



# **KNOX CITY COUNCIL AGENDA**

## **STRATEGIC PLANNING COMMITTEE**

Meeting of the  
Strategic Planning Committee of Council  
To be held at the Civic Centre,  
511 Burwood Highway, Wantirna South  
on Tuesday 15 November, 2016 at 7.00pm

Under Section 89 of the Local Government Act 1989, Council may resolve that the Meeting be closed to members of the public if the Meeting is discussing any of the following issues Personnel Matters, Personal Hardship of any resident or ratepayer, Industrial Matters, Contractual Matters, Proposed Developments, Legal Advice, Matters affecting security of Council property, any other matter which the Council or Special Committee considers would prejudice the Council or any person

### **APOLOGIES**

### **DECLARATIONS OF CONFLICT OF INTEREST**

- |         |   |           |
|---------|---|-----------|
| Item 1. | Confidential Information Register                                   | <b>1.</b> |
| Item 2. | Chief Executive Officer's Annual Performance Plan<br>(Confidential) | <b>5.</b> |

Tony Doyle  
Chief Executive Officer

**ALL WARDS****1. CONFIDENTIAL INFORMATION REGISTER**

**SUMMARY:** *Manager – Governance and Innovation (Fleur Cousins)*

*This report provides Council with a summary of information declared confidential in accordance with the requirements of section 77(2)(b) of the Local Government Act 1989.*

**RECOMMENDATION**

**That Council note the information declared confidential in accordance with section 77(2)(b) of the Local Government Act 1989 and added to the Confidential Information Register.**

**1. INTRODUCTION**

Section 77(2)(c) of the Local Government Act 1989 enables the Chief Executive Officer to designate information that is confidential, specifying the relevant ground/s applying under section 89(2) of the Act.

**2. DISCUSSION**

The definition of 'confidential information' in section 77 of the Local Government Act is as follows:

"(2) For the purposes of this section, information is "confidential information" if-

- (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
- (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
- (c) the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential."

**1. Confidential Information Register (cont'd)**

In December 2015, the Local Government Amendment (Improved Governance) Act 2015 removed section 77(3) of the Act, resulting in information declared by the Chief Executive Officer no longer being declared confidential for a maximum of 50 days, thereby making any declaration made by the CEO perpetual unless Council resolves the information is not confidential. In addition, penalties were increased for the disclosure of confidential information.

Section 77(1) of the Local Government Act states, "A person who is, or has been, a Councillor or a member of a special committee, must not disclose information that the person knows, or should reasonably know, is confidential information" with a penalty of 120 penalty units.

**3. CONSULTATION**

No consultation has occurred in relation to the preparation of this report, however, a Council resolution to declare information confidential in accordance with the requirements of section 77(2)(b) of the Local Government Act 1989 is consistent with Council's Confidential Information Policy and Procedure.

**4. ENVIRONMENTAL/AMENITY ISSUES**

There are no environmental/amenity issues associated with the preparation of this report.

**5. FINANCIAL & ECONOMIC IMPLICATIONS**

There are no financial implications associated with this report.

**6. SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)**

The provision and updating of the Confidential Information Register supports the City Plan aspiration of Democratic and Engaged Communities by ensuring good governance through the application of appropriate processes and protocols to facilitate effective and democratic government.

**8. CONCLUSION**

This report provides an update to Council on information that has been declared confidential under section 77(2)(b) of the Local Government Act and added to the Confidential Information Register.

**1. Confidential Information Register (cont'd)****9. CONFIDENTIALITY**

Due to the confidential nature of the information to be included in the register, a detailed listing of the documents for adoption by Council has been circulated separately as Confidential Appendix A.

*Report Prepared By:*     ***Manager – Governance and Innovation  
(Fleur Cousins)***

*Report Authorised By:*   ***Director – Corporate Development  
(Joanne Truman)***

**1. Confidential Information Register (cont'd)**

Confidential Appendix A is circulated under separate cover.

**ALL WARDS****2. CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE PLAN**

A confidential report is circulated under separate cover.

*Report Prepared By:*      *Manager – Governance & Innovation  
(Fleur Cousins)*

*Report Authorised By:*    *Director – Corporate Development  
(Joanne Truman)*