



# COUNCIL AGENDA

for the Special meeting

Tuesday 3 November 2020  
at 5.00pm

in the Colonel Light Room  
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding)  
Deputy Lord Mayor, Councillor Hyde  
Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera, Knoll,  
Mackie, Martin, Moran and Simms.

---

**1. Acknowledgement of Country**

At the opening of the Special Council Meeting, the Lord Mayor will state:

‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

**2. Apologies and Leave of Absence**

Nil

**3. Exclusion of the Public**

**3.1. Exclusion of the Public [2018/04291] [Page 2]**

For the following report for Council seeking consideration in confidence

**4.1. Coring Works [s 90(3) (i)]**

**4. Report for Council (Chief Executive Officer's Report) in Confidence**

Strategic Alignment – Enabling Priorities

**4.1. Coring Works [2019/01138] [Page 4]**

**5. Closure**

---

# Exclusion of the Public

**ITEM 3.1** 03/11/2020  
**Council**

**Program Contact:**  
Rudi Deco, Manager  
Governance 8203 7442

2018/04291  
Public

**Approving Officer:**  
Mark Goldstone, Chief  
Executive Officer

## EXECUTIVE SUMMARY

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

For the following reports for Council seeking consideration in confidence

**4.1.** Coring Works [s 90(3) (i)]

The Order to Exclude for Item 4.1:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* 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; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

## ORDER TO EXCLUDE FOR ITEM 4.1

### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (i) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 3 November 2020 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 4.1 [Coring Works] 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 in nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

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 relates to actual litigation of Council.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this Special meeting of the Council dated 3 November 2020 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 4.1 [Coring Works] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (i) of the Act.

## DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, 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 s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
  - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
  - 4.2 cause a loss of confidence in the council or council committee.’
  - 4.3 involve discussion of a matter that is controversial within the council area; or
  - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* 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; and
  - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* 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 4.1 – Coring Works
    - 6.1.1 Is subject to Existing Confidentiality Orders.
    - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (i)
      - (i) 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

---

## ATTACHMENTS

Nil

---

- END OF REPORT -

---

Confidential Item 4.1

Coring Works

Section 90 (3) (i) of the *Local Government Act 1999 (SA)*

Pages 4 - 8

---