

Exclusion of the Public

**Tuesday, 15 September
2026**

**City Finance and
Governance Committee**

Program Contact:
Anthony Spartalis, Chief
Operating Officer

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 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 Executive Officer that the public be excluded from this City Finance and Governance Committee meeting for the consideration of information and matters contained in the Agenda.

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

- 10.1** Delegation to Award Contract (Gouger Street Revitalisation) [section 90(3) (k) of the Act]
- 10.2** Community Facilities Investment Prioritisation [section 90(3) (b) of the Act]

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.
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 10.1

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE:

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 City Finance and Governance Committee dated 15 September 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Delegation to Award Contract (Gouger Street Revitalisation)] 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 is confidential as it contains information which relates to tenders for the supply of goods, provision of services and carrying out of works.

The disclosure of information in this report contains information relating to tenders for the Gouger Street Revitalisation Project.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 15 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 10.1 [Delegation to Award Contract (Gouger Street Revitalisation)] 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.

ORDER TO EXCLUDE FOR ITEM 10.2

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 15 September 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.2 [Community Facilities Investment Prioritisation] 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 is confidential as it contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council.

The disclosure of information in this report may adversely impact project viability, prejudice the ability to undertake/ participate in future negotiations on the proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Public Interest

The City Finance and Governance 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 this information may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 15 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 10.2 [Community Facilities Investment Prioritisation] 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) (b) 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 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 report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 10.1 – Delegation to Award Contract (Gouger Street Revitalisation)
 - 6.1.1 Is not subject to an existing Confidentiality Order
 - 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;
 - 6.2 Information contained in Item 10.2 – Community Facilities Investment Prioritisation
 - 6.2.1 Is not subject to an existing Confidentiality Order
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b) of the Act
 - (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.

ATTACHMENTS

Nil

- END OF REPORT -