

# Exclusion of the Public

Thursday, 26 February 2025  
Conduct Committee

Strategic Alignment - Our Corporation

**Program Contact:**  
Rebecca Hayes, Associate  
Director Governance & Strategy

Public

**Approving Officer:**  
Anthony Spartalis, Chief  
Operating 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 Operating Officer that the public be excluded from this Conduct Committee meeting for the consideration of information and matters contained in the Agenda.

For the following Reports for Recommendation to the Conduct Committee seeking consideration in confidence

Item 7.1 Confidential Third Complaint – 26 February 2026 [section 90(3) (a) of the Act]

Item 7.2 Confidential Complaint – 26 February 2026 [section 90(3) (a) of the Act]

The Order to Exclude for Items 7.1, and 7.2:

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.
3. In addition, identifies for the following grounds – section 90(3) (a) of the Act.

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## GROUND AND BASIS FOR CONSIDERATION IN CONFIDENCE

### Grounds

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

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

### Basis

Consideration in confidence is sought because this report contains information that would amount to an unreasonable disclosure of personal affairs concerning confidential complaints under section 90(3)(a) of the *Local Government Act 1999 (SA)*.

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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 7.1 Confidential Third Complaint – 26 February 2026 [section 90(3) (a) of the Act].
    - 6.1.1 Is subject to Existing Confidentiality Orders dated 14/10/2025.
    - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act.
  - 6.2 Information contained in Item 7.2 Confidential Complaint – 26 February 2026 [section 90(3) (a) of the Act]
    - 6.2.1 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act.