



CONFIDENTIAL ORDINARY COUNCIL MEETING

CONFIDENTIAL MATTERS

Staff Reports

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Released 18 April 2018

STAFF REPORTS

18.1 2018 REVIEW OF CONFIDENTIAL ITEMS

Contact Person: Mr Sam Green

Why is this matter confidential?

Subject to an order pursuant to Sections 90 (3) (a) (b) (c) (d) (h) of the Local Government Act 1999, this matter is confidential because the Confidential Register contains documents that Council have previously resolved to retain in confidence. In considering the review Council may wish to discuss specific confidential information that relates to the personal affairs or is of a commercial nature that is contained in the register.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER

18.1 2018 REVIEW OF CONFIDENTIAL ITEMS

Responsible Executive Manager : Mr Sam Green

Report Author : Ms Rosemary Munslow

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

Attachments :

1. Documents to retain in-confidence
2. Documents to release from confidence

PURPOSE

To review the confidential items register and ascertain whether items should be released from confidential status and made available for public access or remain confidential due to the ongoing nature of the project or issue.

STAFF RECOMMENDATION

1. The documents listed in attachment 1 have been reviewed and are retained in confidence and will be reviewed at the next annual review.
2. That documents listed in attachment 2 be released from confidence.

EXECUTIVE SUMMARY

The Confidential Items Register is required to be reviewed annually. This report provides Council the opportunity to review the register and release items to the public or to maintain ongoing matters in confidence.

Management and staff closely associated with the project or matter in confidence have provided feedback and the recommendations are outlined in attachments 1 and 2.

1. BACKGROUND

Council utilises the confidential provisions within the Local Government Act 1999 when it believes the information being discussed is of a confidential nature and meets one of the provisions in Section 90(3) of the Act.

This review considers the nature of confidential orders and its compliance with the Act. Sections 90 and 91 of the Local Government Act 1999 outline the requirements for Council to consider items in confidence and under what conditions they may be retained in confidence.

Documents held in confidence are reviewed each year to determine whether an item is to remain in confidence or be released to the public.

The last review of the confidential items register was conducted on 28 March 2017.

2. RELEVANCE TO STRATEGIC PLAN

1: Smart Service Delivery Program

Outcome 1.2 Improved service delivery

Although this report links to Council's Smart Service Delivery Program, this specific decision will have no significant impact on its progress.

3. PUBLIC CONSULTATION

There is no requirement to consult the community on this matter. The Local Government Act requires that the confidential status of items must be reviewed on an annual basis to determine if any items should be released into the public domain.

4. DISCUSSION

- 4.1 The review of confidential items provides an opportunity to determine which items should maintain their confidential status and which are able to be released. Fifty five (55) items are presented for review for a determination to be made by Council.
- 4.2 Management and staff closely associated with the project or matter that is in confidence have provided advice for each item. In addition, Governance has worked with Norman Waterhouse Lawyers in considering which confidential orders have grounds to retain in confidence.
- 4.3 The documents that have been identified to remain in confidence are outlined in attachment 1. The documents that have been identified for release from confidence are outlined within attachment 2.
- 4.4 In the case of an order of specified duration—
 - 4.4.1 The duration of the order cannot be extended after the order has ceased to apply (as a result of the expiry of the period for which the order was specified to apply); and
 - 4.4.2 An order extending the duration of such an order cannot be delegated by the relevant council or council committee.

5. OPTIONS

Recommendation

- 1. The documents listed in attachment 1 have been reviewed and are retained in confidence and will be reviewed at the next annual review.
- 2. That documents listed in attachment 2 be released from confidence.

Option 2

That all documents listed in attachment 1 and 2 “remain in confidence” or “be released from confidence” with the exception of the following items:

- 1. _____
- 2. _____
- 3. _____

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

Management and staff closely associated with the project or matter have provided advice for each item to ensure the best outcome will be achieved.

The documents listed in attachment 1 meet the confidentiality provisions and will remain in confidence and be reviewed at the next annual review. The documents listed in attachment 2 no longer meet the confidentiality provisions and can now be released to the public.

6.1.2 Financial Implications

There are no financial or resource implications associated with the retention or release of documents as recommended.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

Council may determine that all items either remain in confidence or be released from confidence with any exceptions being determined by the Council.

Council must take into consideration the provisions of the Local Government Act when determining a course of action for each item.

6.2.2 Financial Implications

Any financial or resource implications associated with releasing all the confidential items will be managed within existing resources.

**2018 Annual Confidential Orders Review
Documents to be Retained in Confidence**

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger
Whelan Kartaway Arbitration	Council	27/06/2006	Report Attachments Minutes Discussion	Annual review of confidential items after 30 July 2007
The Provision of a Household Hardwaste Collection Service – NAWMA – Evaluation Report	Council	25/10/2011	Attachment 1	Annual review of confidential items in 2012
Service Review - Transfer Station Services	Council	15/03/2011	Attachment	Keep Confidential
NAWMA Board Membership	Council	28/08/2012	Attachment Debate/Discussion	Annual review of confidential items
NAWMA Kerbside Waste Collection Contract	Council	15/12/2015	Attachment	three (3) years from the date of the contract commencement, anticipated to be February 2020.
Development Compliance Matter	Council	14/06/2011	Attachment Decision	Annual review of confidential items
Virginia Nursery Future Options	Council	28/08/2012	Report Attachments Discussion Recommendation/Decision	Report, Attachment(s) and Discussion: annual review of confidential items. Decision: staff have advised the stakeholder's of council's decision.
Appointment of Independent Members for Council Development Assessment Panel (CDAP)	Council	24/03/2015	Attachment 1	Annual review of confidential items in 2016
Appointment of Independent Member to Council Development Assessment Panel	Council	25/07/2017	Report Attachment(s) Discussion	Annual review of Confidential Items
GigCity Connections	Council	19/12/2017	Report Attachment(s) Discussion	Three (3) months after the announcement of the GigCity Recipients; or annual review by Council, whichever comes first
Stretton Management of Co-working Fluid Solar House	Council	26/09/2017	Report Discussion	conclusion of the negotiations; or annual review by Council, whichever comes first
Future Fund Update	Corporate Governance Committee	6/06/2017	Attachment(s) Discussion	A period of 12 months at which time will be reviewed and determined as part of the annual review
Elizabeth City Centre Agreement for Proposed Redevelopment	Council	26/09/2000	Attachment	Kept confidential
Lot 1013 Playford Blvd Elizabeth - Northern CBD Project	Council	15/12/2015	Report Attachment(s) Discussion Decision	Negotiations have concluded

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger
Playford City Sports Precinct - Lawn Bowls Scope Options	Council	20/12/2016	Report Attachment(s) Discussion Decision	Decision: until Council representatives have been able to inform the respective stakeholders of the matter Report, Attachment(s) and Discussion: next annual review by Council
Sale of Allotment 5, Northern CBD being portion of Allotment 1013, Playford Boulevard Elizabeth	Council	20/12/2016	Report Attachment(s) Discussion Decision	Reviewed and determined as part of the next annual review exception: the decision of Council to any prospective purchaser and professional organisation in assisting Council with the sale. Communicating to the community the purpose of the land sale
Strategic Northern CBD Commercial Opportunity	Council	26/07/2016	Report Attachment(s) Discussion Decision	Report, Attachment(s) and Discussion: next annual review by Council Decision: next annual review or until the CEO determines
Construction of a retail building and subsequent leases for the land situated at proposed Lot 11 within the Playford City CBD	Council	19/12/2017	Report Attachment(s) Discussion Decision	Substantial completion of the site occurs and unconditional leases are executed for the building, or will be reviewed and determined as part of the annual review , whichever comes first.
Northern CBD Project Multi Deck Carpark	Council	27/06/2017	Report Attachment(s) Discussion Decision	Next scheduled annual review
Northern CBD Project Multi Deck Carpark	Council	24/10/2017	Report Attachment(s) Discussion Decision	Next scheduled annual review
Sale of Allotment 5, Northern CBD being portion of Allotment 1013	Council	24/10/2017	Report Attachment(s) Discussion Decision	Settlement of the site occurs or will be reviewed and determined as part of the annual review
McGilp Oval - One Tree Hill	Council	22/09/2015	Report Attachment Discussion Decision	Next scheduled annual review
Building Stronger Regions Fund	Council	28/02/2017	Report Attachment(s) Discussion Decision	Next scheduled annual review
Progressing the Playford Sports Precinct	Council	27/01/2015	Report Discussion Minutes	Agreement is signed or until the confidential Items Review 2016
CEO's Performance Review 2005/2006	Council	24/10/2006	Attachments	Annual review of confidential items after 30 July 2007
Allegation of Breach of Conduct	Council	28/02/2015	Report Decision Discussion Minutes	Next scheduled annual review

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger
CEO's Contract of Employment	Council	23/10/2012	Report Attachment(s) Discussion	Next scheduled annual review
CEO's Development Plan	Council	23/10/2012	Report Attachment(s) Discussion	Next scheduled annual review
Appointment of Acting Chief Executive Officer	Council	12/05/2015	Report Attachment(s) Discussion	2016 Confidential items review
CEO Recruitment Process	Council	21/09/2015	Attachment Discussion	Next scheduled annual review
Chief Executive Officer (CEO) Appointment	CEO Selection Panel	17/09/2015	Report Attachment(s) Discussion Decision	Next scheduled annual review
Chief Executive Officer Recruitment	Council	4/08/2015	Written Report Minutes	A period of 24 months (04/08/2017)
Chief Executive Officer Recruitment - Consultants Report	CEO Selection Panel	3/09/2015	Written Report Minutes	A period of 24 months (03/09/2017)
Chief Executive Officer Recruitment - Employment Contract	CEO Selection Panel	3/09/2015	Written Report Minutes	a period of 24 months (03/09/2017)
Chief Executive Officer Recruitment Negotiations with the Preferred Candidate	CEO Selection Panel	3/09/2015	Written Report Minutes Tabled Attachment being the Draft Employment Agreement	a period of 24 months (03/09/2017)
Chief Executive Officer Recruitment Process	CEO Selection Panel	21/07/2015	Report Attachment(s) Discussion Decision	Report will be held for a period of 2 years after which they will be destroyed Attachment(s) will be held for a period of 2 years after which they will be destroyed Discussion will be held in confidence indefinitely Decision will be held in the Minutes indefinitely with the following exception - Candidates that have been selected for an interview as per the resolution of the committee to be advised by Jane Jeffries Consulting of interview details accordingly.
Chief Executive Officer's Contract of Employment	Council	5/05/2015	Report Attachment document tabled by Cr Muzyk Discussion Decision	Next scheduled annual review

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger
Draft Chief Executive Officer (CEO) Employment Agreement	CEO Selection Panel	18/09/2015	Report Attachment(s) Discussion Decision Tabled document entitled "Suggested Clauses for Amendment" as provided by Norman Waterhouse Lawyers	Next scheduled annual review
Short-listing of applications received for position of Chief Executive Officer	CEO Selection Panel	15/07/2015	Tabled attachment(s) Completed attachments 2&3 Discussion Decision	Tabled Attachment(s): will be held for a period of 12 months after which they will be destroyed Completed Attachments 2 & 3: will be held for a period of 2 years after which they will be destroyed Discussion: will be held in confidence indefinitely Decision: will be held in the Minutes indefinitely with the following exception - Candidates that have been selected for an interview as per the resolution of the committee to be advised by Jane Jeffries Consulting of interview details accordingly.
External Support to CEO Performance Review Committee	Council	24/05/2016	Report Attachment(s) Discussion	Expiry of this contract with Jane Jeffries Consulting
Corporate Governance Committee - Appointment of Independent Member	Council	28/11/2017	Attachment(s)	Next scheduled annual review
GRFMA Audit Committee Nominations	Council	6/06/2017	Report Attachment(s) Discussion Decision	Discussion, Report, Attachment(s): until the next scheduled annual review of Confidential Items at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the Local Government Act 1999. Decision: until the GRFMA has announced the Audit Committee members for 2017 to 2019, or will be reviewed and determined as part of the annual review by Council in accordance with Section 91(9)(a) of the Local Government Act 1999, whichever comes first.
Outcomes of the Chief Executive Officer Performance Review Process 2016-17 year	Council	26/09/2017	Report Attachment(s) Discussion Decision	Next scheduled annual review
Review the CEO's Quarterly Performance	CEO Performance Review Committee	13/02/2017	Attachment	Next scheduled annual review
Review the Chief Executive Officer's Quarterly Performance	CEO Performance Review Committee	9/10/2017	Document Tabled - CEO Quarterly Review Report	Next scheduled annual review

2018 Annual Confidential Orders Review

Documents to be Released

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger	Comment to support recommendation to release
NAWMA Strategic Asset Obligations	Council	25/07/2017	Attachment 2, 3 & 4	NAWMA releases the information; or annual review by Council, whichever comes first	NAWMA have recommended the documents be released
Request for Financial Assistance	Council	25/07/2017	Report	Annual review of Confidential Items	Applicant advised that the Report can be released
CBD Feasibility	Corporate Governance Committee	6/06/2017	Discussion	For a period of 12 months at which time will be reviewed and determined as part of the annual review	Discussion Item only, there is no document
Playford Land Bank	Corporate Governance Committee	4/07/2017	Discussion	Next scheduled annual review	Discussion Item only, there is no document
Stretton Centre Project - Council underwrite a budget shortfall due to potential withdrawal of federal government funding	Council	29/04/2014	Report Attachment(s) Discussion Recommendations	Next scheduled annual review	The funding from the Federal Government occurred thus making this contingency for the project void.
Chief Executive Officer Performance Agreement for 2016/17	Council	25/10/2016	Report Attachment(s) Discussion Decision	Adoption of a revised Chief Executive Officer Performance Agreement arising from the next performance cycle in 2017/18 or upon the CEO's employment concluding	New agreement in place for the CEO. Release in accordance with order.
Chief Executive Officer's Performance Agreement for 2016	Council	22/03/2016	Report Attachment(s) Discussion Decision	Adoption of a revised Chief Executive Officer Performance Agreement	New agreement in place for the CEO. Release in accordance with order.

Item	Delegated Meeting	Date(s)	What's in-confidence	Release Trigger	Comment to support recommendation to release
Annual Review of CEO Contractual Obligations	Council	24/10/2017	Report Attachment(s) Decision	Council has considered this item and made a determination or will be reviewed and determined as part of the annual review by Council, whichever comes first.	Council considered in October. Release in accordance with the confidential order.
CEO Contractual Obligations	Council	28/02/2017	Report Attachment(s) Decision	Annual review by Council	This document is now Public information
CEO Contractual Obligations	Council	25/07/2017	Report Attachment(s) Decision	Council determined contractual details or annual review by Council	Council considered in July. Release in accordance with the confidential order

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 18.1 IS TO BE KEPT IN CONFIDENCE**Purpose**

To resolve how long agenda item 18.1 is to be kept confidential.

STAFF RECOMMENDATION

[To be considered if there is a requirement to retain this report or decision in confidence]