Exclusion of the Public

Tuesday, 10 November 2026
CEO Tenure Review Committee

Program Contact:
Anthony Spartalis, Chief Operating Officer

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 Tenure Review Committee meeting for the consideration of information and matters contained in the Agenda.

6.1 CEO Tenure Review – HR and Legal Advice [section 90(3) (a) of the Act]

The Order to Exclude for Items 6.1:

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 6.1

THAT THE CEO TENURE REVIEW 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 CEO Tenure Review Committee dated 10 November 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 6.1 [CEO Tenure Review – HR and Legal Advice] listed on the Agenda.

   Grounds and Basis

   This Item is confidential as it deals with the process of reviewing the existing CEO's tenure and consideration of the benefits and disbenefits of its possible extension.

   The disclosure of information in this report could unreasonably disclose information concerning the personal affairs of the current CEO (namely their employment circumstances, appointment process and status).

2. Pursuant to section 90(2) of the *Local Government Act 1999* (SA) (the Act), this meeting of the CEO Tenure Review Committee dated 10 November 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 6.1 [CEO Tenure Review – HR and Legal Advice] 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 – CEO Tenure Review – HR and Legal Advice

      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 -