

# Confidential Recommendation of The Committee - 19/3/2019

**ITEM 18.1.1** 26/03/2019  
**Council**

**Program Contact:**  
Jacki Done, AD People & Governance 8203 7256

2018/04062

Confidential - s 90(3) (g) breach of law, duty of confidence, obligation or duty

**Approving Officer:**  
Steve Mathewson, Director Services

## EXECUTIVE SUMMARY:

The Committee considered the following Item at its meeting held on 19 March 2019 and resolved to present to Council a Recommendation for Council determination in confidence:

- Item 8.1 - Capital City Committee Update

### Grounds and Basis for consideration of Capital City Committee Update in Confidence by The Committee

Section 90(3) (g) of the *Local Government Act 1999 (SA)*

#### **Grounds and Basis**

This Item is confidential to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the *City of Adelaide Act 1998* which has provided for a State/Capital City intergovernmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

The Lord Mayor will seek a motion for the recommendation presented by The Committee below for determination by Council.

## RECOMMENDATION:

### **Recommendation 1 - Capital City Committee Update**

#### That Council:

1. Notes the report.
2. Notes that the next Capital City Committee is to be held on a date yet to be confirmed.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Recommendation 1 – Capital City Committee Update of Item #.#.# listed on the Agenda for the meeting of the Council held on 26 March 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (g) of the *Local Government Act 1999 (SA)*, this meeting of the Council, do order that:
  - 3.1. the resolution becomes public information and included in the Minutes upon determination by Council

- 3.2. the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026
- 3.3. the confidentiality of the matter be reviewed in December 2019
- 3.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.

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## DISCUSSION

1. The deliberation of The Committee adopted the recommendation as presented in the Committee Report. The Committee Agenda with reports including the confidential component of the meeting of The Committee can be viewed [here](#).

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## ATTACHMENTS

Nil

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- END OF REPORT -

Confidential Report of Committee and Advice from Adelaide Park Lands Authority

**23. Item 18.1.1 – Recommendation of The Committee in Confidence – 19/3/2019 [2018/04062] [C]**

Moved by Councillor Moran,  
Seconded by Councillor Hyde -

**Recommendation 1 - Capital City Committee Update**

That Council:

1. Notes the report.
2. Notes that the next Capital City Committee is to be held on a date yet to be confirmed.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Recommendation 1 – Capital City Committee Update of Item 18.1.1 listed on the Agenda for the meeting of the Council held on 26 March 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (g) of the *Local Government Act 1999 (SA)*, this meeting of the Council, do order that:
  - 3.1. the resolution becomes public information and included in the Minutes upon determination by Council
  - 3.2. the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026
  - 3.3. the confidentiality of the matter be reviewed in December 2019
  - 3.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.

Carried