	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

1. STATEMENT

The Wattle Range Council (Council) supports open and transparent decision making and engaging with the community. This Code sets out the Council's commitment to provide public access to meetings and associated documents of Council and Council Committees.

Council recognises that on some occasions it is necessary in the broader community interest to limit access to meetings and associated documents and this Code also outlines the circumstances and procedures for restricting public access as provided for in the *Local Government Act 1999* (the Act).

This Code has been developed to meet the requirements of section 92 of the Act.

2. DEFINITIONS

Audio Recording means any recording made by any electronic device capable of recording sound. This includes but is not limited to recordings made by mobile phone, video camera, cassette recorder, or DAT recorder, and stored on compact disk (CD), Digital Audio Tape (DAT), or in any other format (such as WAV, MP3, etc.).

Clear Days means the time between the giving of the notice and the day of the meeting but excluding both the day on which the notice was given and the day of the meeting, e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

The Act refers to the *Local Government Act 1999*

Personal affairs is defined by the Act and includes a person's financial affairs, criminal records, marital or other personal relationship, personal qualities, attributes or health status, employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person. It does not include the personal affairs of a body corporate.

3. PRINCIPLES


3.1 Scope

Public access to Council and Council Committee meetings and associated documents is key to community understanding the business and operation of Council.

This Code sets out the policy and procedures of Council for access to meetings and documents. It includes information relating to:

- public access to the agenda, documents and minutes of meetings;
- public access to meetings
- the process to exclude the public from meetings;
- matters for which the Council, or a Council Committee, can order that the public be excluded;
- how the Council will apply the confidentiality provisions in the Act;
- the process to review confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

3.2 Public access to meetings

3.2.1 Ordinary meetings of Council or Council Committees

Council and Council Committee meetings are open to the public and attendance is encouraged. Details of Council and Council Committee meetings are displayed on Council's Website and at the Council's principal office in Millicent.

Ordinary meetings of Council are held in the Council Chamber, Civic Centre, George St, Millicent on the third Tuesday of January and second Tuesday of every other Month, commencing at 5pm.

At least three (3) 'clear days' before an ordinary Council or Council Committee meeting the Chief Executive Officer (CEO) will give written notice of the meeting to all Council Members setting out the date, time and place of the meeting. The notice will be accompanied by the agenda for the meeting.

The notice of meeting will be placed on public display at the following locations:

- Millicent Office – 'Civic Centre' George Street, Millicent
- Council's website www.wattlerange.sa.gov.au

until the completion of the relevant meeting.

Meetings will commence as soon after the time specified in the notice of meeting as a quorum is present.

3.2.2 Special meetings of Council or Council Committees

Special Council or Council Committee meetings may be held at any time, however, at least four hours' notice is required for a Special meeting of Council and Council Committees performing a regulatory function. The notice of the meeting and agenda will be available as soon as practicable after the time that notice of the meeting is given to Council members.

3.2.3 Information or briefing sessions


Section 90A of the Act enables the Council or the Chief Executive Officer to convene information or briefing sessions to discuss particular matters of interest. This replaces the previous 'informal gatherings' procedure.

To constitute an information or briefing session under s90A, more than one member of the Council or a Council Committee must be invited to attend for the purposes of providing information or a briefing to attendees.

It is important to note that information/briefing sessions are not formal meetings of Council or a Council Committee – they are used to help elected members become better informed about issues. Council and Council Committee decisions cannot be made at these sessions; decisions can only be made at a formal meeting of the Council or Council Committee.

An information or briefing session must be open to the public, however section 90A(4) permits the Council or Chief Executive to close a session to the public if it is agreed that a matter needs to be considered in confidence. The permissible reasons for excluding the public are outlined in 3.4.2 below.

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

If the public is excluded from an information or briefing session, a record must be made of the grounds on which the order was made and why the information being considered supports excluding the public (see section 90A(5)).

As soon as practicable after holding an information or briefing session, details of the session must be published on a website determined by the Chief Executive Officer that outline place, date and time of the session, the matter discussed and whether the session was closed to the public (see section 90A(7)).

3.2.4 Recording Council or Committee Meetings

Wattle Range Council prohibits any person from photographing, filming, televising or recording by audio or visual devices (including mobile phones) any Committee or Council Meeting without written approval from the Mayor or Chief Executive Officer (CEO). Approval is at the discretion of the Mayor or CEO. An approval granted may be either a standing on-going approval or on a specific occasion. An approval may be withdrawn either generally or on any specific occasion.

This applies to Council Members, Council Committee Members, Council staff, the general public and media representatives.

3.3 Public access to documents

3.3.1 Public access to the Notice of Meeting and agenda

The non-confidential Council or Council Committee notice of meeting and agenda is available to view by the public 3 clear days before a meeting is scheduled at:

- Millicent Office – ‘Civic Centre’ George Street, Millicent
- Council's website www.wattlerange.sa.gov.au

Members of the public may obtain a copy of the agenda for a fee to cover the costs of photocopying, in accordance with Council's schedule of fees and charges.

One copy of the agenda will be made available to view by the general public in attendance at a meeting.

Items listed on the agenda will be described accurately and in reasonable detail.

3.3.2 Public access to minutes

During Council meetings the minutes are displayed on an overhead screen to enhance community understanding of meeting processes and to confirm the decisions made.


The non-confidential minutes of a Council or Council Committee meeting will be publicly available, including on the Council's website, within 5 clear days after the meeting.

Members of the public may obtain a copy of the non-confidential minutes for a fee in accordance with Council's schedule of fees and charges.

3.3.3 Public access to other documents

Council makes various documents available for public inspection and purchase at its offices. Council also makes many of these documents freely available on Council's website.

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

The *Freedom of Information Act 1991 (FOI Act)* also makes provision for members of the public to access the documents of government. There are some exemptions under the FOI Act and other legislation (e.g. Copyright Act) where documents may not be released. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's Accredited Freedom of Information Officer on (08) 8733 0900.

3.4 Excluding public access to meetings or documents

3.4.1 Principles for the use of confidentiality provisions

The Council strongly supports the principle of open and accountable government.

The public will only be excluded from meetings when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.


In all cases the objective is that the information be made publicly available at the earliest opportunity and that the community is informed of any Council or Council Committee order and the associated implications.

3.4.2 Powers to exclude the public from meetings

Section 90 of the Act gives Council and Council Committees the power to exclude the public from a meeting. Section 90(3) describes the circumstances when the public can be excluded, namely discussion of a matter involves:

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (b) *information the disclosure of which -*
 - (i) *could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (c) *information the disclosure of which would reveal a trade secret;*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which -*
 - (i) *could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;*
- (j) *information the disclosure of which—*
 - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and*
 - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (m) *information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a council under the Freedom of Information Act 1991*
- (o) *information relating to a proposed award recipient before the presentation of the award.*

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the above grounds and the factual reasons for the relevance and application of the ground(s) in the circumstances.

In considering whether to exclude the public, s90(4) of the Act states that the following are NOT grounds for excluding the public:


Where discussion of a matter in public may—

- (a) cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
- (b) cause a loss of confidence in the council or council committee; or
- (c) involve discussion of a matter that is controversial within the council area; or
- (d) make the council susceptible to adverse criticism.

When a decision to exclude the public is carried, the Council or the Council Committee will record the order in the minutes and the grounds on which it was made.

Once Council, or a Council Committee, has made an order to exclude the public, it is an offence for a person who, knowing that an order is in force, to enter or remain in the room in which the meeting is being held. Section 90(5) of the Act makes it legal for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request. (Note: It is recommended that if any form of physical force is required to remove a person, that the police should be called.)

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

3.4.3 Powers to make orders of confidentiality over documents

When an order to exclude the public has been made and following confidential discussion, section 91(7) of the Act then allows Council or a Council Committee to make a further order that documents (e.g. reports, attachments, minutes, or others) are kept confidential.

The Council or Council Committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

When Council makes an order (by resolution) to keep documents confidential the minutes will record:

- the grounds on which it was made;
- the duration of the order or the circumstances in which the order will cease to apply; and
- the period after which the order must be reviewed (see Appendices 1 and 2).

In all cases, the objective is that information will be made available to the public at the earliest opportunity.

Section 91(9) of the Act permits the Council or Council Committee to delegate the power to revoke an order made under section 91(7) to an employee of the Council.¹

Section 91(8) of the Act states that an order cannot be made to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

3.4.4 Public Requests for Information to be Confidential


Council is only permitted to exclude the public and retain information under a confidentiality order when it meets the criteria specified by the Act (summarised in sections 3.4.2 and 3.4.3 above).

3.4.5 Process to exclude the public

Council officers prepare reports as per the flow diagram in Appendix 3.

If the CEO believes that a matter should be considered in confidence, it will be clearly noted on the agenda (generally in the *Items to be Considered in Confidence* section).

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

The public (non-confidential) version of the agenda will only contain the report title and the reason(s) why it should be considered in confidence.

Before a meeting orders the public to be excluded, the Council or Council Committee must, in public, formally determine it is necessary and appropriate to consider an item confidentially. A resolution to exclude the public will then need to be carried. If this occurs, the public must immediately leave the meeting room and move to a location where the meeting cannot be viewed or heard.

The Council or Council Committee can exempt Council staff from having to leave the meeting. Exempted Council staff need to be listed by name in the resolution. The Council or Council Committee can also permit any other person or persons to remain in the meeting; exempted person/s need to be listed in the resolution (e.g. a ratepayer who is suffering personal hardship their circumstances concerning the payment of rates is being discussed).

Once discussion of the matter has concluded, the meeting will then consider if it is necessary to make an order that a document (or parts of a document) associated with item remain confidential (e.g. a report, attachment or minutes). In determining this, the meeting shall have regard to the provisions of section 91 of the Act (see 3.4.3 above).

Council will consider each confidential item separately (i.e. they will not be considered en bloc). Therefore, if there is a further matter/s that the Council or Council Committee considers need/s to be dealt with in confidence, it is necessary to again undertake the formal determination process and to resolve to exclude the public, as described above.

Once discussion on the matter is concluded, the public are then permitted to re-enter the meeting.

Decisions made will be available in the public minutes unless Council has ordered that they remain confidential, in which case they will not be publicly available until the order expires or ceases to apply.

3.5 Review and release of Confidentiality Orders

A review of the reports, attachments, minutes or any other documents that are the subject of a confidentiality order is conducted annually to ensure that items are released to the public in accordance with the resolutions of Council.

An order will lapse if the time or event specified in the order has been reached or carried out or if an employee delegated by the Council or Council Committee revokes the order.


Once an order expires or ceases to apply, the minutes and/or documents automatically become public. Released documents are available on Council's website at www.wattlerange.sa.gov.au.

3.6 Accountability and reporting to the community

Information on the use of confidentiality provisions will be included in the Annual Report, which is available for inspection by the public at Council offices. This includes:

- Number of occasions each of the provisions for excluding the public were utilised;
- Subject of the confidential item;

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

- Number of occasions that information originally declared confidential has subsequently been made publicly available; and
- Any other information that the Act or Regulations require to be reported.

4. REVIEW

This Code of Practice will be reviewed within 12 months after the conclusion of each periodic election or sooner if required.

In addition, Section 92(5) of the *Local Government Act 1999* requires any future amendment or alteration to the Code, or a substitution of a new Code, will be subject to the specifications of Council's Community Engagement Policy.

5. AVAILABILITY

This Policy is available without charge on the Wattle Range Council website: www.wattlerange.sa.gov.au.

A copy of the Policy may also be purchased from the Principal Council Office at Civic Centre, George Street, Millicent upon payment of a prescribed fee in accordance with Council's Schedule of Fees and Charges.

6. REFERENCES & FURTHER READING


Relevant Legislation:	<ul style="list-style-type: none"> • <i>Local Government Act 1999</i> • <i>Local Government (Procedures at Meetings) Regulations 2013</i> • <i>Freedom of Information Act 1991</i>
Relevant Policies / Procedures / Guidelines	<p>This Policy should be read in conjunction with:</p> <ul style="list-style-type: none"> • Appendix 1 – Matters for which Council, or a Committee can order that the public be excluded. • Appendix 2 – Template for Making Section 90(2) and 91(7) Orders Under the <i>Local Government Act 1999</i> • Policy 1.5 – Community Engagement • Code of Practice 104 - Discretionary Procedures – Procedures at Meetings • Policy 28 – Customer Experience & associated procedures • Procedure 106 – Deputations to Council • Procedure 369 – Petitions to Council

7. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the policy.


Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	12/12/2006	Council	Adopted	Folio 3789; Item 18.1.1
2	14/12/2010	Council	Reviewed	Folio 4496; Item 16.1.7
3	08/05/2012	Council	Amended	Folio 4574; Item 11.1.2
4	11/12/2012	Council	Reviewed	Folio 4847; Item 11.1.9
5	08/04/2014	Council	Amended	Folio 5284; Item 12.2.9
6	08/11/2016	Council	Amended	Folio 6936; Item 13.2.3
7	21/01/2020	Council	Amended	Folio 8922; Item 15.2.6

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

 Wattle Range COUNCIL	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

8	14/04/2020	Council	Amended – LG Act changes due to COVID-19	Folio 8948; Item 4.1.2
9	24/06/2022	Council	Amended due to end of Emergency Declaration	Folio;10203; Item15.1.3
10	14/03/23	Council	Amended to include changes in the LG Act.	Folio 10496; Item 15.2.3

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

APPENDIX 1 - CONFIDENTIAL ITEM RECOMMENDATIONS

TEMPLATE FOR MAKING AN ORDER TO EXCLUDE THE PUBLIC (SECTION 90(2) ORDERS)

Section 90(4) of the *Local Government Act 1999* states that it is irrelevant to exclude the public from the Meeting just because the issue may:

- *cause embarrassment to the Council or Council Committee or to members or employees of the Council; or*
- *cause a loss of confidence in the Council or Council Committee; or*
- *involve discussion of a matter that is controversial within the Council area; or*
- *make the Council susceptible to adverse criticism.*

Appendix 2 contains the list of circumstances in which a meeting can be closed to the public to allow confidential discussions to occur pursuant to section 90(3)(a) to (o) of the Act. These reasons will need to be referenced to complete this recommendation.

REASON = Insert the relevant letter from the "REASON" column in Appendix 2, e.g. (a)

GROUND = Insert the information from the "GROUND" column in Appendix 2 (both the white and green box). Ensure you complete the information in the green box as required.

NB: This template can be used for Council Committees established under section 41 of the Local Government Act.

Recommendation 1

That:

- Pursuant to Sections 90(2) and 90(3)([REASON]) of the *Local Government Act 1999*, the Council orders that the public be excluded from attendance at that part of this meeting relating to Item XX.X, excepting the following persons:

- [First Name] [Last Name] – Chief Executive Officer
- [First Name] [Last Name] – Director Corporate Services
- [First Name] [Last Name] – Director Development Services
- [First Name] [Last Name] – Director Engineering Services
- [First Name] [Last Name] – Executive Assistant / Minute Taker

NOTE: Only the Mayor and Councillors have an automatic right to remain when the public are excluded. Any other person, including staff members, must be listed to remain in the Chamber whilst the item is discussed.

to enable the Council to consider Item XX.X in confidence on the basis the Council considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the following information or matter relating to Item XX.X:


[GROUND]

- Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

TEMPLATE FOR MAKING REPORT RECOMMENDATION

This is the recommendation which relates to the matter detailed within the report.

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

Recommendation 2

That Council:

1. Receive and note the report.
2. XX

TEMPLATE FOR MAKING ORDERS TO RETAIN DOCUMENTS IN CONFIDENCE (SECTION 91(7) ORDERS)

E.G. RETAIN REPORTS, ATTACHMENTS, MINUTES OR OTHER DOCUMENT IN CONFIDENCE

This recommendation retains specified documents in confidence for a specified period of time. If you do not order that information is retained in confidence, it becomes public information. The reason for retaining in confidence must meet the criteria of Section 90(2) of the *Local Government Act 1999*.

Note: The Council cannot make a resolution to keep documents confidential if the purpose of the resolution is to prevent:

- The disclosure of the remuneration or conditions of service of an employee of the council after the remuneration or conditions have been set or determined; or
- The disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the council as to why a successful tenderer has been selected; or
- The disclosure of the amount or amounts payable by the council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the council after the contract has been entered into by all parties to the contract; or
- The disclosure of the identity of land that has been acquired or disposed of by the council, or of any reasons adopted by the council as to why land has been acquired or disposed of by the council.

Please select either Option A or Option B, NOT both.

Use Option A – if NO documents need to be kept confidential.

Use Option B – if there are documents that need to be kept confidential.

Appendix 2 contains the list of reasons that can be used to go into confidence (under section 90(3)(a) to (o) of the Act) and will need to be referenced to complete this recommendation.

REASON = Insert the relevant letter from the "REASON" column in Appendix 2, e.g. (a)

GROUND(S) = Insert the information from the "GROUND(S)" column in Appendix 2 (both the white and green box) Ensure you complete the information in the green box as required.


Recommendation 3

OPTION A: If no documents are required to be kept in confidence, use this recommendation.

That having considered Item **X.XX** in confidence under section 90(2) and (3)(**REASON**) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that the **Report, Attachment(s) and Minutes** related to this item **be released to the public**.

OPTION B: If any documents or parts of documents need to be kept in confidence, use this recommendation.

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

That Council:

- Pursuant to Section 91(7) of the *Local Government Act 1999*, the Council orders **that the following document(s) (or part) shall be kept confidential**, being document(s) (or part) relating to a matter dealt with by the Council on a confidential basis under Sections 90(2) and 90(3) ([REASON]) of the Act:

- The **Report** of Item XX.X of DATE OF MEETING
- The **Attachment(s)** of Item XX.X of DATE OF MEETING
- The **Minutes** of Item XX.X of DATE OF MEETING

on the grounds that the document(s) (or part) is:

[GROUNDS]


This order shall operate until **INSERT a DATE or an EVENT or "FURTHER ORDER OF THE COUNCIL"** and will be reviewed at least annually in accordance with the Act.

- Pursuant to Section 91(9)(c) of the Act, the Council delegates to the Chief Executive Officer the power to revoke this order and must advise the Council of the revocation of this order as soon as possible after such revocation has occurred.

NOTE: Only list the documents you are seeking to keep confidential.
E.g. If wanting to retain the report, you would remove the line for attachments and minutes and leave:

- The **Report** of ...

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

APPENDIX 2: REASONS TO EXCLUDE THE PUBLIC AND RETAIN DOCUMENTS IN CONFIDENCE

(Source: section 90(3) of the *Local Government Act 1999*)

For use in Confidential Item **Recommendation 1** and **Recommendation 3** in Appendix 1.

REASON GROUNDS

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

Specifically, the present matter relates to information pertaining to the personal affairs of [a person] *or, if appropriate, [name of person].*

The disclosure of this information would be unreasonable because [INSERT]
(*e.g. the information is sensitive/confidential to [person] and is not a matter of public knowledge*)

information the disclosure of which:

- (b) (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest;

Specifically, the present matter relates to [TYPE OF INFORMATION]
(*e.g. detailed costings and financial statements relating to the proposed renovation of the XX Plaza*).


The disclosure of this information could reasonably be expected to be commercially advantageous to [PARTY] because [REASONS]
(*e.g. that party is currently in commercial negotiations with the Council related to this matter, and that party could adjust their bargaining position based on the positions of the Council disclosed in the information*)

[AND/OR]

The disclosure of this information could reasonably be expected to prejudice the commercial position of the Council because [REASONS]
(*e.g. the Council is currently inviting tenders in relation to this matter, and the disclosure of this information would likely influence any proposals submitted, to the commercial detriment of the Council*)

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is [INSERT] (*e.g. the Council's ability to obtain best value for money*). The Council considers that, on balance, disclosure would be contrary to the public interest. [SUMMARISE REASONS OF COUNCIL]
(*e.g. To discuss the matter publicly would seriously compromise the Council's ability to achieve optimum value for money for its residents, as the Council's business stance in relation to the matter would inappropriately become known to other involved parties.*)

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

REASON GROUNDS

- (c) information the disclosure of which would reveal a trade secret;

Specifically, the present matter relates to [DESCRIBE INFORMATION]
(Note: do not include the nature of the trade secret.)

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;

Specifically, the present matter relates to [TYPE OF INFORMATION] (e.g. a report from XX Consultants relating to a proposed development)
The disclosure of this information could reasonably be expected to prejudice the commercial position of the person who supplied the information [or, if appropriate, NAME OF PARTY] because [REASONS] (e.g. the information details confidential financial and business forecasts about that party which could reasonably be expected to prejudice the party's ability to conduct business with other parties)

[AND/OR]

The disclosure of this information could reasonably be expected to confer a commercial advantage on a third party because [REASONS] (e.g. the information contains financial estimates of the party supplying the information regarding future work to be undertaken for third parties, and disclosure of those estimated costs would likely then be taken into account by those third parties in their dealings with the party supplying the information)

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is [INSERT] (e.g. the Council's ability to conduct its present business with XX Consultants, for the benefit of residents). The Council considers that, on balance, disclosure would be contrary to the public interest. [SUMMARISE REASONS OF COUNCIL] (e.g. the potential commercial detriment that the disclosure of this information could cause to XX Consultants may diminish the ability of XX Consultants to conduct its present business with the Council and is contrary to the Council's adherence to fair commercial conduct.)


- (e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;

Specifically, the present matter relates to [DESCRIBE INFORMATION]

- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

Specifically, the present matter relates to [DESCRIBE INFORMATION]

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

REASON GROUNDS

- (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

Specifically, the present matter relates to [DESCRIBE INFORMATION]

- (h) legal advice;

Specifically, the present matter relates to [DESCRIBE INFORMATION] (e.g. legal advice provided by XX Lawyers)
(Note: do not include the content or nature of the legal advice)

- (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

Specifically, the present matter relates to [DESCRIBE INFORMATION]
(Note: do not include the nature of any legally sensitive information)

information the disclosure of which:

- (j) (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
(ii) would, on balance, be contrary to the public interest;


Specifically, the present matter relates to [TYPE OF INFORMATION AND MINISTER/PUBLIC AUTHORITY WHICH COMMUNICATED IT] (e.g. correspondence between the Council and the Department of Planning, Transport and Infrastructure regarding a proposed highway)
This information was communicated to the Council on a confidential basis.

The Council has considered the public interest in relation to whether to make this order. The prevailing public interest in these circumstances is [INSERT] (e.g. the delivery by the State Government, in partnership with the Council, of a major public works project). The Council considers that, on balance, disclosure would be contrary to the public interest. [SUMMARISE REASONS OF COUNCIL] (e.g. Full particulars of the project will be made available in due course if the project proceeds beyond its present, early stage. However, the release of this information at this early stage may compromise the delivery of a proposed significant roadwork project, which is intended to benefit the residents of the Council and the public in general.)

- (k) tenders for the supply of goods, the provision of services or the carrying out of works;

Specifically, the present matter relates to [DESCRIBE INFORMATION]

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

REASON GROUNDS

- (m) information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;

Specifically, the present matter relates to [DESCRIBE INFORMATION]


- (n) information relevant to the review of a determination of a council under the *Freedom of Information Act 1991*.

Specifically, the present matter relates to [DESCRIBE INFORMATION]

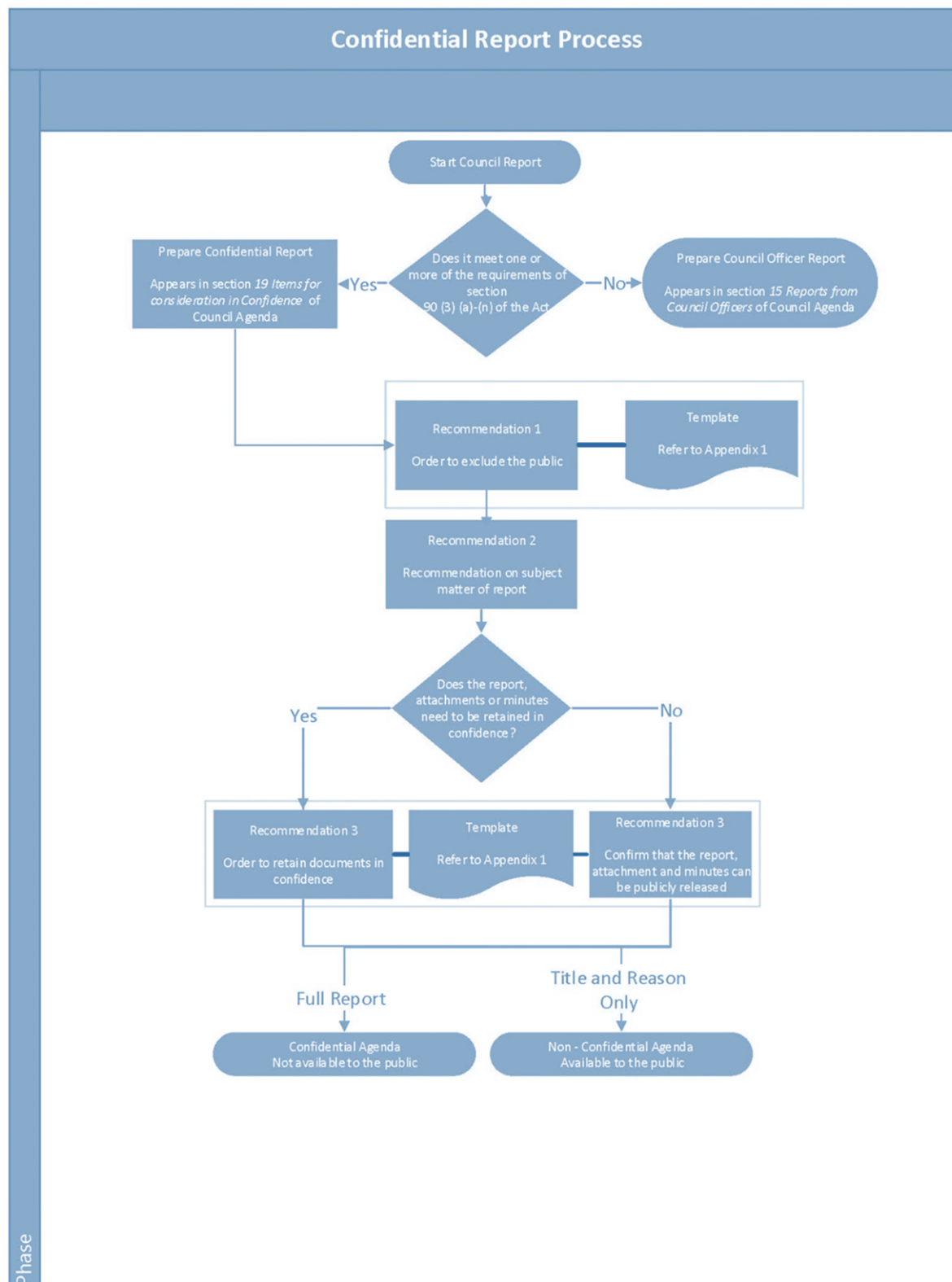
- (o) information relating to a proposed award recipient before the presentation of the award.

Specifically, the present matter relates to [DESCRIBE INFORMATION]

File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				

	CODE OF PRACTICE 6	Version:	10
	Public Access to Council and Committee Meetings and Associated Documents	Date Adopted:	14/03/2023
		Next Review Due:	March 2027

APPENDIX 3: COUNCIL OFFICER REPORTING OF CONFIDENTIAL ITEMS



File Ref:	Classification:	Department:	Position Responsible:	Review Frequency:
GF 9.63.1/4	Public	Corporate Services	Director Corporate Services	4 Yearly
Printed copies of this document are uncontrolled, refer to Council's Intranet to verify this is the current version.				