

Deputy Lord Mayor - QoN - Confidential Information and Legal Advice

Tuesday, 25 August 2026
Council

Council Member

Deputy Lord Mayor, Councillor
Carmel Noon

Public

Contact Officer:

Anthony Spartalis, Chief Operating
Officer

QUESTION ON NOTICE

Deputy Lord Mayor, Councillor Carmel Noon will ask the following Question on Notice:

'Can the Administration advise:

1. Whether the City of Adelaide currently has a policy, protocol or procedure governing the handling and disclosure by Council Members of confidential information, including legal advice.
2. Whether this applies to confidential information provided outside formal Council and Committee agenda papers, including information distributed by email.
3. Whether Administration has reviewed, or intends to review, the circumstances surrounding the recent disclosure of material concerning a Behavioural Standards Panel matter and the adequacy of existing confidentiality controls.
4. What training or guidance is currently provided to Council Members regarding their confidentiality obligations.
5. In light of the Ombudsman's correspondence and recent events, whether Administration considers a specific Confidential Information and Legal Advice Policy or updated protocol should be developed?'

REPLY

1. The City of Adelaide operates under a well-established legislative and governance framework governing the handling and disclosure of confidential information by Council Members. These obligations are prescribed by the *Local Government Act 1999* (SA) (the Act) and apply to confidential information regardless of the format in which it is provided, including information contained in agenda papers, committee papers, emails, briefings and other communications.
2. The Act also establishes clear mechanisms for addressing alleged breaches of confidentiality, including referral to the Ombudsman where required. Preliminary legal advice obtained by Administration indicates that the existing legislative framework is clear, comprehensive and adequate, and that the development of a standalone Confidential Information and Legal Advice Policy is unnecessary.
3. Council Members receive mandatory training on their obligations under the Act and have also been provided with additional guidance by the Lord Mayor regarding confidentiality requirements. Administration continually reviews its governance practices and controls and will implement any improvements identified through legislative, regulatory or operational review processes.

4. The City of Adelaide operates under the Local Government Act 1999 (SA) (the Act), which governs the handling of confidential information by Council Members, including confidential legal advice.
5. Section 62 of the Act states:
*"(4a) A member or former member of a council must not disclose information or a document -
 - i. in relation to which there is an order of a council or council committee in effect under section 90 or 91(7) requiring the information or document to be treated confidentially; or
 - ii. that the member or former member knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially."*
6. These statutory obligations provide the primary framework governing Council Member conduct in relation to confidential information and legal advice.
7. The obligations under section 62 of the Act apply broadly and are not limited to information contained within formal Council or Committee agenda papers.
8. The confidentiality provisions extend to any information or document that is subject to a confidentiality order or which a Council Member knows, or ought reasonably to know, is required to be treated confidentially. This includes information provided through email correspondence, briefing materials, workshops, legal advice, memoranda and other communications.
9. Furthermore, former Council Members remain bound by confidentiality obligations under the Act and must not disclose information or documents that are subject to a Council confidentiality order, or information that they know, or ought reasonably to know, is required to be treated confidentially.
10. The Act establishes clear pathways for dealing with potential breaches of integrity provisions and confidentiality obligations.
11. Any potential breach of an integrity provision under Chapter 5, Part 4 of the Act must be referred directly to the Ombudsman for consideration. Matters relating to conduct and behavioural standards are addressed through the Council's Behavioural Standards framework.
12. Administration continues to monitor the effectiveness of its governance and information management practices and will implement any improvements identified through operational reviews, legislative changes or recommendations of external oversight bodies.
13. As resolved by Council on 28 July 2026, the Chief Executive Officer is undertaking an investigation into the unauthorised disclosure of confidential information and a review of Council's arrangements for managing confidential information, with the outcomes and any recommended improvements to be reported back to Council, subject to legal and confidentiality constraints.
14. Council Members receive comprehensive training regarding their statutory obligations, including confidentiality requirements.
15. Under section 80A(2)(b) of the Act and Regulation 8AA of the Local Government (General) Regulations 2013, Council Members must complete mandatory LGA Training Standards within the first 12 months of their term.
16. Administration delivers this training through mandatory induction and mid-term refresher programs conducted in conjunction with the Local Government Association of South Australia (LGA) and our legal provider.
17. By May 2023, all Council Members elected at the November 2022 election had completed their mandatory induction training. Between late 2024 and early 2025, all then-serving Council Members completed their mandatory mid-term refresher training.
18. Council Members elected through the August 2025 supplementary elections received the same mandatory training and successfully completed it by the end of November 2025.
19. In addition, the Lord Mayor issued written communications to all Council Members in May and November 2025 reminding them of their obligations under the Act, including their obligations regarding the treatment of confidential information.
20. Administration has sought preliminary legal advice regarding whether a specific Confidential Information and Legal Advice Policy is required.
21. The preliminary advice indicates that a standalone policy is unnecessary, as the relevant legislative obligations, confidentiality provisions and enforcement mechanisms are already clearly established under the Act.

22. The Act sets out both the confidentiality obligations applying to Council Members and the mechanisms for managing alleged breaches. These provisions apply consistently across all forms of confidential information, including legal advice.
23. Accordingly, Administration considers the existing legislative framework to be clear and adequate and does not support the development of a separate policy to regulate matters already comprehensively addressed by the Act.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 6.5 hours.
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