

2025 Confidential Orders Review

Strategic Alignment - Our Corporation

Public

Tuesday, 18 November 2025
City Finance and Governance
Committee

Program Contact:
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Approving Officer:
Anthony Spartalis, Chief
Operating Officer

EXECUTIVE SUMMARY

The purpose of this report is to present the confidentiality order review in accordance with Council's commitment to increase transparency. The City of Adelaide (Council) conducts a mid-year confidentiality order review in addition to the annual review required under the Act and will release any confidential orders, if appropriate. A review of the 2025 confidentiality orders has been undertaken in accordance with section 91(9) of the *Local Government Act 1999* (SA) (the Act).

In accordance with the City of Adelaide Strategic Plan 2024-2028, Council has committed to transparent decision-making. Council 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 promoting transparent decision making, while conducting council meetings in a manner consistent with the intent and provisions of section 90(3) of the Act.

During 2025, five hundred and three (503) confidential orders were reviewed, and 91 orders were released in part or in full. A further 60 orders will be released in part or in full during December 2025. 40 orders, as contained in Attachment A, are recommended for extensions, as the grounds and basis for confidentiality remain.

RECOMMENDATION

The following recommendation will be presented to Council on 25 November 2025 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Notes that a review of the 503 active confidentiality orders (May 2005 – October 2025) has been undertaken in accordance with Section 91(9) of the *Local Government Act 1999* (SA).
 2. Notes that 60 active confidentiality orders will be released in part or in full during December 2025.
 3. Approves the extension of 40 confidentiality orders as contained in Attachment A to Item 7.6 on the Agenda for the meeting of the City Finance and Governance Committee held on 18 November 2025.
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IMPLICATIONS AND FINANCIALS

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| 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. |
| 25/26 Budget Allocation | Not as a result of this report. |
| Proposed 26/27 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. |
| 25/26 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/revoked 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. A Public Transparency Policy was endorsed by Council at its meeting on 28 November 2023. While the Act requires that confidential orders be reviewed at least every 12 months, this Policy strengthens that commitment by requiring reviews no less than once every six months to support enhanced transparency and ensures that the grounds for non-disclosure remain appropriate and necessary.
6. The 2025 review of confidentiality orders examined all 503 active orders (May 2005 – October 2025). The following table summarises the orders on the grounds they were made (note: some orders apply multiple grounds):

| Section 90 of the <i>Local Government Act 1999</i> (SA) | Instances |
|---|-----------|
| (a) Personal affairs | 55 |
| (b) Commercial advantage / position | 228 |
| (d) Commercial information | 222 |
| (e) Security | 5 |
| (g) Breach of law | 39 |
| (h) Legal advice | 39 |
| (i) Litigation | 78 |
| (j) Information provided in confidence | 41 |
| (k) Tenders | 15 |
| (m) Development plan | 7 |

7. The 503 active orders were reviewed in consultation with the relevant Associate Director and final review by Executive.
8. Of the 503 active confidential orders:
 - 8.1. Forty (40) orders will expire in December 2025 or during 2026 and require an extension to remain in confidence (**Attachment A**).
 - 8.2. Sixty (60) orders will be released by the Chief Executive Officer, in part or in full, during December 2025.
9. Of the 40 orders expiring in December 2025, it is recommended they be extended on the following grounds (note: some orders apply multiply grounds and therefore the table does not sum to 40):

| Section 90 of the <i>Local Government Act 1999</i> (SA) | Instances |
|---|-----------|
| (a) Personal affairs | 5 |
| (b) Commercial advantage / positions | 23 |
| (d) Commercial information | 24 |
| (g) Breach of law | 1 |
| (h) Legal advice | 2 |

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|--|---|
| (i) Litigation | 2 |
| (j) Information provided in confidence | 1 |
| (m) Development plan | 1 |

10. The table below shows the number of orders reviewed, released and extended since 2023.

| | 2023 review | 2024 review | 2025 review |
|--|-------------|-------------|-------------|
| Orders reviewed | 575 | 504 | 503 |
| Orders extended | 49 | 50 | 40 |
| Orders released in part or in full through annual review | 32 | 16 | 60 |
| Orders released in part or in full before annual review | 36 | 163 | 91 |
| Orders released in part or in full | 68 | 179 | 151 |

ATTACHMENTS

Attachment A – Confidentiality Orders Extension

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