



CEO Performance Review Panel

AGENDA & REPORTS

for the meeting

Wednesday, 16 August 2023
at 3.00 pm

in the Colonel Light Room, Adelaide Town Hall

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Membership	The Lord Mayor The Deputy Lord Mayor 1 Council Member 2 External Independent Members
Quorum	3
Presiding Member	The Right Honourable the Lord Mayor [Lord Mayor, Dr Jane Lomax-Smith]
Deputy Presiding Member	Deputy Lord Mayor, Councillor Martin
Council Member	Councillor Abrahamzadeh
Independent Members	G Fraser J Tate

1. Acknowledgement of Country

At the opening of the CEO Performance Review Panel meeting, the Chair will state:

‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognize and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

2. Apologies and Leave of Absence

Nil

3. Confirmation of Minutes

That the Minutes of the meeting of the CEO Performance Review Panel held on 14 June 2023, be taken as read and be confirmed as an accurate record of proceedings.

View public 14 June 2023 Minutes [here](#).

4. Exclusion of the Public

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5. Items for Consideration and Determination in Confidence

5.1 2022/23 CEO Performance Review

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6. Closure

Exclusion of the Public

Wednesday, 16 August 2023
**CEO Performance Review
Panel**

Program Contact:
Alana Martin, Manager
Governance 8203 7092

2018/04291
Public

Approving Officer:
Michael Sedgman, 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 CEO Performance Review Panel meeting for the consideration of information and matters contained in the Agenda.

For the following Report seeking consideration in confidence

5.1 2022/23 CEO Performance Review [section 90(3) (a) of the Act]

The Order to Exclude for Item 5.1:

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) (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 5.1

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 16 August 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 5.1 [2022/23 CEO Performance Review] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

Having taken into account the relevant consideration contained in section 90(3) (a) and sections 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the CEO Performance Review Panel dated 16 August 2023 is satisfied that it is necessary and appropriate to act in a meeting closed to the public to receive and discuss information associated with Item [2022/23 CEO Performance Review] listed on the Agenda.

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 16 August 2023 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 5.1 [2022/23 CEO Performance 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.
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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 5.1 – 2022/23 CEO Performance 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
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

ATTACHMENTS

Nil

- END OF REPORT -