

Exclusion of the Public

Wednesday, 5 March 2025

Reconciliation Committee

Program Contact:

Kathryn Goldy, Acting Manager
Governance

Approving Officer:

Michael Sedgman, Chief
Executive Officer

Public

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee 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 Reconciliation Committee meeting for the consideration of information and matters contained in the Agenda.

For the following report seeking consideration in confidence

- 9.1** Statues Commemorating South Australian Aboriginal Leaders Proposal [section 90(3) (j) of the Act]

The Order to Exclude for Item 9.1:

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 9.1

THAT THE RECONCILIATION COMMITTEE:

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 Reconciliation Committee dated 5 March 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 9.1 [Statues Commemorating South Australian Aboriginal Leaders Proposal] 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 City of Adelaide Reconciliation 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 Reconciliation Committee dated 5 March 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 9.1 [Statues Commemorating South Australian Aboriginal Leaders Proposal] 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.
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DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council Committee must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee 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 87(10) of the Act has been utilised to identify in the Agenda and on the Report for the Reconciliation Committee meeting, that the following report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 9.1 – Statues Commemorating South Australian Aboriginal Leaders Proposal
 - 6.1.1 Is not subject to an existing Order.
 - 6.1.2 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

ATTACHMENTS

Nil

- END OF REPORT -