

Council Policy 1.5

Meeting Agenda/Minutes - Confidential Items

Strategic Plan Objective

To report against the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027 objectives.

Purpose

To ensure that confidential items, appearing on the Council and/or Committee agendas are easily recognised so that they can be dealt with in accordance with their special nature.

Legislation

Local Government Act 1995 s.5.23, s.5.25(1)(j), s.5.94 and s.5.95

Local Government (Administration) Regulations 1996 r14, r29 and r29A

Local Government (Rules of Conduct) Regulations 2007

Freedom of Information Act 1992 Schedule 1 Clause 4

EMRC Meeting Procedures Local Law 2023 cl. 4.20 and cl. 5.13.

Policy Statement

1. That, in accordance with s.5.23 of the items which at the discretion of the Chief Executive Officer (CEO) are confidential are to be distributed separate from but accompanying the Council and/or Committee agendas and marked confidential.
2. That the agenda is to indicate that an item should be treated as confidential while it is being considered by Council/Committee.
3. That the Council and/or Committee decision relating to a confidential item be included in the minutes of the meeting.
4. That confidential documents and attachments are distributed to all Councillors and deputy members via an online platform (i.e. Diligent Board) upon delivery of all relevant agendas.
5. That in accordance with s.5.95(1)(b) and s.5.95(3) of the *Local Government Act 1995* the reports and other documents; relating to the confidential item and presentation at the meeting, not be available for inspection by the public unless the document has been declassified.

The procedure for dealing with confidential information is:

1. Confidential information will be categorised by the EMRC CEO into information that will be disclosed only to the Council and information which may be disclosed to committees and member Council CEOs, officers and Councillors.
2. Confidential information which will only be disclosed to the Council will include information which is the subject of legal professional privilege, commercially sensitive information and information relating to employees and information which if disclosed will or may cause harm to the EMRC.

3. Where confidential information is to be disclosed only to the Council, the Council may consider that information behind closed doors. Release of confidential information will be limited to officers and employees of the EMRC and Council members including member Council Mayors and Shire President. Confidential information will not be disclosed to any third party, inclusive of member Council CEOs, officers and Councillors unless authorised by the EMRC CEO prior.
4. Confidential information which may be disclosed to committees and member Council CEOs, officers and Councillors will be marked as being expressly subject to confidentiality and will be considered behind closed doors by those committees and member Council CEOs.
5. Confidential information which is categorised by the CEO to be not disclosed to committees and member Council CEOs, officers and Councillors may be referred to Council for review about whether it should be disclosed to committees and member Council CEOs, officers and Councillors.
6. Application of these procedures will be made in a manner which will facilitate decision making by the EMRC and its Council and committees, prevent confidential information being accidentally disseminated, minimise the conflict of interest member Council CEOs, officers and Councillors may have consequent upon the duty they owe to a participant and the legal and equitable duty of confidence they owe to the EMRC and to avoid the need for litigation by the EMRC.

Financial Considerations

Nil

Adopted/Reviewed

18 September 1997

22 July 1999

02 May 2002

20 May 2004

23 February 2006

18 September 2008

23 September 2010

18 September 2014

06 December 2018

21 March 2019

23 June 2022

22 May 2025

Next Review

Following the Ordinary Elections in 2027

Responsible Unit

Business Support Team