

## Exclusion of the Public for items requested to be considered in confidence

**Requested by:**  
Michael Sedgman, Acting Chief  
Executive Officer

Public

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### Purpose

Exclusion of the public from this meeting is sought for the consideration of the following Agenda Items:

- 10.1** Draft Adelaide Park Lands Management Strategy (APLMS) [section 90(3) (j) (i) (ii) of the Act].
- 10.2** Carriageway Park / Tuthangga (Park 17) Earthen Levee Stormwater Management [section 90(3) (i) of the Act].

Meetings of Kadaltilla must be conducted in a place open to the public except in special circumstances. Special circumstances and associated considerations to exclude the public from a meeting are outlined in section 90 the *Local Government Act 1999 (SA)* (the Act).

Clause 4.8.21 of the Charter enables Kadaltilla, to order the exclusion of the public from attendance to consider in confidence any information or matter listed in section 90(3) of the Act. The exercise of this power does not exclude Board Members and/or any other person permitted by Kadaltilla to remain in the room.

The Order to Exclude for Items 10.1 and 10.2:

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; and
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) - how information open to the public would be contrary to the **public interest**.

All Board members must keep confidential all documents and any information presented to them for consideration on a confidential basis prior to the meeting.

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### Order to Exclude for Item 10.1

#### THAT THE ADELAIDE PARK LANDS AUTHORITY

1. Having taken into account the relevant considerations contained in Clause 4.8.21 of the Adelaide Park Lands Authority Charter and section 90(3) (j) (i) (ii) and 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Board of Kadaltilla / Park Lands Authority dated 22 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Draft Adelaide Park Lands Management Strategy (APLMS)] 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 material provided on a confidential basis which the State Government has requested be considered in confidence on the grounds that the details of the request are sensitive in nature and the release of this information prematurely may be misleading. The disclosure of information in this report could reasonably be expected to prejudice the position and any negotiations between the City of Adelaide and the State Government.

### Public Interest

The Kadaltilla / Adelaide Park Lands Authority 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.

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2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of Kadaltilla dated 22 February 2024 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 10.1 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) of the Act.
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## Order to Exclude for Item 10.2

### THAT THE ADELAIDE PARK LANDS AUTHORITY

1. Having taken into account the relevant considerations contained in Clause 4.8.21 of the Adelaide Park Lands Authority Charter and section 90(3) (i) and 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Board of Kadaltilla / Park Lands Authority dated 22 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.2 [Carriageway Park / Tuthangga (Park 17) Earthen Levee Stormwater Management] 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 of a confidential nature, 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 and that the details, budget and timing of the project are still being resolved and the release of this information prematurely may be considered misleading.

### Public Interest

The Kadaltilla / Park Lands Authority 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 could reasonably be expected to prejudice the legal position and negotiation of Council with external parties.

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2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of Kadaltilla dated 22 February 2024 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 10.2 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) of the Act.
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## Discussion

1. The *Adelaide Park Lands Act 2005 (SA)* requires the Authority to operate utilising Chapter 6 Part 3 of the *Local Government Act 1999 (SA)* (the Act). Chapter 6 Part 3 relates to public access to meetings and outlines the conduct to be observed by the Authority.
2. It is a requirement of the *Adelaide Park Lands Act 2005 (SA)* [13 (c)] reflected in clause 4.8.19 of the *Adelaide Park Lands Charter* (Charter), that meetings of the Authority be conducted in a place open to the public except in special circumstances. These circumstances and associated considerations to exclude the public from a Board meeting are outlined in Chapter 6, Part 3 of the Act.
3. In considering whether an order should be made to exclude the public the order must specify
  - 3.1. the grounds on which the order was made; and
  - 3.2. the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
  - 3.3. if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
4. In considering whether an order should be made to exclude the public, 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. When determining whether to exclude the public from the meeting the Authority is required to consider & resolve whether it is necessary and appropriate to act in a meeting closed to the public to consider the following information in confidence.
  - 5.1. Information contained in Item 10.1 [Draft Adelaide Park Lands Management Strategy (APLMS)]
    - 5.1.1. Is not subject to an existing Kadaltilla / Park Lands Authority Confidentiality Order
    - 5.1.2. Is not subject to an existing Council Confidentiality Order
    - 5.1.3. The grounds utilised to request consideration in confidence is s 90(3) (j) (i) (ii) of the *Local Government Act 1999 (SA)*
      - (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*
  - 5.2. Information contained in Item 10.2 [Carriageway Park / Tuthangga (Park 17) Earthen Levee Stormwater Management]
    - 5.2.1. Is not subject to an existing Kadaltilla / Park Lands Authority Confidentiality Order
    - 5.2.2. Is not subject to an existing Council Confidentiality Order
    - 5.2.3. The grounds utilised to request consideration in confidence is s 90(3) (i) of the *Local Government Act 1999 (SA)*
      - (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*

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## Attachments

Nil

