

2024 Confidential Orders Review

Strategic Alignment - Our Corporation

Public

Tuesday, 19 November 2024
City Finance and Governance
Committee

Program Contact:
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Governance

Approving Officer:
Anthony Spartalis, Chief
Operating Officer

EXECUTIVE SUMMARY

A review of the 2024 confidentiality orders has been undertaken in accordance with Section 91 (9) of the *Local Government Act 1999* (SA) (the Act).

To increase transparency, the City of Adelaide conducts a mid-year confidentiality order review in addition to the annual review required under the Act. During 2024, five hundred and four (504) confidential orders were reviewed, and 163 orders have been released in part or in full. A further 16 orders will be released in part or in full during December 2024. 50 orders, as contained in Attachment A, are recommended for extensions, as the grounds and basis for confidentiality are still relevant.

In accordance with its Strategic Plan 2024–2028, Council has committed to transparent decision-making. CoA continues to work on ways to improve the transparency of Council's decision-making and minimise the number of matters discussed and held in confidence. All Council items are assessed with the objective of ensuring transparency to ratepayers, while adhering to legislative provisions, such as those outlined in Section 90(3) of the Act.

RECOMMENDATION

The following recommendation will be presented to Council on 26 November 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Notes that a review of the 504 active confidentiality orders (May 2005 – October 2024) has been undertaken in accordance with Section 91(9) of the *Local Government Act 1999* (SA).
 2. Notes that 16 active confidentiality orders will be released in part or in full during December 2024.
 3. Approves the extension of 50 confidentiality orders as identified in Attachment A to Item 7.7 on the Agenda for the meeting of the City Finance and Governance Committee held on 19 November 2024.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation The role of the City of Adelaide is to uphold the value of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate, and facilitator by maintaining a transparent decision-making process.
Policy	A Public Transparency Policy was endorsed by Council at its meeting on 28 November 2023. This Policy states that all confidentiality orders be reviewed no less than once every six (6) months to assess whether the grounds for non-disclosure remain appropriate and necessary.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Section 91(9) of the <i>Local Government Act 1999</i> (SA) requires a document or part of a document which is under a confidentiality order for a period exceeding 12 months to be reviewed at least once a year.
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Section 90(2) of the *Local Government Act 1999* (SA) (the Act) enables a meeting of the Council or a Committee to determine that the public be excluded from attendance so that Council can receive, discuss or consider in confidence any information or matter as prescribed in Section 90(3) of the Act.
2. On every occasion that the provision to exclude within Section 90(2) of the Act was exercised, details of the order proceedings must be made in the minutes specifying the grounds on which the order was made.
3. Section 91(9) of the Act specifies the requirements (duration of order, review date and delegation to review/revoke all or part report) that are to be included within the order.
4. Section 91(9) of the Act also specifies that a Council or Committee order to keep a document, or part of a document, confidential for a period exceeding 12 months must be reviewed at least once every year.
5. The 2024 review of confidentiality orders examined all 504 active orders (May 2005 to October 2024). The orders relate to the following grounds (note: some orders apply multiple grounds):

Section 90 of the <i>Local Government Act 1999</i> (SA)	Instances
(a) Personal affairs	54
(b) Commercial advantage / positions	229
(d) Commercial information	214
(e) security	3
(g) breach of law	48
(h) legal advice	55
(i) litigation	84
(j) information provided in confidence	45
(k) tenders	13
(m) development plan	6

6. The 504 active orders were reviewed in consultation with the relevant Associate Director and/or Manager and final review by Executive. Of the 504 active confidential orders:
 - 6.1. Fifty (50) orders will expire in December 2024, and require an extension to remain in confidence (**Attachment A**).
 - 6.2. Sixteen (16) orders will be released by the Chief Executive Officer, in part or in full, during December 2024.
7. Of the 50 orders expiring in December 2024, it is recommended they be extended on the following grounds (note: some orders apply multiply grounds and therefore the table does not sum to 50):

Section 90 of the <i>Local Government Act 1999</i> (SA)	Instances
(a) Personal affairs	1
(b) Commercial advantage / positions	29
(d) Commercial information	31
(e) security	1
(g) breach of law	3
(h) legal advice	4
(i) Litigation	7
(j) information provided in confidence	4

8. The table below shows the number of orders reviewed, released and extended since 2022.

	2022 review	2023 review	2024 review
Orders reviewed	621	575	504
Orders extended	85	49	50
Orders released in part or in full through annual review	34	32	16
Orders released in part or in full before annual review	152	36	163
Orders released in part or in full	186	68	179

ATTACHMENTS

Attachment A – Confidentiality Orders Extension

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