

Exclusion of the Public

Tuesday, 27 February 2024

**Chief Executive Officer
Selection Panel**

Program Contact:
Alana Martin, Manager
Governance

Approving Officer:
Anthony Spartalis, Acting
Chief Operating Officer

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 Acting Chief Operating Officer that the public be excluded from this Chief Executive Officer Selection Panel meeting for the consideration of information and matters contained in the Agenda.

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

4.1 Selection – Recruitment Consultant [section 90(3) (k) of the Act]

The Order to Exclude for Items 4.1:

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 4.1

THAT THE CHIEF EXECUTIVE OFFICER SELECTION PANEL:

1. Having taken into account the relevant consideration contained in section 90(3) (k) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Chief Executive Officer Selection Panel dated 27 February 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 4.1 [Selection – Recruitment Consultant] 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 relates to a matter that must be considered in confidence as it relates to tenders for the supply of goods, the provision of services or the carrying out of works.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Chief Executive Officer Selection Panel dated 27 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 4.1 [Selection – Recruitment Consultant] 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) (k) 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 4.1 – Selection – Recruitment Consultant
 - 6.1.1 Is subject to Existing Confidentiality Orders dated 8/2/2024 and 20/2/2024
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (k) of the Act (k) tenders for the supply of goods, the provision of services or the carrying out of works

ATTACHMENTS

Nil

- END OF REPORT -