

Exclusion of the Public

Wednesday, 2 September 2026
Conduct Committee

Strategic Alignment - Our Corporation

Program Contact:
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Public

Approving Officer:
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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 [section 90(3) (a) of the Act]

The Order to Exclude for Items 7.1:

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) (a) of the Act.

ORDER TO EXCLUDE FOR ITEM 7.1

THAT THE CONDUCT COMMITTEE:

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 Conduct Committee dated 2 September 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 7.1 [Confidential Third Complaint] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and 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)*.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Conduct Committee dated 2 September 2026 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 7.1 [Confidential Third Complaint] 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.

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 [section 90(3) (a) of the Act].
 - 6.1.1 Is subject to Existing Confidentiality Orders.
 - 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);