



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 25 July 2023

at 7.30 pm

in the Council Chamber, Adelaide Town Hall

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Members: The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)
 Deputy Lord Mayor, Councillor Martin
 Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebentritt and
 Snape

Agenda

Item	Pages
1. Acknowledgement of Country	
The Lord Mayor will state:	
‘Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognize and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.	
And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’	
2. Acknowledgement of Colonel William Light	
The Lord Mayor will state:	
‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’	
3. Prayer	
The Lord Mayor will introduce the prayer:	
A moment of contemplation of the gravity and implications of our decision making. I invite members to silently read the prayer as printed or reflect in a manner appropriate to their beliefs on these issues.	
‘Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen’	
4. Memorial Silence	
The Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.	
5. Apologies and Leave of Absence	
On Leave -	
Councillor Couros	
6. Confirmation of Minutes - 6/7/2023 and 11/7/2023	
That the Minutes of the Special meeting of the Council held on 6 July 2023 and the Minutes of the meeting of the Council held on 11 July 2023, be taken as read and be confirmed as an accurate record of proceedings.	
View public 6 July 2023 Minutes here , and public 11 July 2023 Minutes here .	

7.	Deputations	
	Granted at time of Agenda Publication – 21 July 2023	
	Nil	
8.	Petitions	
8.1	Petition - Petition - Imminent Closure of Adelaide Aquatic Centre	4 - 6
9.	Reports from Committees and Kadaltilla / Park Lands Authority	
9.1	Recommendations of the City Finance and Governance Committee <i>To be tabled</i>	
9.2	Recommendations of the Infrastructure and Public Works Committee <i>To be tabled</i>	
10.	Reports for Council (Chief Executive Officer's Reports)	
10.1	Kadaltilla Board Membership Amendment	7 - 11
11.	Lord Mayor's Reports	
12.	Councillors' Reports	
12.1	Reports from Council Members	12 - 14
13.	Questions on Notice	
	Nil	
14.	Questions without Notice	
15.	Motions on Notice	
15.1	Councillor Noon - MoN - State Government's Small Business Strategy 2023-2030	15 - 16
16.	Motions without Notice	
17.	Exclusion of the Public	17 - 19
	In accordance with sections 90(2),(3) and (7) of the <i>Local Government Act 1999 (SA)</i> Council will consider whether to discuss in confidence the reports contained within sections 18 and 19 of this Agenda.	
18.	Confidential Reports from Committees and Kadaltilla / Park Lands Authority	
18.1	Confidential Recommendation of the City Finance and Governance Committee <i>To be tabled</i>	
19.	Confidential Reports for Council (Chief Executive Officer's Reports)	
19.1	Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board [S90(3) (a)]	20 - 23
20.	Closure	

Petition - Imminent Closure of Adelaide Aquatic Centre

Tuesday, 25 July 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:

Alana Martin,
Manager Governance

Public

Approving Officer:

Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

This report presents a petition for Council to receive. The petition asks Council to:

1. Refrain from closing and demolishing the existing centre, at least until a new suitable facility is built.
2. Collaborate with the State Government to ensure that there is a seamless transition, so that no user is inconvenienced.

There are 165 signatories to the petition.

RECOMMENDATION

THAT COUNCIL

1. Receives the petition containing 165 signatures, distributed as a separate document to Item 8.1 on the Agenda for the meeting of the Council held on 25 July 2023.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Presentation of petitions align with the Strategic Plan objective that community consultation underpins everything we do.
Policy	Not as result of this report
Not as result of this report	Not as result of this report
Resource	Not as result of this report
Risk / Legal / Legislative	Petition presented for receipt in accordance with City of Adelaide Standing Orders and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> .
Opportunities	Not as result of this report
23/24 Budget Allocation	Not as result of this report
Proposed 24/25 Budget Allocation	Not as result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as result of this report
23/24 Budget Reconsideration (if applicable)	Not as result of this report
Ongoing Costs (eg maintenance cost)	Not as result of this report
Other Funding Sources	Not as result of this report

DISCUSSION

1. A petition containing 165 signatures was received on 19 July 2023 that asks Council to do the following:
 - 1.1 Refrain from closing and demolishing the existing centre, at least until a new suitable facility is built.
 - 1.2 Collaborate with the State Government to ensure that there is a seamless transition, so that no user is inconvenienced.
2. The Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of Council. The original petition will be distributed to all Council Members separately.
3. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
5. The petition has been considered pursuant to regulation 10 of *the Local Government (Procedures at Meetings) Regulations 2013 (SA) (the Regulations)*, and with the requirements of the City of Adelaide's Standing Orders.

ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors

- END OF REPORT -

Kadaltilla Board Membership Amendment

Tuesday, 25 July 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The purpose of this report is to advise that the Board of the Kaurna Yerta Aboriginal Corporation RNTBC (KYAC) has requested to amend nominations to the Kadaltilla / Adelaide Park Lands Authority (Kadaltilla). The KYAC Board resolved to nominate Tim Agius, as Member of the Board, and Allan Sumner as Deputy Member of the Board for Tim Agius (**Attachment A**).

In appointing members, the City of Adelaide and the Minister must, in consultation with each other, endeavour to achieve membership with a range of knowledge, skills and experience as defined in the *Adelaide Park Lands Act 2005 (SA)* (the Act), including gender balance.

In accordance with section 6(2) of the Act, appointments are notified by notice in the Gazette.

RECOMMENDATION

THAT COUNCIL

1. Approves the following amendment to the Kaurna representative roles (contingent upon consultation with the Minister for Planning) on the Kadaltilla / Adelaide Park Lands Authority Board, Attachment A to Item 10.1 on the Agenda for the meeting of Council held on 25 July 2023, for the period commencing 31 July 2023 and expiring 31 December 2025:
 - 1.1. Tim Agius as a Member of the Board
 - 1.2. Allan Sumner as a Deputy Member for Tim Agius.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Appointment of members to the Kadaltilla / Adelaide Park Lands Authority supports key action 5.2 ‘Demonstrate bold governance leadership in the Local Government Sector’ and key action 5.8 ‘Implement new approaches to engaging the community in Council decision-making’.
Policy	Consistent with the <i>Adelaide Park Lands Act 2005 (SA)</i> and Kadaltilla Charter.
Consultation	The Minister for Planning and the City of Adelaide must consult with each other in making appointments to the Kadaltilla / Park Lands Authority to achieve a range of knowledge, skills and experience across the areas set out in section 6(3) of the Act.
Resource	Not as a result of this report
Risk / Legal / Legislative	Consistent with the provisions of the <i>Adelaide Park Lands Act 2005 (SA)</i> and Kadaltilla Charter.
Opportunities	Appointments will provide for the continued activity of the Kadaltilla / Adelaide Park Lands Authority with an appropriate membership and skill set to provide valuable advice to the City of Adelaide and State Government on matters pertaining to the Park Lands.
23/24 Budget Allocation	Board Member remuneration funded through existing operating budget.
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Consistent with the Kadaltilla Charter, the appointments can be for a maximum period of three years (until 31 December 2025).
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Kadaltilla Legislative Framework and Purpose

1. The Adelaide Park Lands Authority is established under section 5(2) of the [Adelaide Park Lands Act 2005 \(SA\)](#) (the Act) as a subsidiary of the City of Adelaide to provide strategic advice to both Council and the State Government on the management of the Adelaide Park Lands.
2. As per its Charter, the Adelaide Park Lands Authority is known as the Kadaltilla / Adelaide Park Lands Authority (Kadaltilla).
3. The role, functions and powers of Kadaltilla are set out in the Act and the Kadaltilla [Charter](#) (the Charter).

Kadaltilla Membership Amendment

4. On 3 July 2023, the Presiding Member of Kadaltilla, The Right Honourable The Lord Mayor of Adelaide, received a request from the Board of the Kaurna Yerta Aboriginal Corporation RNTBC (KYAC) to amend their nominations to Kadaltilla (**Attachment A**).
5. The KYAC Board resolved to nominate:
 - 5.1. Tim Agius as Member of the Board (replacing Les Wanganeen)
 - 5.2. Allan Sumner as Deputy Member of the Board for Tim Agius (replacing Tania Taylor).
6. It is recommended that the appointment period is from 31 July 2023 to 31 December 2025, consistent with the other appointed Kadaltilla Board Members and the maximum term permitted in the Act and Charter.

Membership Requirements (Skills Based) as per Legislation / Charter

7. Kadaltilla is required to have a Board of Management and, all meetings/decisions of Kadaltilla are deemed meetings/decisions of the Board.
8. Under the provisions of the Act, the Board of Management is constituted by:
 - 8.1. The Lord Mayor or, if the Lord Mayor chooses not to be a member of the Authority, a person appointed by the Council
 - 8.2. Four other persons appointed by the Council
 - 8.3. Five persons appointed by the Minister.
9. In making appointments, Council must, in consultation with the Minister, endeavour to achieve membership with a range of knowledge, skills, and experience as set out in section 6(3) of the Act:
 - a) *biodiversity or environmental planning or management*
 - b) *recreation or open space planning or management*
 - c) *cultural heritage conservation or management*
 - d) *landscape design or park management*
 - e) *tourism or event management*
 - f) *indigenous culture or reconciliation*
 - g) *financial management*
 - h) *local government.*
10. Both Council and the Minister:
 - 10.1. Must appoint at least one man and one woman to the Board of Management
 - 10.2. May appoint Deputy members.
11. The following Kadaltilla Board Members are City of Adelaide appointments whose membership is due to expire on 31 December 2025:
 - 11.1. The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith, appointed under section 6(3)(h) of the Act for knowledge, skills and experience in local government
 - 11.2. Councillor Keiran Snape (member) and Councillor Henry Davis (deputy member), each appointed under section 6(3)(h) of the Act for knowledge, skills and experience in local government

- 11.3. Rob Brookman AM, appointed under section 6(3)(e) and (g) of the Act for knowledge, skills and experience in tourism or event management and financial management
- 11.4. Allison Bretones, appointed under section 6(3)(b) of the Act for knowledge, skills and experience in recreation or open space planning or management
- 11.5. Les Wanganeen (member) and Tania Taylor (deputy member), each appointed under section 6(3)(f) of the Act for knowledge, skills and experience in indigenous culture or reconciliation.
12. The following Kadaltilla Board Members are State Government appointments whose membership is due to expire on 1 April 2025:
 - 12.1. Kirsteen Mackay (Deputy Presiding Member), South Australian Government Architect and former chair of the SA Heritage Council, appointed under section 6(3)(c) of the Act for knowledge, skills and experience in cultural heritage conservation or management.
 - 12.2. Ashley Halliday, Director of Ashley Halliday Architecture Interiors, appointed under section 6(3)(b) and (c) of the Act for knowledge, skills and experience in recreation or open space planning or management and cultural heritage conservation or management.
 - 12.3. Ben Willsmore, Manager, City Design (Urban Planning, Design, Environment and Transport) at City of Unley, appointed under section 6(3)(a),(d) and (h) of the Act for knowledge, skills and experience in biodiversity or environmental planning or management, landscape design or park management, and local government.
 - 12.4. Craig Wilkins, Chief Executive of the Conservation Council of SA, appointed under section 6(3)(a) and (c) of the Act for knowledge, skills and experience in in biodiversity or environmental planning or management, and cultural heritage conservation or management.
 - 12.5. Stephanie Johnston (member) and Professor Emeritus Damien Mugavin (deputy member), each appointed under section 6(3)(c) of the Act for knowledge, skills and experience in cultural heritage conservation or management.
13. Les Wanganeen and Tania Taylor were previously nominated by the KYAC Board following consultation with KYAC on a Kurna community representative member and deputy member nominee.

Next Steps

14. Upon Council approval of the amendment to the Kurna representative roles on the Kadaltilla Board consultation will be undertaken with the Minister for Planning.
15. A notice in the South Australian Government Gazette will ratify and finalise the appointment.

DATA AND SUPPORTING INFORMATION

Link 1 - *Adelaide Park Lands Act 2005 (SA)*

Link 2 - Kadaltilla / Park Lands Authority Charter

ATTACHMENTS

Attachment A – Letter from the Board of the Kurna Yerta Aboriginal Corporation RNTBC (KYAC)

- END OF REPORT -



Kurna Yerta Aboriginal Corporation RNTBC

3 July 2023

The Right Honourable The Lord Mayor of Adelaide
Dr Jane Lomax-Smith AM

City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

Via email: lordmayor@cityofadelaide.com.au;
Cc: A.Ackland@cityofadelaide.com.au; I.Houridis@cityofadelaide.com.au

Dear Lord Mayor

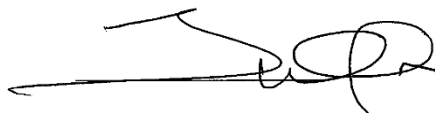
Re: Kadaltilla Membership

I am writing on behalf of the Board of the Kurna Yerta Aboriginal Corporation RNTBC (KYAC) to follow up on Kurna representation on Kadaltilla / Adelaide Park Lands Authority.

The KYAC Board has resolved to amend the nominations to Kadaltilla and I am please to confirm that I, Tim Agius, is nominated as the KYAC member and Mr Allan Sumner as Deputy member.

I trust that you will make the necessary amendments to Kurna membership on Kadaltilla and I look forward to continuing our work with the City of Adelaide.

Yours sincerely



Tim Agius
Chairperson

Reports from Council Members

Tuesday, 25 July 2023

Council

Strategic Alignment - Enabling Priorities

Program Contact:

Alana Martin, Manager
Governance

Public

Approving Officer:

Michael Sedgman – Chief
Operating Officer

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Inform Council of Council Member activities and functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members' attendance at meetings.

Council Members can also table reports on activities undertaken on Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

RECOMMENDATION

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 12.1 on the Agenda for the meeting of the Council held on 25 July 2023).
2. Notes the summary of Council Members' meeting attendance (Attachment B to Item 12.1 on the Agenda for the meeting of the Council held on 25 July 2023).
3. Notes that reports for Council Members tabled at the meeting of the Council held on 25 July 2023 be included in the Minutes of the meeting.

ATTACHMENTS

Attachment A – Council Member activities and functions attended on behalf of the Lord Mayor

Attachment B – Summary of Council Member meeting attendance

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 21 June 23 - 18 July 23			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Henry Davis	24/06/23	Community Cricket Trophies Presentation - Telugu Association of SA	Klemzig Community Hall
Councillor Henry Davis	27/06/23	City to Bay Official Launch	Festival Plaza, Adelaide Festival Centre
Councillor Phillip Martin (Deputy Lord Mayor)	28/06/23	FMG Engineering 50th Birthday Celebration	Prohibition Liquor Co, Gilbert St
Councillor Phillip Martin (Deputy Lord Mayor)	29/06/23	Illuminate Adelaide - Light Creatures Opening Night & Reception	The Fig Tree Function Centre, Adelaide Zoo
Councillor Phillip Martin (Deputy Lord Mayor)	29/06/23	BÁRBAROS Premiere	Space Theatre, Adelaide Festival Centre
Councillor Phillip Martin (Deputy Lord Mayor)	30/06/23	2023 South Australian Landscape Architecture Awards	Sanctuary, Adelaide Zoo
Councillor Carmel Noon	01/07/23	Botanic Gardens & Illuminate Adelaide Resonate VIP Reception & Experience	Golden Boy, North Terrace & Botanic Gardens
Councillor Phillip Martin (Deputy Lord Mayor)	07/07/23	LGA Mayor & CEO Forum	Novotel, Barossa Valley
Councillor Carmel Noon	07/07/23	Launch of South Australia's Small Business Strategy - Department for Industry, Innovation and Science	William Magarey Room, Adelaide Oval
Councillor Arman Abrahamzadeh	07/07/23	2023 SA Architecture Awards Presentation Party	Adelaide Convention Centre
Councillor Keiran Shape	12/07/23	Australian Institute of Conveyancers South Australia Division (AICSA) 50-year Gala Dinner	National Wine Centre
Councillor Carmel Noon	18/07/23	Launch of the Pathway to Politics Program for Women	Lumen, Goodman Crescent Lawns, Adelaide University
Councillor Jing Li	18/07/23	FIFA World Cup 2023 China National Team Gala Dinner	Hilton Adelaide Ballroom
COUNCIL MEMBER MEETINGS ATTENDED: 21 June 23 - 18 July 23			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Jing Li	21/06/23	Australia Day Council SA Board Meeting	Attended as representative

Council Member Meeting Attendance

	City Finance and Governance Committee 20 June 2023	Infrastructure and Public Works Committee 20 June 2023	Adelaide Central Market Authority Board Meeting 22 June 2023	Kadaltilla / Adelaide Park Lands Authority 22 June 2023	Council Assessment Panel 26 June 2023	City Finance and Governance Committee - Special 27 June 2023	Council 27 June 2023	City Community Services and Culture Committee 4 July 2023	City Planning, Development and Business Affairs Committee 4 July 2023	Council - Special 6 July 2023	Council 11 July 2023	Total meetings held	Total meetings attended
Lord Mayor Dr Jane Lomax-Smith	✓	✓		✓		✓	✓	✓	✓	✓	✓	9	5
Councillor Phillip Martin (Deputy Lord Mayor)	✓	✓				✓	✓	✓	✓	✓	✓	8	8
Councillor Arman Abrahamzadeh	✓	✓				✓	✓	✓	✓	✓	✓	8	5
Councillor Mary Couros	✓	✓				✓	✓	✓	✓	✓	✓	8	0
Councillor Henry Davis	✓	✓				✓	✓	✓	✓	✓	✓	8	6
Councillor David Elliott	✓	✓				✓	✓	✓	✓	✓	✓	8	7
Councillor Janet Giles	✓	✓				✓	✓	✓	✓	✓	✓	8	8
Councillor Simon Hou	✓	✓				✓	✓	✓	✓	✓	✓	8	7
Councillor Jing Li	✓	✓				✓	✓	✓	✓	✓	✓	8	5
Councillor Carmel Noon	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	9	9
Councillor Mark Siebentritt	✓	✓				✓	✓	✓	✓	✓	✓	8	7
Councillor Keiran Snape	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	10	10
Total number	10	10	1	2	1	9	11	9	8	7	9		

Key:

- Apology
- Apology - meeting commenced prior to 5pm
- Leave
- Not a Member
- Proxy Member

State Government's Small Business Strategy 2023-2030

Tuesday, 25 July 2023

Council

Council Member

Councillor Noon

Public

Contact Officer:

Clare Mockler, Chief Executive Officer

MOTION ON NOTICE

Councillor Noon will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That the City of Adelaide work with Minister Andrea Michaels, Minister for Small and Family Business and her team to support the recently launched South Australia's Small Business Strategy 2023-2030, with the purpose of this assisting the small and family business community of the City of Adelaide.'

ADMINISTRATION COMMENT

1. The Government of South Australia's Small Business Strategy, which will guide the government's policies and programs to support small and family businesses, was launched on 7 July 2023.
2. At the request of the Office of Small and Family Business, AEDA organised a round table for approximately 50 small businesses within the city to provide input into the development of the Strategy. Adelaide Economic Development Agency (AEDA) Board Chair and staff also provided input to the development of the Strategy.
3. AEDA staff meet every 6-8 weeks with staff from the Office of Small and Family Business to raise issues, identify opportunities and share information. This practice will continue and will include ways to link city-based businesses with the initiatives in the Strategy. The AEDA Acting Managing Director regularly meets with the Minister's Small Business Advisor to discuss trends, issues and needs of the sector and this has recently included discussion on opportunities arising from the Small Business Strategy.
4. AEDA will promote through its channels the services now available to small and family businesses and will work with the Office of Small and Family Business on opportunities to offer specific support initiatives for the small business sector in the City of Adelaide.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

- END OF REPORT -

Exclusion of the Public

Tuesday, 25 July 2023
Council

Program Contact:
Alana Martin, Manager
Governance

2018/04291
Public

Approving Officer:
Clare Mockler, Chief
Executive Officer

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 Report seeking consideration in confidence

- 18.1** Confidential Recommendation of the City Finance and Governance Committee – 18 July 2023 [section 90(3) (j) & (g) of the Act]

For the following Chief Executive Officer's Report seeking consideration in confidence

- 19.1** Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board [section 90(3) (a) of the Act]

The Order to Exclude for Items 18.1 and 19.1:

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 18.1

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (j) & (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 25 July 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.1 [Confidential Recommendation of the City Finance and Governance Committee – 18 July 2023] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report would breach 'Cabinet in confidence' information presented to the Capital City Committee (the CCC) established under the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the CCC) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

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 would divulge information provided on a confidential basis, and would be acting contrary to the Capital City Committee operational provisions, and could undermine the Capital City Committee operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 25 July 2023 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 18.1 [Confidential Recommendation of the City Finance and Governance Committee – 18 July 2023] 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) & (g) of the Act.

ORDER TO EXCLUDE FOR ITEM 19.1

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 25 July 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 19.1 [Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board] 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 information that must be considered in confidence in order to protect the personal affairs of the nominees.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 25 July 2023 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 19.1 [Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board] 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.
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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 18.1 – Confidential Recommendation of the City Finance and Governance Committee – 18 July 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 18/7/2023.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (j) & (g) 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.
 - (g) matters that must be considered in confidence 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.
 - 6.2 Information contained in Item 19.1 – Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board.
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 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).

ATTACHMENTS

Nil

Document is Restricted