Murray Bridge</i>	To provide Council with further advice regarding the financial and resource implications of establishing a Regulated and Significant Tree Register.	Section 90(3) (m) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item is: (m) Information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act.	retained for 3 Years (2019) and that this order be reviewed every 12 months in duration or such lesser period as may be determined by the Chief Executive Officer.	CEO REVIEW – 10 July 2017 – 137.2 Retain documentation not completed – no change CEO REVIEW – 12 Sept 2016 – 38.2 Retain documentation – no change	Decision released 13/8/18

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2014/2015

28/7/14 special	83.1	CEO Performance Review – June 2014	To receive the outcome of the CEO Performance Review - June 2014	<p>Section 90(2) of the Local Government Act 1999 the Council orders that all persons, except (Peter Bond, Chief Executive Officer; and Ashleigh Page and Ros Kruger, Minute Secretary) and Mr Jeff Tate be excluded from attendance at the meeting held on 28 July 2014 for agenda item 83.1 CEO PERFORMANCE REVIEW - JUNE 2014.</p> <p>This Council is satisfied that pursuant to Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 83.1 is:</p> <p>(i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the CEO.</p>	Retained until matter finalized		20/10/14
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Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
28/7/14	97.2	Stormwater reuse and management scheme – award of eci (early contractor involvement) contract	To provide delegated authority to the Mayor and CEO to award the construction contract(s) for the stormwater collection and distribution system of the Murray Bridge Stormwater Management and Reuse Scheme, in accordance with Milestones 9 and 10 of the Long Form Funding Agreement between the Federal Government and the Rural City of Murray Bridge	Section 90(3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 97.2 is: (i) tenders for the supply of goods, the provision of services or the carrying out of works	Retained until released by Council		20/10/14
28/7/14	97.3	Murray and Joan Jaensch Resolution of Property Matter	To resolve a long standing property matter	Section 90(3) (b)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 97.3 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, and/or to prejudice the commercial position of the council.	Retained until outcome decided and achieved		20/10/14

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28/7/14	97.4	Update to Council on the Potential Legal Matter	To provide Council with an update on matters relating to the matter	Section 90(3) (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 97.4 is: (i) legal advice.	Retained until released by the Courts	20/10/14-163.4 Pending	CEO Review – Sept 2015 - released now, as no extant consents exist on the land and no legal challenge available
28/7/14	97.5	Ombudsman own initiative investigation report – recommended outcome – Cr Phillips	To consider the outcome of the investigations	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 97.5 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Cr Phillips.	Released at meeting		28/7/14

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4/8/14 Special	88.3	CEO Performance Review – Outcome	To consider options in relation to the CEO Performance Review outcome	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 88.3 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Retain until matter finalized.		20/10/14
11/8/14 – Special	93.1	Gifford Hill Storage Review Outcome	To provide delegated authority to the Mayor and CEO to award the balance of the Gifford Hill Storage Lagoon construction contract f	Section 90(3) (d)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 93.1 is: (i) commercial information of a confidential nature (not being a trade secret) 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.	Retained until all documentation completed		20/10/14

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8/9/14	130.1	Request by JBT Community Association for Assistance with Construction of a CMWS	To advise Council of legal advice with respect to the construction of a Community Wastewater Management System (CWMS) at Mypolonga.	Section 90(3) (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 130.1 is: (i) legal advice.	Retained until matter concluded	20/10/14 – 163.4 – retained continuing discussions	CEO Review Sept 2015 released as solution achieved.
8/9/14	130.2	Strategic Review of Lerwin Aged Care Facility	To enable Council to consider the Strategic Review of Lerwin Aged Care Facility – Version for Public Consultation [SRR] (please see attachment), so that public consultation may be undertaken	Section 90(3) (j)(ii) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item is: (i) information the disclosure of which would, on balance, be contrary to the public interest. Disclosure of the information contained prior to a decision being made could adversely affect the ability to make a decision.			8/9/14

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19/12/14	235.1	CEO Contract Variation	For Council to consider the employment contract for Peter Bond, Chief Executive Officer, to take account of the need for that officer to transition into the role of Chief Executive Officer of the Murray Mallee LGA commencing effective 1 st January 2015 through to 17 th July 2015.	This Council is satisfied that pursuant to Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	Sept 2015 Vary confidential order as per report – decision be released and all CEO employment contract details be retained in confidence for a period of 1 year after the conclusion of the CEO Contract (release August 2016) Retained until released	CEO REVIEW – 14 Sept 2015 – 225.6 Vary confidential order as per report	12/9/16
2/2/15	35.2	CEO Recruitment process	To allow Council Members to consider the CEO recruitment process given the incumbent CEO's decision to transition out of the Council following the endorsement of Council's Annual Business Plan for 2015/2016 in middle of July.	This Council is satisfied that pursuant to Section 90(3) (d)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 35.2 is: (i) commercial information of a confidential nature (not being a trade secret) 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	Retained until CEO appointed		CEO Review – Sept 2015 - Released

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				third party			
10/3/15	70.2	Appointment of recruitment agency to undertake CEO recruitment 2015	For Council Members to consider the appointment of a recruitment agency to assist in the recruitment of a new Chief Executive Officer.	This Council is satisfied that pursuant to Section 90(3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 70.2 is: (i) tenders for the supply of goods, the provision of services or the carrying out of works.	Retained until documentation signed		CEO Review – Sept 2015 Released

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10/3/15	70.3	CEO Half Yearly Review	For Council to receive a report from, independent facilitator assisting Council undertake the CEO Performance Reviews.	This Council is satisfied that pursuant to Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 70.3 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the Chief Executive Officer.	14 Sept 2015 – 225.6 CEO employment contract details be retained in confidence for a period of 1 year after the conclusion of the CEO Contract (August 2016)	CEO REVIEW – 14 Sept 2015 – 225.6 Documentation retained VARY confidential order as per report	12/9/16
19/5/15	119.2	Autofest Ten Year Sponsorship Agreement	To respond to resolution 15.1 of 27 January 2015 and seek Council direction on the Ten Year Sponsorship Agreement	Section 90(3) (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 128.2 is: (i) legal advice.	Retained until all documentation completed	Released by CEO under delegation CEO REVIEW – 12 Sept 2016 – 119.2 Retain documentation – no change	14/12/16

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						CEO REVIEW – 14 Sept 2015 – 225.6 Document ation retained	

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2013/2014							
29/7/13	180.2	Ombudsman Own Initiative Enquiry	To inform Council of a report under Council's Code of Conduct Policy and Complaint Handling Policy	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 180.2 is: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	Retained until matter resolved		28/7/14
19/8/13 (spec)	185.1	CEO Annual Performance Review	For Council to consider the outcomes of the CEO's Performance Review	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 185.1 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Chief Executive Officer as it relates to draft performance indicators to be discussed between the Council and CEO prior to adoption.	Documentation retained until released by Council – statement released by Council.	20/10/14 – no change 237.1 - 30/9/13 Remain documentation in confidence until one year after conclusion of CEO contract (August 2016)-	Statement released by Council Released Aug 16

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						noting Council statement released –	
19/8/13	199.1	Unightly Premises	To inform Council of the progress in regards to the management and remediation of unsightly premises in Murray Bridge	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 199.1 Unightly Premises is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being the occupier of the property.	237.1 - 30/9/13 that all documents and minutes be retained in confidence for a period of 5 years. (19 August 2018) Retained until released by Council	CEO REVIEW – 10 July 2017 – 137.2 Retain document ation not complete d – no change CEO REVIEW – 12 Sept 2016 – 199.1 Retain	Full release 19/8/18

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						<i>documentation – no change</i> <i>CEO REVIEW – 14 Sept 2015 – 225.6 Documentation retained – no change</i> <i>20/10/14 – 163.4 no change</i> <i>30/9/13 – 237.1 – order varied</i>	
9/9/13	218.1	<i>Purchase of strategic property Murray Bridge (28 Adelaide Road)</i>	To consider the purchase of a property	Section 90(3)(c) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 218.1 is commercial information of a confidential nature (not being a	<i>Retain until matter finalised</i>		20/10/14

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				<p>trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party as this is a strategic property and Council is required to submit an open Expression of Interest.</p> <p>In addition, the disclosure of the information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.</p>			
9/9/13	218.2	<i>Cr Phillips Request for leave of absence</i>	For Council to consider a request from Cr Phillips for a leave of absence	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 218.2 is information the disclosure of which would involve the unreasonable disclosure of information concerning	<i>Retained until returned from leave</i>		<i>Released</i>

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				the personal affairs of any person (living or dead), being Cr Phillips due to personal reasons.			
9/9/13	218.3	Review of CEO Contract	To consider amendments to the CEO contract in line with previous recommendations of Council <i>Related reports</i> 218.3 – 9/9/13 126.2-11/6/13 329.4-10/12/12 293.1-19/11/12	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 218.3 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Peter Bond because of discussions regarding his employment contract.	237.1-30/0/13 <i>that all documents and minutes be retained in confidence for a period 1 year after the conclusion of the CEO's contract (August 2016), noting a media statement has been released.</i> <i>Retained until all documentation signed</i> Media Statement released	CEO REVIEW – 14 Sept 2015 – 225.6 <i>Document ation retained – no change</i> 20/10/14 – 163.4 <i>no change</i> 30/9/13 – 237.1 – <i>order varied</i>	Released 12/9/16 <i>Media Statement released</i>
19/8/13 (spec)	185.1	CEO Annual Performance Review	For Council to consider the outcomes of the CEO's Performance Review	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 185.1 is information the disclosure of	237.1 - 30/9/13 <i>Remain documentation in confidence until one year after</i>	CEO REVIEW – 14 Sept 2015 – 225.6	Released 12/9.16 <i>Statement released by</i>

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				which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Chief Executive Officer as it relates to draft performance indicators to be discussed between the Council and CEO prior to adoption.	conclusion of CEO contract (August 2016)- noting Council statement released – Documentation retained until released by Council – statement released by Council.	Document ation retained - no change 20/10/14 163.4 – no change 30/9/13 – 237.1 – order varied	Council
30/9/13	237.2	Purchase of Property on Adelaide Road Status	To inform Council verbally of the current situation	Section 90(3)(c) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 237.2 is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party as this is a strategic property and Council is required to submit an open Expression of Interest. In addition, the disclosure of the	Retained until concluded		20/10/14

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				information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.			
30/9/13	237.3	Ombudsman Own Initiative Investigation Report	To inform Council verbally of the current situation	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to 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).	<i>Retained until finalised</i>		<i>Released</i>
14/10/13 (spec)	242.1	CEO Performance – Survey Methodology		Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 242.1 is: information the disclosure of	<i>Released at meeting</i>		14/10/13

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				which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Chief Executive Officer as it relates to draft performance indicators to be discussed between the Council and CEO prior to adoption.			
18/11/13	280.1	Ombudsman Own Initiative Investigation Report – Update	To provide Council with an update on the status of the report received from the Ombudsman in relation to a breach of Council's Code of Conduct Policy by two Elected Members. This report was submitted to the 21 October 2013 meeting (item 261.2) however the meeting became inquorate and has been brought back to this meeting for consideration.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to 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)	Released at meeting		18/11/13
18/11/13	280.2	Ombudsman Own Initiative	To provide Council with the independent	Section 90(3)(a) of the Local Government Act 1999, the information	Released at meeting		18/11/13

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		Investigation Report – Cr Schubert	report from Mayor Ann Ferguson in relation to the assessment of the Code of Conduct breach by Cr Clem Schubert.	to be received, discussed or considered in relation to 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).			
18/11/13	280.2	Ombudsman Own Initiative Investigation Report – Weinmann	To provide Council with the independent report from Mayor Ann Ferguson in relation to the assessment of the Code of Conduct breach by Cr Theo Weinmann.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to 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).	<i>Released at meeting</i>		18/11/13
9/12/13	299.1	Purchase of strategic property Murray Bridge (28 Adelaide Road)	To provide background to a letter to Elected Members from the executors of the late Jessie May Bormann estate and seek Council approval and funding to demolish the property at 28 Adelaide Road Murray Bridge for use	Section 90(3)(c) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 299.1 Purchase of Strategic Property Murray Bridge is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party as this is a	<i>Decision released at meeting, documentation retained</i>		<i>Decision released 9/12/13</i>

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			as a temporary carpark.	strategic property and Council is required to submit an open Expression of Interest. In addition, the disclosure of the information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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.			
9/12/13	299.3	Rubble Crushing tender	To seek Council's approval for the procurement of crushed rubble for the purpose of undertaking repairs and maintenance to the local road network in accordance with the approved budget for 2013/2014.	Section 90(3)(k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 299.3 – Rubble Crushing Tender are tenders for the supply of goods and carrying out of works in relation to provision of rubble. The Council is satisfied that the principle that the meeting be conducted in a place open to the	Released at meeting		9/12/13

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				public has been outweighed in the circumstances because of commercial in confidence reasons.			
9/12/13	299.4	Update on Odour issues associated with Thomas Foods International Lagoons Pahls farm	Update to Council report on 18 th March 2013	Section 90(3)(h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 299.4 Update on the Odour Issues Associated with Thomas Foods International Lagoons at Pahl Farm. is: A potential breach or breaches of the Development Act 1993 has occurred and the Council may consider future legal action to regularise or remedy the breach or breaches.	Retained up to 12 months after documentation has been finalised	20/10/14 – 163,4 ongoing discussions	CEO Review 2015 - released
17/12/14	43.2	Infrastructure Agreement for the upgrade of lovers lane Murray Bridge	To seek the Council's endorsement of an Infrastructure Agreement associated with two land division proposals	section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this 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 business with regard to an Infrastructure Agreement for the upgrade of Lovers Lane. In addition, the disclosure of this information would, on balance, be	Retained in confidence for 18 months – Aug 2015	20/10/14 - 163.4 ongoing discussions	CEO Review Sept 2015 Released As per the recommendation

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				contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 the matter relates to a commercial arrangement associated with an Infrastructure Agreement for the upgrade of Lovers Lane.			
28/1/14	19.3	Mypolonga Private Irrigation District Trust Inc	The purpose of this Report is to provide Elected Members with details of a request from the Mypolonga Private Irrigation Trust Inc. seeking a one-off payment to assist with pumping costs of stormwater into the Murray River.	Section 90(3)(b) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 19.3 Mypolonga Private Irrigation District Trust Inc. is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business ie the Mypolonga Private Irrigation District Trust Inc. In addition, the disclosure of this	Decision released, documentation f retained for 12 months		28/1/14 – decision released

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				information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 consideration of a commercial decision.			
28/1/14	19.4	Cr Phillips – leave of absence request	To inform Council that Cr Phillips requires a further leave of absence from duties due to personal reasons (ill health) from 26 December 2013 to 26 February 2014.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 19.4 Cr Phillips – Request for Leave of Absence is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Cr Phillips due to personal reasons.	<i>Decision released at meeting</i>		28/1/14 – decision released All released 17/3/14

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17/2/14 (spec)	29.1	CEO Performance reporting update	For Members to receive an update on the CEO Performance Review reporting and consider a proposal in relation to a Staff Climate Survey. Jeff Tate, Council's Facilitator will also be in attendance.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 29.1 CEO Performance Reporting Update information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the Chief Executive Officer as it relates to draft performance indicators to be discussed between the Council and CEO prior to adoption.	Retained		20/10/14
17/2/14 (spec)	29.3	Authorisation to undertake project work to consider tourist accommodation opportunities on part of Sturt Reserve	To seek a resolution from Council as to whether they wish officers to proceed to commence joint working with a third party to deliver a tourist park development on part of Sturt Reserve and any other associated works.	Section 90(3) (h) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 29.3 Authorisation to undertake project work to consider tourist accommodation on part of Sturt Reserve is: Information 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 which would, on balance, be contrary to the public	Retained up to 24 months		Released 17/3/14

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17/2/14	43.1	Audit Committee Report – 12/2/14 – Engineering Continuous Audit	To provide Council with a copy of the confidential report provided to the Audit Committee on the 12 February 2014 in relation to the Engineering Continuous Audit	interest; Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 43.1 Audit Committee Report 12 February 2014 Engineering Continuous Improvement Audit is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being staff within the Engineering and Infrastructure Division as they have not been fully briefed on this report.	Retained in confidence until audit has been discussed with staff and action plans prepared		20/10/14
17/2/14	43.4	Cr Phillips – request for leave of absence	To inform Council that Cr Phillips requires a further leave of absence from duties due to personal reasons (ill health) from 26 December 2013 to 26 February 2014.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 19.4 Cr Phillips – Request for Leave of Absence is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being Cr Phillips due to personal reasons.	Retained under Cr Phillips returns from leave		Released 17 March 2014
17/3/14	53.1	Enterprise Bargaining Process – ASU	To present to Council for its consideration the proposed Enterprise Bargaining	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item	retained until released by the Industrial Relations Tribunal		Released 20/10/14

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			Agreement (EBA) which would apply to all staff employed under the SA Municipal Officers' Award for the two year period ending 30 June 2015.	53.1 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being staff members of the Rural City of Murray Bridge due to discussions around the enterprise bargaining process for ASU prior to it being agreed and submitted to the Industrial Relations Tribunal			
17/3/14	53.2	Independent Audit Committee Chair - EOI	To advise Elected Members of the Expressions of Interest received for the position of Independent Audit Committee Chair.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 53.2 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being those persons who have expressed an interest in becoming the Chair of the Audit Committee.	Released at meeting		Released 17/3/14
17/3/14	53.3	Project Update – Consideration of tourist accommodation opportunities on part of Sturt Reserve	To update the Council on progress associated with the consideration of tourist accommodation opportunities on part of Sturt Reserve and to	Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 53.3 is of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 53.3 is: commercial	Released at meeting		Released 17/3/14

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			seek the Council's endorsement to commence an Expression of Interest process	<p>information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected</p> <p>*to prejudice the commercial position of the person who supplied the information,</p> <p>*to confer a commercial advantage on a third party.</p> <p>In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 discussions have yet to commence.</p>			
7/4/14	5.1	Rural City of Murray	To provide delegated	Section 90(3) (k) of the Local	Retained until		Released

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(spec)		Bridge Stormwater Reuse & Management Scheme Award of ECI	authority to the Mayor and CEO to award the ECI (Early Contractor Involvement) contract and commence works on the design component of the Storm Water Reuse and Management Scheme in accordance with Milestone 7 of the Funding Agreement between the Federal Government and the Rural City of Murray Bridge.	Government Act 1999, the information to be received, discussed or considered in relation to agenda item 5.1 is: tenders for the supply of goods, the provision of services or the carrying out of works.	contract signed		20/10/14
7/4/14 (spec)	5.2	Cr Schubert – Notice to Rescind item 53.1	To present to Council for its consideration the proposed Enterprise Bargaining Agreement (EBA) which would apply to all staff employed under the SA Municipal Officers' Award for the two year period ending 30 June 2015.	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 5.2 is: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being staff members of the Rural City of Murray Bridge due to discussions around the enterprise bargaining process for ASU prior to it	Retained until released by Industrial Relations Tribunal		Released 20/10/14

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				being agreed and submitted to the Industrial Relations Tribunal.			
14/4/14	24.1	Nilpat Release of Confidential Information	To advise Council on the release of confidential Council reports and attachments relating to the Deed of Settlement with Nilpat Pty Ltd, except for t associated legal advice.	Section 90(3) (i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 24.1 is: (i) 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.	<i>Documents released with exception of legal advice being retained for 5 years (2019)</i>	20/10/14	<i>Released 14/4/14 with exception legal advice</i>
14/4/14	24.4	Gifford Hill Storage Lagoon Construction – Contract Award	To provide delegated authority to the Mayor and CEO to award the Gifford Hill Storage Lagoon construction contract to complete stage 1 only (refer proposed staging of works below) . The award if this contract is in accordance with Milestone 8 of the RCMB Storm Water Reuse and	Section 90(3) (k) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 24.4 is: tenders for the supply of goods, the provision of services or the carrying out of works	<i>Retained until contract signed</i>		<i>Released 17/4/14</i>

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			Management Funding agreement with the Federal Government				
14/4/14	24.5	Ombudsman own initiative investigation report – outstanding action	To provide Council with an update on an outstanding action in relation report received from the Ombudsman in relation to a breach of Council's Code of Conduct Policy by three Elected Members. This report was initially considered by Council on the 18 November 2013 (item 280.1)	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 24.6 is: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).	documents and/or minutes related to agenda item 24.6 be retained in confidence until all documentation relating to the matter be retained until the matter is resolved and that this order be reviewed every 12 months in duration or such lesser period as may be determined by the Chief Executive Officer.		Released
14/4/14	24.6	CEO Performance Half Yearly review	For Members to receive a report on the outcomes of CEO Performance Review meeting held on the 17 February 2014.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 24.7 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person	Released at meeting		Released 14/4/14

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				(living or dead), being the Chief Executive Officer as it relates to draft performance indicators to be discussed between the Council and CEO prior to adoption.			
2/6/14 (spec)	67.1	Stormwater Management and reuse scheme in principle approval to design change	To obtain in-principle approval for the CEO to agree a change in the design of the route of the pipework for the Stormwater Reuse and Management Scheme to obtain improved efficiencies in both construction and ongoing operating cost	Section 90(3) (b)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 67.1 is: (i)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. *proposing to conduct business and *would prejudice the commercial position of the Council In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The	<i>Retained until all documentation relating to the matter has been finalized.</i>		20/10/14

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				benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 the conferring of a commercial advantage against the Council.			
2/6/14	67.2	Murray Bridge Green Shopping Centre Redevelopment – LMA and infrastructure deed	To seek the Council's endorsement of an Infrastructure Deed and two Land Management Agreements associated with the redevelopment of the Murray Bridge Green Shopping Centre.	Section 90(3) (b)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 67.2 is: (i) 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. *proposing to conduct business and *would prejudice the commercial position of the Council In addition, the disclosure of this	Retained for a period of 24 months – June 2016	20/10/14 – 163,4 no change	CEO Review – Sept 2015 released as per recommendation

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				information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 the conferring of a commercial advantage against the Council.			
2/6/14	67.3	Local Government Employees EB agreement	To present to Council for its consideration the proposed Enterprise Bargaining Agreement (EBA) which would apply to all staff employed under the Local Government Employees' Award for the three year period ending 31 March 2017	Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 67.3 is: (i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being Council employees employed under the Local Government Employees Enterprise	<i>Retained until released by Industrial Relations Court</i>		20/10/14

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				Bargaining agreement.. 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 the issue relates to Council employees employed under the Local Government Employees Enterprise Bargaining agreement.			
30/6/14	72.1	Murray and Joan Jaensch – resolution of property matter	To resolve a long standing property matter	This Council is satisfied that pursuant to Section 90(3) (b)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 72.1 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.	<i>Retained under matter is resolved</i>		20/10/14

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2012/2013

19/11/12 Special	288.1	NOM Cr Phillips - reconsideration of item 261.1	For Council to reconsider item 261.1 from 24 October 2012 meeting	Section 90(3)(i) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 288.1 is information relating to actual litigation involving the Council in a Court Case 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 possible legal action.	Decisions Released Documentation retained until matter finalized	20/10/14 – no change 228.2-30/9/13 237.1 -30/9/13 documentation to retain in confidence until 23/7/17	Decision only released
19/11/12	293.1	Results of CEO Performance Survey	For Council to consider the 3600 CEO Performance Survey results.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to 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) being Chief Executive Officer, Peter Bond because it relates to survey results regarding his work performance to date.	237.1 -30/9/13 Retain documentation in confidence until one year after conclusion of CEO contract (August 2016) - noting Council statement released – Retained until released by	CEO REVIEW – 14 Sept 2015 – 225.6 Retained no change 20/10/14 – 163,4 no change 228.2-30/9/13 – order varied	Released 12/9/16 Media statement released

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					<i>Council Media Statement released</i>		
26/11/12	311.1	<i>Reimbursement of water charges incurred by Copdale P/L Riverglen for temporary water allocations between 2003-2008</i>	That Council consider the request by Copdale Pty Ltd to assist the company with costs incurred in obtaining temporary water allocations on at least three occasions between 2003 and 2008 to ensure penalties were not incurred under their restricted water licence.	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 311.1 is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being Copdale Pty Ltd because of water charges incurred. 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 financial affairs between Council and Copdale Pty Ltd.	<i>Retained until resolution achieved – decision released, documentation retained</i>	20/10/14 – no change 228.2-30/9/13 237.1 -30/9/13 Retain documentation until 30/9/18	<i>Decision only released</i>
10/12/12	329.1	<i>Ngarrindjeri Native Title Claim – Legal Representation</i>	For Council to consider its future legal representation in relation to the Ngarrindjeri Native Title Claim in the Federal Court as Federal Funding has been cut.	Section 90(3)(d) of the Local Government Act 1999, the information to be received, discussed or considered in relation to agenda item 329.1 is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably	<i>Decision released, Documentation retained</i>	20/10/14 – ongoing discussions 10/12/13 237.1-30/9/13 documentatio	<i>Decision only released</i>

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REVIEW OF CONFIDENTIAL ITEMS RELEASED – 12 August 2019

Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
				<p>be expected to confer a commercial advantage on a third party in relation to charges for service.</p> <p>In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 it would disclose information from a third party to others.</p>		<i>n retained in confidence for 5 years until 10/12/17</i>	
10/12/12	329.4	CEO Performance Development Review – KPI report	For Council to consider the KPIs for its CEO	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),	237.1-30/9/13 Retained in confidence until Aug 2016, noting media statement released	CEO REVIEW – 14 Sept 2015 – 225.6 Documentatio n retained – no change 20/10/14 –	12/9/16 Media Statement released

RURAL CITY OF MURRAY BRIDGE
CONFIDENTIAL ITEMS REGISTER – RELEASED
Pursuant to Section 90 and 91(7) of the Local Government Act 1999
REVIEW OF CONFIDENTIAL ITEMS RELEASED – 12 August 2019

Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
				being the CEO in establishing the key performance indicators for the position. 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 to allow discussion to occur on the KPIs prior to being set and published.	<i>Retained for 12 months Council statement released</i>	163,4 ongoing discussions 228.2-30/9/13	
11/6/13	126.2	<i>Contract of Employment variation</i>	For Council to consider a variation to the Employment Contract of its CEO	Section 90(3)(a) of the Local Government Act 1999, the information to be received, discussed or considered in relation to 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) being the CEO and variations to the Contract of Employment.	<i>237.1-30/9/13 remain in confidence until 1 year after contact conclusion noting media statement released</i> <i>Retained until contract documentation has been signed</i> <i>Media Statement to be released</i>	CEO REVIEW – 12 Sept 2016 – 126.2 Retain documentation – no change CEO REVIEW – 14 Sept 2015 – 225.6 Documentation retained - no change 20/10/14 – 163,4 ongoing discussions 228.2-30/9/13 - vary	Released due to expiry of time

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Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
2011/2012							
19/3/12	63.5	Appointment of external auditor	To consider the recommendation of the Audit Committee to appoint an external auditor.	Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this agenda item (item 4) is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person which whom the Council is: Proposing to conduct business and is evaluating commercial in confidence information received.	Retained until released by Council Decision released documentation retained	20/10/14 – ongoing discussions 208.4-3/9/12 228.2-30/9/13 237.1-30/9/13 Retained documentation until contract concluded 2018.	Decision only released

RURAL CITY OF MURRAY BRIDGE
CONFIDENTIAL ITEMS REGISTER – RELEASED
Pursuant to Section 90 and 91(7) of the Local Government Act 1999
REVIEW OF CONFIDENTIAL ITEMS RELEASED – 12 August 2019

Meeting Date	Item Number	Item Title	Description	Nature of Confidentiality	Recommendation	Review Date	Date Released
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2009/2010

27/7/09	927.5	Copdale Water Cost Claim	Provide information on a claim against Council would could result in litigation	Section 90(3)(g) information received, discussed or considered in relation to not breach any other legal duty	Retain until concluded	20/10/14 – no change 942.1-10/8/09 1214.3-2/8/10 239.1-29/8/11 208.4-3/9/12 228.2-30/9/13 237.1-30/9/13 decision released and legal advice be retained for further 5 years – 30/9/18	Decision only released Full report released 30/9/18
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