COUNCILLORS

In accordance with section 367 of the Local Government Act, 1993 notice is hereby given that an EXTRAORDINARY MEETING of the Council will be held as follows:

DATE: Tuesday 11 February 2020
TIME: 7.30pm
VENUE: Council Chambers
2nd Floor, City Hall
290 King Street
Newcastle NSW 2300

J Bath
Chief Executive Officer

City Administration Centre
12 Stewart Avenue
NEWCASTLE WEST NSW 2302

Please note:

Meetings of City of Newcastle (CN) are webcast. CN accepts no liability for any defamatory, discriminatory or offensive remarks or gestures made during the meeting. Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by the CN. Confident meetings will not be webcast.

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Authorised media representatives are permitted to record meetings provided written notice has been lodged. A person may be expelled from a meeting for recording without notice. Recordings may only be used for the purpose of accuracy of reporting and are not for broadcast, or to be shared publicly. No recordings of any private third party conversations or comments of anyone within the Chamber are permitted.
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*Business Paper to be distributed on the night in accordance with the Code of Meeting Practice, cl 20.5.*

*NOTE: ITEMS MAY NOT NECESSARILY BE DEALT WITH IN NUMERICAL ORDER*
CONFIDENTIAL REPORTS

ITEM-1  CON 11/02/20 – CONTRACTS MATTER

REPORT BY:  CITY WIDE SERVICES
CONTACT:  INTERIM DIRECTOR CITY WIDE SERVICES / MANAGER WASTE SERVICES

REASON FOR CONFIDENTIALITY

This report has been classified confidential in accordance with the provisions of the Local Government Act 1993 as follows:

Section 10A(2)(d) of the Act provides that Council can close a meeting to consider commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

Section 10B(1)(a) and (b) of the Act provides that the discussion of the item in a closed meeting must only:

(a) include as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and

(b) occur if the Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

GROUND FOR CLOSING PART OF THE MEETING

In respect to Section 10D(2) the grounds on which part of a meeting is to be closed for the discussion of the particular item must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. Accordingly, an appropriate resolution to proceed is required first.

MOTION TO PROCEED

The discussion of the confidential report take place in a closed session, with the press and public excluded, for the following reasons:

A  The matter relates to varying a contract for the collection of recyclables and to award a contract for the processing of recyclables.

B  It is contrary to the public interest to discuss commercial contracts in an open meeting because the information provided to Council by those commercial parties is provided on the basis that it will be treated by Council as commercial-in-confidence. A practice of disclosing sensitive commercial information to the public, including competitors, could result in the withholding of such information. This would lead to a reduction in the supply of information relevant to Council's decision. A disclosure of confidential information by Council could result in Council being the subject of litigation for breach of confidence.
C The closed session involves only as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.