Exclusion of the Public

Monday, 1 September 2025
CEO Performance Review Panel

Program Contact:
Anthony Spartalis, Chief Operating Officer

2018/04291
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 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 Operating Officer that the public be excluded from this CEO Performance Review Panel meeting for the consideration of information and matters contained in the Agenda.

6.1 2024/25 CEO Performance 360 Review [section 90(3) (a) of the Act]
6.2 2024/25 CEO Performance Remuneration Review [section 90(3) (a) of the Act]

The Order to Exclude for Items 6.1 and 6.2

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 6.1

THAT THE CEO PERFORMANCE REVIEW PANEL

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 CEO Performance Review Panel dated 1 September 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.1 [2024/25 CEO Performance 360 Review] listed on the Agenda.

   Grounds and Basis

   Consideration in confidence is sought because the confidential 360 Degree Review conducted by Hender Consulting contains information the disclosure of which would involve the unreasonable disclosure of the views of elected members, staff and stakeholders into the personal affairs of Mr Michael Sedgman, Chief Executive Officer, City of Adelaide.

   The CEO Performance Review 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 would involve the unreasonable disclosure of the views of elected members, staff and stakeholders into the personal affairs of Mr Michael Sedgman, Chief Executive Officer, City of Adelaide.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the CEO Performance Review Panel dated 1 September 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 6.1 [2024/25 CEO Performance 360 Review] 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.

ORDER TO EXCLUDE FOR ITEM 6.2

<u>THAT THE CEO PERFORMANCE REVIEW PANEL</u>

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 CEO Performance Review Panel dated 1 September 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.2 [2024/25 CEO Performance Remuneration Review] listed on the Agenda.

   <u>Grounds and Basis</u>

   Receipt and discussion of this report and attachments associated with this Item is required in confidence to protect the personal affairs of the Chief Executive Officer.

   The CEO Performance Review 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 would involve unreasonable disclosure of information concerning the personal affairs of any person.

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the CEO Performance Review Panel dated 1 September 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 6.2 [2024/25 CEO Performance Remuneration Review] 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 a 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 meeting, that the following matters are submitted seeking consideration in confidence.

   6.1 Information contained in Item 6.1 – 2024/25 CEO Performance 360 Review

   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) (a) of the Act

   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 affairs of any person (living or dead).

   6.2 Information contained in Item 6.2 – 2024/25 CEO Performance Remuneration Review

   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) (a) of the Act

   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 affairs of any person (living or dead).

ATTACHMENTS

Nil

- END OF REPORT -