

Closed Meetings to the Public - Information Sheet

Meetings open to the Public

The Local Government Act specifies that the public has a right to attend all council meetings and committee meetings which have delegated power or duties. The “public” includes members of the press.

A meeting or part of a meeting may be closed to the public under certain circumstances specified under the Act.

These include:

- a matter affecting an employee(s);
- the personal affairs of any person;
- a contract entered into or which may be entered into is under discussion;
- legal advice on matters under discussion;
- matters that if disclosed, would reveal a trade secret, information about business, professional, commercial or financial affairs of a person;
- matters that may impair the effectiveness of any lawful method of prevention, detection, investigation or dealing with any contravention of the law;
- a matter, which if disclosed, may endanger the security of the local government's property or be prejudicial to public safety; or
- Information which is subject of a direction under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

The exclusion of the public without real or practical need is inexcusable. If an attitude of secrecy becomes obvious it reduces public interest and confidence in the council.

Usually the discussion of confidential business will be held after exclusion of members of the public. This is done by resolution which may be moved without notice.

An extract from the Local Government Act 1995 is detailed on the reverse of this information sheet...

The Local Government Act 1995: s5.23. Meetings generally open to the public:

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal—*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*