



THE HON. DOROTHY KOTZ MP

Minister for Local Government
Minister for Aboriginal Affairs
The Government of South Australia

MESSAGE FROM THE MINISTER (To Elected Members and CEOs)

CONFIDENTIAL DOCUMENTS

In some circumstances, Councils or committees are able to order under section 91(7) of the Act that the document or part of it be kept confidential.

Section 91(9)(a) of the Local Government Act 1999 requires that if such an order is made, the Council or committee **must** specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. These details must be recorded in the minutes.

It has come to my attention that not all Councils are complying with the requirements of section 91(9)(a).

In particular, please note that use of the phrase that 'it be kept confidential at the City Manager's discretion' does **not** comply with section 91(9)(a). The power to revoke an order can be delegated to the City Manager, but that delegation does not amount to specifying the circumstances in which an order will cease to apply.

I suggest that all Councils review current confidentiality orders as soon as possible to ensure they comply with section 91(9)(a) of the Act. Any continuing order that does not comply will need to go back to Council or committee to be remade so as to comply.

I also suggest that all Councils review their code of practice under section 92 of the Local Government Act 1999 as soon as possible and ensure that it requires compliance with section 91(9)(a) of the Act in the future.

If you wish to discuss any queries on this issue, please contact Chris Anderson of the Office of Local Government, telephone 8207 0608.

A handwritten signature in black ink, appearing to read 'D. Kotz', written over a horizontal line.

HON DOROTHY KOTZ MP
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR ABORIGINAL AFFAIRS

24 September 2001