

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date                 | Meeting Item | Subject  | Basis upon which Order was made   | Status                                  |
|------|---------------------------------------|--------------|--|---|---|
| 40   | Council (Special)<br>21 April 2015    | 3.1          | Chief Executive Officer's Development                    | Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)<br>Section 90(3) (h) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>Legal Advice | <b><i>Review by 31 January 2025</i></b> |
| 59   | Council (Special)<br>24 November 2015 | 3.1          | Matters Pertaining to the Acting Chief Executive Officer | Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)  | <b><i>Review by 31 January 2025</i></b> |

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Confidential Items Register – Retained items as at 18 April 2024

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| 97   | Council<br>16 August<br>2017   | 14.1         | Staffing Matters | Section 90(3) (a) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(i) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)   | <b><i>Review by 31 January 2025</i></b> |
| 118  | Council<br>19 December<br>2018 | 16.2         | Legal Matter     | Section 90(3) (g), (h) and (i) of the Local Government Act 1999, the information to be received, discussed or considered is information the disclosure of which would involve the unreasonable disclosure of; 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, Legal advice and 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. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

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| 142  | Council<br>17 June 2020 | 16.2         | Pinnaroo Caravan Park | <p>Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:</p> <p>(a)(i) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)</p> <p>(b)(i) - information the disclosure of which 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.</p> <p>(d)(i) - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.</p> | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

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| 146  | Council<br>16<br>September<br>2020 | 16.3         | Legal Advice On Questions On<br>Notice And Confidentiality | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a), (b)(ii), (e) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), information the disclosure of which would, on balance, be contrary to the public interest, matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person and legal advice. | <b><i>Review by 31<br/>January 2025</i></b> |
| 161  | Council<br>21 April 2021           | Item<br>18.1 | Confidential item  | Section 90(3) (g) of the Local Government Act 1999, the information to be received, discussed or considered is information the disclosure of which would involve the unreasonable disclosure of; :<br>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.   | <b><i>Review by 31<br/>January 2025</i></b> |

Southern Mallee District Council

Confidential Items Register – Retained items as at 18 April 2024

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|------|----------------------------|--------------|---|---|---|
| 176  | Council<br>21 July 2021    | 18.1         | Legal Matter – Public Lighting  | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(h) and (i) - legal advice and 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. | <b><i>Review by 31 January 2025</i></b> |
| 199  | Council<br>19 January 2022 | 18.1         | Question on Notice – Rubble Pit Rehabilitation work – Cr Neville Pfeiffer | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(k) - tenders for the supply of goods, the provision of services or the carrying out of works.   | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council

Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date          | Meeting Item | Subject           | Basis upon which Order was made  | Status                                  |
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| 206  | Council<br>16 February<br>2022 | 18.2         | Confidential Item | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(g) and (h) information the disclosure of which would involve the unreasonable disclosure of; :<br>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 and legal advice.   | <b><i>Review by 31 January 2025</i></b> |
| 207  | Council<br>16 February<br>2022 | 18.3         | Contract Matter   | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (g) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and 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. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

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| 208  | Council (Special)<br>9 March 2022 | 4.1          | Contract Negotiation | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (g) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and 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. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date  | Meeting Item | Subject                                   | Basis upon which Order was made   | Status                                  |
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| 212  | Council<br>18 May 2022 | 18.1         | Joint Councils Key Worker Housing Project | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(d)(i) and (d)(ii) - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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;<br>AND commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest. | <b><i>Review by 31 January 2025</i></b> |



Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

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| 213  | Council<br>18 May 2022 | 18.2         | Legal Expenses – Questions On Notice – Cr Trevor Hancock | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a), (g) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND 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; AND legal advice. | <b><i>Review by 31 January 2025</i></b> |
| 214  | Council<br>18 May 2022 | 18.3         | Complaint  | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND legal advice.  | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council

Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date            | Meeting Item | Subject            | Basis upon which Order was made  | Status                                  |
|------|----------------------------------|--------------|--------------------|--|---|
| 215  | Council (Special)<br>25 May 2022 | 5.1          | Complaint          | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND legal advice.  | <b><i>Review by 31 January 2025</i></b> |
| 216  | Council (Special)<br>8 June 2022 | 4.1          | Contract Agreement | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (g) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and 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. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council

Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date              | Meeting Item | Subject                                   | Basis upon which Order was made  | Status                                  |
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| 226  | Council<br>21<br>September<br>2022 | 18.1         | Elected Member Legal Advice Policy        | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) and (h) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); AND legal advice.  | <b><i>Review by 31 January 2025</i></b> |
| 228  | Council<br>19 October<br>2022      | 18.1         | Joint Councils Key Worker Housing Project | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(d)(i) and (d)(ii) - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

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| 233  | Council<br>21 December<br>2022 | 16.1         | Sale of land for non-payment of rates    | Section 90(3) of the Local Government Act 1999, the information to be received, discussed, or considered is:<br>(a) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). | <b><i>Review by 31 January 2025</i></b> |
| 234  | Council<br>21 December<br>2022 | 16.2         | Pit rehabilitation – Contractual dispute | Section 90(3) of the Local Government Act 1999, the information to be received, discussed, or considered is:<br>(a) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead). | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council

Confidential Items Register – Retained items as at 18 April 2024

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|------|---|--------------|--|---|--|
| 241  | Council<br>19 April 2023                  | 17.5         | Legal Matter – Public Lighting         | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(h) and (i) - legal advice and 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. | <b>Review by 31 January 2025</b>   |
| 242  | Council<br>(Special)<br>03 July 2023      | 3.1          | CEO Recruitment Process                | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(h) - legal advice.  | <b>Review by 31 January 2025</b>   |
| 245  | Council<br>(Special)<br>24 August<br>2023 | 3.1          | Recruitment of Chief Executive Officer | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).   | <b>Pages 29 – 34 of the Agenda retained to be reviewed by 31 January 2025.</b> |

Southern Mallee District Council  
Confidential Items Register – Retained items as at 18 April 2024

| Item | Original Meeting Date                    | Meeting Item | Subject                                   | Basis upon which Order was made   | Status                                  |
|------|--|--------------|---|---|---|
| 246  | Audit & Risk Committee<br>29 August 2023 | 7.1          | External Auditors – Extension of Contract | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(k) - tenders for the supply of goods, the provision of services or the carrying out of works. | <b><i>Review by 31 January 2025</i></b> |
| 247  | Audit & Risk Committee<br>29 August 2023 | 7.2          | Current Legal Matter                      | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(h) – legal advice   | <b><i>Review by 31 January 2025</i></b> |
| 249  | Council<br>20 September 2023             | 7.1          | External Auditors - Extension of Contract | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(k) - tenders for the supply of goods, the provision of services or the carrying out of works. | <b><i>Review by 31 January 2025</i></b> |

Southern Mallee District Council

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|------|-------------------------------|--------------|--------------------------------|--|----------------------------------|
| 251  | Council<br>18 October<br>2023 | 12.1         | Legal Matter – Public Lighting | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(h) and (i) - legal advice and 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.  | <b>Review by 31 January 2025</b> |
| 253  | Council<br>19 July 2023       | 16.1         | CFS Building Lameroo           | Section 90(2) & (3) of the <i>Local Government Act 1999</i> , the information to be received, discussed or considered is:<br>(j)(i) and (j)(ii) - information the disclosure of which 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 information the disclosure of which would, on balance, be contrary to the public interest. | <b>Review By 30 June 2024</b>    |

Southern Mallee District Council

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|------|---|--------------|---|---|---|
| 254  | Council<br>19 July 2023                 | 16.2         | Joint Council Key Workers Housing Project   | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(d)(i) and (d)(ii) - commercial information of a confidential nature (not being a trade secret) the disclosure of which 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;<br>AND commercial information of a confidential nature (not being a trade secret) the disclosure of which would, on balance, be contrary to the public interest. | <b>Review By 30 June 2024</b>   |
| 255  | Audit & Risk Committee<br>12 April 2024 | 7.1          | Cyber Security – Essential Eight Assessment | Section 90(3) of the Local Government Act 1999, the information to be received, discussed or considered is:<br>(e) - matters affecting the security of the council, members or employees of the council, or council property; or the safety of any person.  | <b>Report, Attachments and Minutes to be retained until 30 April 2026</b> |