

Program Contact:

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Public

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following Committee Reports for Recommendation to Council seeking consideration in confidence

- 21** Confidential Recommendations of the Reconvened City Finance and Governance Committee – 17 July 2025 [section 90(3) (b) & (d) of the Act]
- 22** Confidential Recommendation of the Reconvened Infrastructure and Public Works Committee – 17 July 2025 [section 90(3) (j) of the Act]

For the following Reports for Council (Chief Executive Officer's Reports) seeking consideration in confidence

- 23.1** Council Assessment Panel – Independent Members [section 90(3) (a) of the Act]
- 23.2** North Adelaide Public Golf Course Act 2025 [section 90(3) (b) & (d) of the Act]

The Order to Exclude for Items 21, 22, 23.1 and 23.2:

1. Identifies the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 21

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 July 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 21 [Confidential Recommendations of the Reconvened City Finance and Governance Committee – 17 July 2025] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Recommendation 1 - Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to identify the proponent and to confer a commercial advantage on a person with whom the council is conducting business and prejudice the commercial position of the council, with the potential to confer a commercial advantage to a third party competitor of a person with whom the council is conducting business.

Public Interest

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 may result in release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

Recommendation 2 - Grounds and Basis

This Item is confidential as the item contains certain information of a confidential nature.

The disclosure of information may adversely impact on the commercial position of the City of Adelaide.

Public Interest

The City Community Services and Culture 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 information may result in release of information prior to the finalisation of the matter by the City of Adelaide.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 July 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 21 [Confidential Recommendations of the Reconvened City Finance and Governance Committee – 17 July 2025] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) &(d) of the Act.

ORDER TO EXCLUDE FOR ITEM 22

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (j) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 July 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Recommendation of the Reconvened Infrastructure and Public Works Committee – 17 July 2025] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This item contains cultural and community information of a confidential nature which the State Government has requested be considered in confidence on the grounds that the details of the project, including locations, subjects, and design aspects, are still being resolved. The release of this information prematurely may be misleading. The disclosure of draft project details could reasonably be expected to prejudice the cultural sensitivity of the initiative and impact the State Government's ongoing consultation and negotiations with Aboriginal stakeholders and other external parties.

Public Interest

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 information may result in release of information prior to the finalisation of the matter by the State Government and the City of Adelaide. The disclosure of this information may materially and adversely affect the viability of the matter and prejudice the ability of the parties to discuss/participate or influence a proposal for the benefit of the State Government, the City of Adelaide and the community in this matter which on balance would be contrary to the public interest.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 July 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 22 [Confidential Recommendation of the Reconvened Infrastructure and Public Works Committee – 17 July 2025] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (j) of the Act.

ORDER TO EXCLUDE FOR ITEM 23.1

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 July 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23.1 [Council Assessment Panel – Independent Members] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential as it contains information relating to the personal affairs of individuals, specifically the names of panel members.

The disclosure of information in this report and possible discussion resulting from this report could reasonably result in the disclosure of personal information and professional circumstances, which may impact the privacy and reputations of those individuals.

The Council 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 may impact the privacy and reputations of those individuals listed in this report.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 July 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 23.1 [Council Assessment Panel – Independent Members] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (a) of the Act.

ORDER TO EXCLUDE FOR ITEM 23.2

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 July 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23.2 [North Adelaide Public Golf Course Act 2025] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the position and any negotiations with external parties of the State Government.

Public Interest

The Council 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 information may result in release of information prior to the finalisation of the matter by the State Government.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 July 2025 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 23.2 [North Adelaide Public Golf Course Act 2025] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
 - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
 - (b) *cause a loss of confidence in the council or council committee; or*
 - (c) *involve discussion of a matter that is controversial within the council area; or*
 - (d) *make the council susceptible to adverse criticism.*
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 21 – Confidential Recommendations of the Reconvened City Finance and Governance Committee – 17 July 2025
 - 6.3.1 Is subject to Existing Confidentiality Orders dated 17/7/2025
 - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act
 - (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest.
 - 6.2 Information contained in Item 22 – Confidential Recommendation of the Reconvened Infrastructure and Public Works Committee – 17 July 2025
 - 6.3.1 Is subject to an Existing Confidentiality Order dated 17/7/2025
 - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (j) of the Act
 - (j) information the disclosure of which—
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest

- 6.3 Information contained in Item 23.1 – Council Assessment Panel – Independent Members
 - 6.3.1 Is not subject to Existing Confidentiality Orders
 - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- 6.4 Information contained in Item 23.2 – North Adelaide Public Golf Course Act 2025
 - 6.4.1 Is not subject to an Existing Confidentiality Order
 - 6.4.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act
 - (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) 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
 - (ii) would, on balance, be contrary to the public interest.

ATTACHMENTS

Nil

- END OF REPORT -