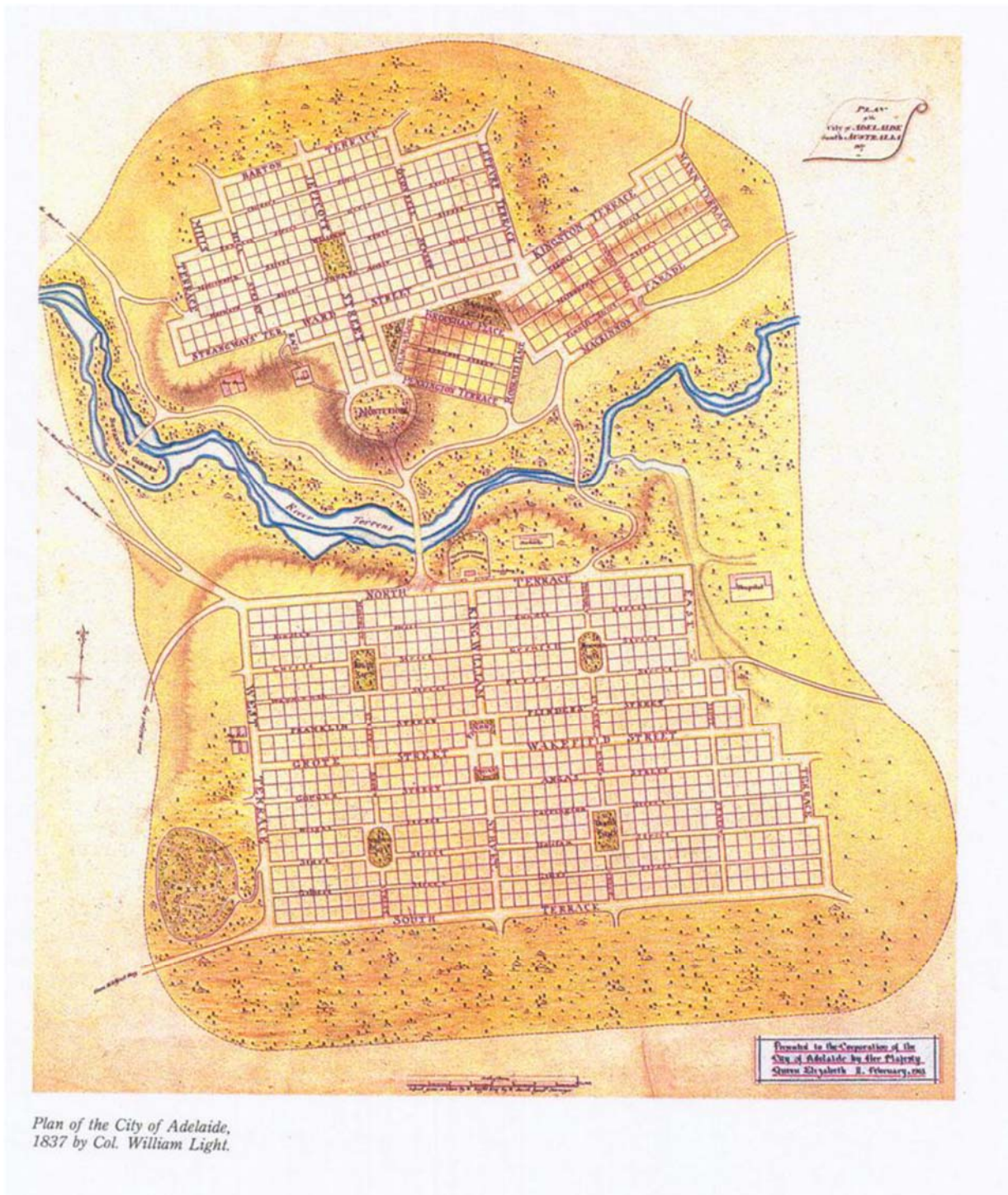




STANDING ORDERS

June 2019



Plan of the City of Adelaide,
1837 by Col. William Light.

TABLE OF CONTENTS

CHAPTER 1 – Introduction and Purpose of the Standing Orders	3
CHAPTER 2 – Roles	7
CHAPTER 3 – General Duties and Code of Conduct for Council Members	15
Part 1 – General Duties for Council Members	16
Part 2 – Code of Conduct for Council Members	17
Part 3 – Complaint Handling Procedure under the Code of Conduct for Council Members	24
CHAPTER 4 – Disclosure of Interests	28
Part 1 – Register of Interests	29
Part 2 – Conflicts of Interest	31
CHAPTER 5 – Allowances and Benefits	36
Part 1 – Allowances	37
Part 2 – Benefits and Reimbursement of Expenses	38
Part 3 – Register of Allowances and Benefits	42
Part 4 – Provision of Facilities and Support	44
Part 5 – Training and Development	47
Part 6 – Record Keeping and Access Rights	51
CHAPTER 6 – Council Governance	52
Part 1 – Council and Committees	53
Part 2 – Informal Gatherings	59
Part 3 – Selection of Council Members to Nominated Positions	63
Part 4 – Corporate Status and Common Seal	65
Part 5 – Caretaker Period and End of Term of Office	66
CHAPTER 7 – Code of Practice for Meeting Procedures and Access to Meetings and Documents	68
Part 1 – Introduction	69
Part 2 – Calling and Notice of Meetings	72
Part 3 – Place of Council and Committee Meetings	78
Part 4 – Items Closed to the Public	79
Part 5 – Meeting Documents	81
Part 6 – Business at Meetings	85
Part 7 – Start of Meeting and Quorum	87
Part 8 – Questions	88
Part 9 – Public Involvement at Meetings	89
Part 10 – Motions and Addresses by Members	93
Part 11 – Voting	98
Part 12 – Meeting Interruption	100
CHAPTER 8 – Civic Protocols	103
CHAPTER 9 – Amendment of Standing Orders	108

CHAPTER 1

Introduction and Purpose of the Standing Orders

Introduction

City of Adelaide Act 1998

3—Objects

The objects of this Act are—

- (a) to recognise, promote and enhance the special social, commercial, cultural and civic role that the City of Adelaide plays as the capital city and heart of South Australia; and
- (b) to provide for collaborative arrangements for intergovernmental liaison between the State and The Corporation of the City of Adelaide for the strategic development of the City of Adelaide and the representation of the interests of South Australians not enfranchised to vote in elections for the Corporation; and
- (c) to revise and enhance local governance arrangements for the City of Adelaide; and
- (d) to ensure access to the City of Adelaide for all South Australians.

Local Government Act 1999

6—Principal role of a council

A council is, under the system of local government established by this Act, established to provide for the government and management of its area at the local level and, in particular—

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) to represent the interests of its community to the wider community; and
- (e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.

7—Functions of a council

The functions of a council include—

- (a) to plan at the local and regional level for the development and future requirements of its area;
- (b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- (c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- (d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- (e) to manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- (f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- (g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;

- (h) to establish or support organisations or programs that benefit people in its area or local government generally;
- (i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- (j) to manage, improve and develop resources available to the council;
- (k) to undertake other functions and activities conferred by or under an Act.

Principles and Objectives

1. These Standing Orders seek to:
 - 1.1. Outline clear roles, responsibilities and expectations in a way that is easily understood by all Council Members, the community and Council staff.
 - 1.2. Support transparency of Council's operations and decision making.
 - 1.3. Encourage participation, involvement and diversity of view amongst Council Members, the community and Council staff.
 - 1.4. Support strategic, well informed, considered and timely decision making.
 - 1.5. Encourage co-operation and collaboration between Council Members, the community and Council staff, to develop solutions that can be supported by most, if not all, for the benefit of the City of Adelaide.
 - 1.6. Ensure consistency, efficiency and fairness in Council's operations and decision making; and ensure that all Council Members understand their rights and obligations as participants in meetings of Council and its Committees.
 - 1.7. Recognise and celebrate the history and civic role of Council as the oldest local government entity in Australia, and the capital of South Australia.
 - 1.8. Ensure all Council Members have access to all training, relevant information and advice as well as facilities and support necessary to fulfil their respective roles.

Definitions

Council staff – the employees of the Corporation of the City of Adelaide

Public Officer – takes its meaning from Schedule 1 to the *Independent Commissioner Against Corruption Act 2012 (SA)* and includes a member of a local government body and an officer or employee of a local government body.

Members' Room - The room made available in the premises of the Corporation of the City of Adelaide for use by Council Members in accordance with Standing Order 98.

Interpretation

2. The Standing Orders address the following policy requirements for the governing body in the *City of Adelaide Act 1998 (SA)*, the *Local Government Act 1999 (SA)* and associated Regulations, and may be cited as "Standing Orders":
 - 2.1. General Duties and Code of Conduct for Council Members - Chapter 3
 - 2.2. Complaint Handling Procedure under the Code of Conduct for Council Members - Chapter 3
 - 2.3. Allowances and Benefits - Chapter 5
 - 2.4. Provision of Facilities and Support– Chapter 5
 - 2.5. Private Use of Council Facilities - Chapter 5
 - 2.6. Training and Development - Chapter 5

- 2.7. Council Governance and Informal Gatherings - Chapter 6
- 2.8. Code of Practice for Meeting Procedures and Decision Making and Access to Meetings and Documents - Chapter 7
- 2.9. Caretaker Period – Chapter 6.
3. The Standing Orders are intended to be read and interpreted in a manner which is consistent with legislation and the objectives and principles of these Standing Orders.
4. Any element within these Standing Orders that is mandated by legislation is provided as a direct extract from the relevant Act or Regulation and is enclosed in a text box. Extracts have been used in coloured text boxes as per below:

Local Government Act 1999 (SA)
City of Adelaide Act 1998
Local Government (Procedures at Meetings) Regulations 2013
Code of Conduct for Council Members
Local Government (General) Regulations 2013

5. The following acronyms have been utilised when referencing legislation CoA 1998 (*City of Adelaide Act 1998 (SA)*) and LGA 1999 (*Local Government Act 1999 (SA)*).
6. Standing Orders are consecutively numbered throughout the consolidated document.

References

7. Reference to the Council is a reference to the governing body of the Corporation of the City of Adelaide.
8. The principal member of the Council is entitled to the rank and title of Lord Mayor and references to the 'Lord Mayor' shall be read as a reference to the Right Honourable the Lord Mayor of Adelaide (or, as the case requires, to any person acting in the office of the Lord Mayor, save and except, for the inclusion of 'Acting' preceding the title).
9. The person appointed as Deputy Lord Mayor will be entitled to the title of Deputy Lord Mayor (or, as the case requires, to any person acting in the office of Deputy Lord Mayor, save and except, for the inclusion of 'Acting' preceding the title).
10. References to Councillors or Council Members are to be read as a reference to the persons who have been appointed or elected as a Member of the Council under the *Local Government Act 1999 (SA)*.
11. References to the Chief Executive Officer shall be read as a reference to the Chief Executive Officer of the Corporation of the City of Adelaide (or, as the case requires, to any person acting in the office of the Chief Executive Officer, save and except, for the inclusion of 'Acting' preceding the title).

CHAPTER 2

Roles

Lord Mayor

City of Adelaide Act 1998

20—Constitution of Council

- (1) The Adelaide City Council will be constituted of—
- (a) the Lord Mayor; and
 - (b) other members.
- (3) A person cannot hold office as Lord Mayor for more than two consecutive terms.
- (4) The Council may resolve to have a Deputy Lord Mayor in accordance with the provisions of the Local Government Act 1999.

City of Adelaide Act 1998

21—Lord Mayor

The role of the Lord Mayor is—

- (a) as the principal elected member of the Council representing the capital city of South Australia—
 - (i) to provide leadership and guidance to the City of Adelaide community;
 - (ii) to participate in the maintenance of inter-governmental relationships at regional, State and national levels;
 - (iii) to carry out civic and ceremonial duties associated with the office of Lord Mayor; and
- (b) as the principal member of the Council—
 - (i) to provide leadership and guidance to the Council;
 - (ii) to preside at meetings of the Council;
 - (iii) to advise the chief executive officer on the implementation of decisions of the Council between council meetings (as necessary);
 - (iv) to act as the principal spokesperson of the Council;
 - (v) to exercise other functions of the Council as the Council determines.

City of Adelaide Act 1998

22—Members

- (2) The Lord Mayor may authorise another member of the Council to act in place of, or to represent, the Lord Mayor in the performance of a particular function.
- (3) An authorisation under subsection (2) cannot derogate from the role of a Deputy Lord Mayor under the *Local Government Act 1999*.
- (4) A member of the Council [*inclusive of the Lord Mayor*] has no direct authority over an employee of the Council with respect to the way in which the employee performs his or her duties.

Local Government Act 1999

51—Principal member of council

- (9) The mayor of the City of Adelaide is entitled to the rank and title of Lord Mayor.

12. In addition to the above, the role of the Lord Mayor is to:

- 12.1. Participate in the Council of Capital City Lord Mayors, to provide national leadership for the effective co-ordination and representation of the special interests of the Capital Cities of the Australian States and Territories, especially in their relations with other spheres of government.
- 12.2. Participate in Local Government in South Australia to provide a leadership role within, and for, the State.
- 12.3. Provide leadership and guidance to the Capital City Committee, an intergovernmental body established under the *City of Adelaide Act 1998 (SA)*, to enhance and promote the development of the City of Adelaide as the capital city of the State.
- 12.4. Discuss the progress of Council decisions with the Chief Executive Officer, to support the implementation of these decisions.

Deputy Lord Mayor

City of Adelaide Act 1998

20—Constitution of Council

- (4) The Council may resolve to have a Deputy Lord Mayor in accordance with the provisions of the *Local Government Act 1999*.

City of Adelaide Act 1998

22—Members

- (3) An authorisation under subsection (2) cannot derogate from the role of a Deputy Lord Mayor under the *Local Government Act 1999*.
- (4) A member of the Council [*inclusive of the Deputy Lord Mayor*] has no direct authority over an employee of the Council with respect to the way in which the employee performs his or her duties.

Local Government Act 1999

51—Principal member of council

- (3) If a council has a mayor, there may also be, if the council so resolves, a deputy mayor and if a council has a chairperson, there may also be, if the council so resolves, a deputy chairperson.
- (4) If there is to be a deputy mayor or deputy chairperson, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. The term must not exceed 4 years.
- (5) On the expiration of a term of office, a chairperson, deputy mayor or deputy chairperson is eligible to be chosen for a further term.
- (6) In the absence of the mayor or chairperson, a deputy mayor or deputy chairperson may act in the office of mayor or chairperson.
- (7) If the mayor or chairperson is absent from official duties and there is no deputy mayor or deputy chairperson, or the deputy mayor or deputy chairperson is not available to act in the office of mayor or chairperson, a member chosen by the council may act in the office of mayor or chairperson during the relevant period.
- (8) If a person is to be chosen by the members of the council to fill an office under this section and the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded.
- (10) In the event of a casual vacancy in the office of mayor, subsections (6) and (7) operate subject to any appointment made by the council under section 54(8).

13. The role of the Deputy Lord Mayor is to:
 - 13.1. Represent the Lord Mayor if the Lord Mayor is unavailable to attend official duties from time to time, where appropriate, and subject to the availability of the Deputy Lord Mayor.
 - 13.2. Act in the role of Lord Mayor as Acting Lord Mayor, when the Lord Mayor:
 - (a) has taken an official leave of absence from Council
 - (b) formally delegates in writing his or her responsibilities to the Deputy Lord Mayor
 - (c) is overseas or interstate for an extended period of time with Lord Mayor approval
 - (d) is unable to discharge his or her duties due to illness or for any other reason , subject to Council approval.
 - 13.3. Be the spokesperson of Council in the absence or unavailability of the Lord Mayor.
 - 13.4. Discuss the progress of Council decisions with the Chief Executive Officer to support the implementation of these decisions, in the absence or unavailability of the Lord Mayor.
 - 13.5. Preside at ordinary and special meetings of Council in the absence of the Lord Mayor; and exercise any other functions as Council may determine from time to time.
14. The Council Member who holds the office of Deputy Lord Mayor shall be known and addressed as Deputy Lord Mayor at all times.
15. To support an effective working relationship with the Lord Mayor, the Deputy Lord Mayor will be the Chair of all core committees (committees of the whole) for the term of the appointment as Deputy Lord Mayor.
16. Council may appoint an Acting Deputy Lord Mayor with respect to any extended period of absence of the Lord Mayor, when the Deputy Lord Mayor is Acting Lord Mayor.

Council Members

City of Adelaide Act 1998

22—Members

- (1) The role of a member of the Council is—
- (a) as a member of the governing body of the Council—
 - (i) to participate in the deliberations and activities of the Council;
 - (ii) to provide community leadership and guidance to the City of Adelaide community and to participate in achieving a vision for the desired future of the City through the formulation of strategic plans and policies;
 - (iii) to keep the Council's goals and policies under review to ensure that they are appropriate and effective;
 - (iv) to keep the Council's resource allocation, expenditure and corporate strategies, and the efficiency and effectiveness of its service delivery, under review;
 - (v) to participate in setting and assessing performance standards to be met under the Council's contract with the chief executive officer;
 - (vi) to serve the overall public interest of the City of Adelaide;
 - (b) as a person elected to the Council—to represent the interests of residents and ratepayers and to facilitate communication between the community and the Council.
- (2) The Lord Mayor may authorise another member of the Council to act in place of, or to represent, the Lord Mayor in the performance of a particular function.
- (3) An authorisation under subsection (2) cannot derogate from the role of a Deputy Lord Mayor under the *Local Government Act 1999*.
- (4) A member of the Council has no direct authority over an employee of the Council with respect to the way in which the employee performs his or her duties.

Local Government Act 1999

59—Roles of members of councils

- (1) The role of a member of a council is—
- (a) as a member of the governing body of the council—
 - (i) to participate in the deliberations and civic activities of the council;
 - (ii) to keep the council's objectives and policies under review to ensure that they are appropriate and effective;
 - (iii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
 - (iv) to ensure, as far as is practicable, that the principles set out in section 8 are observed;
 - (b) as a person elected to the council—to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.
- (2) A member of a council may, with the principal member's authorisation, act in place of, or represent, the principal member.
- (3) A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.

Local Government Act 1999**8—Principles to be observed by a council**

A council must act to uphold and promote observance of the following principles in the performance of its roles and functions—

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with State and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently;
- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position.

Local Government Act 1999**86—Procedure at meetings**

- (5) Each member present at a meeting of a council must, subject to a provision of this Act to the contrary, vote on a question arising for decision at that meeting.

Refer to Conflict of Interest provisions – Chapter 3

Local Government (Procedures at Meetings) Regulations 2013**27—Voting at committee meetings**

- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the [*Local Government Act 1999*] to the contrary, vote on a question arising for decision at that meeting.

Official Partner of the Lord Mayor or Lady Mayoress

17. The Lord Mayor is entitled to appoint a person to hold the title of Official Partner of the Lord Mayor or alternatively, Lady Mayoress of Adelaide, for the term of Office (or some lesser period):

17.1 There is no requirement that such person be the spouse or partner of the Lord Mayor.

17.2 Any appointment made by the Lord Mayor pursuant to this Standing Order is at the sole discretion of the Lord Mayor. If made, the appointment shall be in writing and formally reported to the next ordinary meeting of Council for noting.

Chief Executive Officer

Local Government Act 1999

96—Council to have a chief executive officer

- (1) Each council must have a chief executive officer.
- (2) The title of the office under subsection (1) is at the discretion of the council.

98—Appointment procedures

- (5) The council makes the appointment to the office of chief executive officer.

City of Adelaide Act 1998

27—Role of the chief executive officer

The functions of the chief executive officer of the Council include—

- (a) to ensure that the policies and lawful decisions of the Council are implemented in a timely and efficient manner;
- (b) to undertake responsibility for the day-to-day operations and affairs of the Council;
- (c) to provide advice and reports to the Council on the exercise and performance of its powers and functions under this or any other Act;
- (d) to co-ordinate proposals for consideration by the Council for developing objectives, policies and programs for the area;
- (e) to provide information to the Council to assist the Council to assess performance against its strategic, corporate and operational plans;
- (f) to ensure that timely and accurate information about Council policies and programs is regularly provided to the City of Adelaide community, and to ensure that appropriate and prompt responses are given to specific requests for information made to the Council;
- (g) to support and advance the role that the City of Adelaide plays as the capital city of South Australia;
- (h) to ensure that the assets and resources of the Council are properly managed and maintained;
- (i) to ensure that records required under this or another Act [including the *Local Government Act 1999 (SA)* and the *State Records Act 1997 (SA)*] are properly kept and maintained;
- (j) to give effect to the principles of human resource management prescribed by the *Local Government Act 1999* and to apply proper management practices;
- (k) to exercise, perform or discharge other powers, functions or duties conferred on the chief executive officer by or under this or other Acts [including *Local Government Act 1999 (SA)*], and to perform other functions lawfully directed by the Council.

- 18. The Chief Executive Officer will provide information to Council Members on a timely basis to support informed decision making both outside and during meetings of the Council or committees.
- 19. The Chief Executive Officer will perform any other role or responsibility required under the *Local Government Act 1999 (SA)*.
- 20. The Chief Executive Officer or delegate can interrupt a Council or committee meeting to provide clarity or rectify information.

Local Government Act 1999**99—Role of chief executive officer**

- (2) The chief executive officer must consult with the council (to a reasonable degree) when determining, or changing to a significant degree—
- (a) the organisational structure for the staff of the council; or
 - (b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or
 - (c) the appraisal scheme that is to apply to senior executive officers.

CHAPTER 3

General Duties and Code of Conduct for Council Members

PART 1 GENERAL DUTIES FOR COUNCIL MEMBERS

Local Government Act 1999

62—General duties

- (1) A member of a council must at all times act honestly in the performance and discharge of official functions and duties.
- (2) A member of a council must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.
- (3) A member or former member of a council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.
Maximum penalty: \$10 000 or imprisonment for two years.
- (4) A member of a council must not, whether within or outside the State, make improper use of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.
Maximum penalty: \$10 000 or imprisonment for two years.
- (4a) A member or former member of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially.
Maximum penalty: \$10 000 or 2 years imprisonment.
- (4b) Nothing in subsection (4a) prohibits the disclosure of information or a document that is required or authorised by law.
- (5) If a person is convicted of an offence against this section, the court by which the person is convicted may, if it thinks that action under this subsection is warranted, in addition to (or in substitution of) any penalty that may be imposed under a preceding subsection, by order do one or more of the following:
 - (a) require the person to attend a specified course of training or instruction, or to take other steps;
 - (b) suspend the person from any office under this Act for a period not exceeding two months;
 - (c) disqualify the person from any office under this Act;
 - (d) disqualify the person from becoming a member of a council, a committee of a council or a subsidiary of a council for a period not exceeding five years.
- (6) If a person is disqualified under subsection (5)(c), the office immediately becomes vacant but proceedings for a supplementary election to fill the vacancy (if required) must not be commenced until the period for appealing against the conviction of an offence against this section has expired or, if there is an appeal, until the appeal has been determined.
- (7) The provisions of this section extend—
 - (a) to committees and to members of committees established by councils as if—
 - (i) a committee were a council; and
 - (ii) a member of a committee were a member of a council; and
 - (b) to subsidiaries and to board members of subsidiaries as if—
 - (i) a subsidiary were a council; and
 - (ii) a board member of a subsidiary were a member of a council.

PART 2 - CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999

63—Code of conduct for members

- (1) The Governor may, by regulation, prescribe a code of conduct to be observed by the members of all councils.
- (2) Council members must observe the code of conduct.

Local Government (General) Regulations 2013

7—Code of conduct for members

For the purposes of section 63 of the Act, the *Code of Conduct for Council Members* published by the Minister in the Gazette on 29 August 2013 (and as in force on that day) is adopted as a code of conduct to be observed by the members of all councils.

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE

2. Behavioural Code

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.

- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)—has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred

to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1. Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2. Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3. Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4. Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5. Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose
- 3.6. Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7. Council members must not:

- 3.7.1. Seek gifts or benefits of any kind;
 - 3.7.2. Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
 - 3.7.3. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8. Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.
- 3.9. Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1. Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.1. Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.2. Council functions or events;
 - 3.9.1.3. Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2. Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10. Where Council members receive a gift or benefit of more than a value published in the Government Gazette by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the

Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

3.11. Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

3.12. Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

3.13. Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

3.14. Council members using Council resources must do so effectively and prudently.

3.15. Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

3.16. Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

3.17. At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.

3.18. A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or

misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

21. In dealing with Council staff, Council Members shall:

- 21.1 Provide support to, and reasonably co-operate with, the Chief Executive Officer in the fulfilment of his or her role.
- 21.2 Respect confidentiality in their individual and collective dealings with the Chief Executive Officer.
- 21.3 Recognise and act on the basis that the Chief Executive Officer is an employee of the Corporation of the City of Adelaide, fulfilling an administrative role, to whom work, health and safety duties are owed, and not the holder of elected office of a political nature.
- 21.4 Always uphold the Behavioural Code as outlined in the Code of Conduct for Council Members.
- 21.5 Use the process provided by the Chief Executive Officer for directing queries to Council staff (eg Elected Member Request System).
- 21.6 Comply with the City of Adelaide Use of Information Systems Operating Guideline when communicating via email (noting these guidelines also apply to communications with Council Members and other stakeholders)

- 21.7 Not copy Council staff (other than the Chief Executive Officer) into communications, unless otherwise advised or authorised by the Chief Executive Officer in the context of reasonable Council business needs.
- 21.8 Direct questions in a respectful manner through the Lord Mayor/Chair and the Chief Executive Officer at Council and Council Committee meetings.

22. In dealing with the Media, Council Members shall:

- 22.1 Take account of and recognise the role of the Lord Mayor as the principal spokesperson for the Council when dealing with the media, noting to not do so is a breach of the Section 21(b)(iv) *City of Adelaide Act 1998 (SA)*.
- 22.2 Refer approaches from the media on a matter where there is no formal position or policy of Council to the Lord Mayor in the event that the media is seeking a statement of Council's formal position or policy on a matter.
- 22.3 When commenting in the media on matters where Council has an established position or policy, and where the Council Member is aware, the Council Member shall reiterate the position of Council, prior to offering any personal opinion as an individual Council Member.
- 22.4 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a personal view, and not that of the Council.

Social Media

- 23. There will be an official City of Adelaide Lord Mayor site/page and an Official Partner of the Lord Mayor/Lady Mayoress site/page on approved social media platforms.
- 24. In using the social media site/pages, Council Members shall:
 - 24.1 Take account of and recognise the role of the Lord Mayor as the principal spokesperson for the Council when dealing with the media, noting to not do so is a breach of the Section 21(b)(iv) *City of Adelaide Act 1998 (SA)*.
 - 24.2 Refer approaches from the media on a matter where there is no formal position or policy of Council to the Lord Mayor in the event that the media is seeking a statement of Council's formal position or policy on a matter.
 - 24.3 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a personal view, and not that of the Council.
- 25. The City of Adelaide Crest can only be used by Council and current Council Members, or for Council approved or endorsed activities.

PART 3 – COMPLAINT HANDLING PROCEDURE UNDER THE CODE OF CONDUCT FOR COUNCIL MEMBERS

CODE OF CONDUCT FOR COUNCIL MEMBERS

Local Government Act 1999: Section 63 (1)

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Disputes Between Council Members

- 26. Where there is disputation or interpersonal conflict of a material and persistent nature between Council Members, which is having a material impact upon the functioning of Council, or which has the potential to do so, then the relevant Council Members will take such reasonable steps as necessary to achieve a working relationship, consistent with the fulfilment of their roles as Council Members and their obligations as a public officer.
- 27. If Council Members are unable to resolve the disputation or interpersonal conflict referred to in Standing Order 26, the Council Members shall participate in a mediation before a qualified mediator, or other suitably qualified person, appointed for that purpose by the Chief Executive Officer, and shall through that process, use their best endeavours to achieve the outcome referred to in Standing Order 26.

The Making of a Complaint under Part 2 of the Code of Conduct

- 28. A complaint made by any person (whether a Council Member, an executive or staff member of the Corporation of the City of Adelaide or a member of the public) that relates to an alleged breach of the Code of Conduct for Council Members **must** be:
 - 28.1 made in writing
 - 28.2 identify the provisions of the Code which it is alleged have been breached
 - 28.3 accompanied by any evidence that substantiates the breach
 - 28.4 marked and treated as confidential
 - 28.5 delivered to the Chief Executive Officer
 - 28.6 treated as confidential by the complainant and the Chief Executive Officer throughout the preliminary enquiry.

29. The Chief Executive Officer shall, with all due expedition, undertake a preliminary enquiry into the complaint made to determine whether it warrants further investigation. At the time a complaint is received, the Chief Executive Officer will maintain the confidentiality of the complainant until the Chief Executive Officer has determined whether the alleged behaviour, *prima facie*, relates to a behaviour as outlined in Standing Order 31, or other allegation as outlined in Standing Order 32.
30. The Chief Executive shall:
- 30.1 Provide written acknowledgement of receipt of the complaint to the complainant within seven (7) days of receipt.
 - 30.2 Provide written notification to the Council Member who is the subject of the complaint and information about the complaint to the Council Member, within seven (7) days of receipt of the complaint.
 - 30.3 Advise the complainant and the Council Member, subject of a notification of a complaint, to maintain the confidentiality of the matter throughout the preliminary enquiry by the Chief Executive Officer.
 - 30.4 Make the Lord Mayor aware of the complaint in confidence (unless the Lord Mayor is the subject of the complaint, at which time the Deputy Lord Mayor will be made aware).

Allegations under the *Independent Commissioner Against Corruption Act 2012 (SA)*

31. If the complaint, *prima facie*, relates to alleged conduct which gives rise to a reasonable suspicion of corruption, serious or systemic misconduct or serious or systemic maladministration in public administration, a Public Officer **must** make a report to the Office for Public Integrity in accordance with the Directions and Guidelines issued under the *Independent Commissioner Against Corruption Act 2012 (SA)*, noting that:
- 31.1 Information relating to making a complaint or report can be found on the Independent Commissioner Against Corruption (ICAC) website.
 - 31.2 There are specific confidentiality provisions contained in section 54 of the *Independent Commissioner Against Corruption Act 2012 (SA)*. Refer to: <https://icac.sa.gov.au/complaint-report>.

Other Allegations

32. Upon receiving a complaint which does not fall within Standing Order 31, the Chief Executive Officer will, having made the preliminary enquiry under Standing Order 29, determine whether the complaint:
- 32.1 Is not of a material nature, in which case no further action shall be taken in relation to the complaint.
 - 32.2 Is frivolous or vexatious, in which case no further action shall be taken in relation to the complaint.
 - 32.3 Has previously been dealt with by another agency, organisation or the Council, and there is no good reason why action should be taken.
 - 32.4 Has the potential to be appropriately resolved informally between the Council Member who is the subject of the complaint and the complainant.
 - 32.5 Should be referred for a formal mediation process.
 - 32.6 Can, in all of the circumstances, be reasonably and appropriately dealt with by formal or informal counselling of the Council Member, subject to the complaint.
 - 32.7 Warrants referral to an independent legal counsel, or other appropriate authority, for a formal investigation and report to Council.
33. In making a determination pursuant to Standing Order 31:
- 33.1 The Chief Executive Officer may seek such legal advice as he or she considers appropriate in relation to the appropriate course of action.

- 33.2 The Chief Executive Officer's determination regarding the appropriate course of action shall not be subject to review by Council.
- 33.3 The process of determination will be treated as confidential.
- 33.4 The complainant, the Council Member the subject of the complaint, and the Lord Mayor (or Deputy Lord Mayor as per Standing Order 30.4) will be advised of the determination in confidence.
- 33.5 If the Chief Executive Officer determines to take no further action in relation to a complaint, the complainant and the Council Member, subject to the complaint, will be provided with reasons for so determining to take no further action.
34. In the case of allegations outlined under Standing Order 31 the Chief Executive Officer may make available to the Council Member a copy of the complaint made against them, including details of the person(s) who have made the complaint, subject to the Chief Executive Officer giving due consideration to the provisions under the *Public Interest Disclosure Act 2018* (SA), where appropriate.

Formal Investigation of Complaint and Report to Council

35. Where the Chief Executive Officer determines that the complaint warrants formal investigation under Standing Order 32.7, the Chief Executive Officer shall refer the complaint to an independent legal counsel appointed from the Council's Legal Services Panel, or any other appropriate organisation.
36. The investigation shall be conducted in a confidential manner, with all due expedition in accordance with the rules of natural justice and procedural fairness, including (but not limited to) a right to be heard by the complainant and the Council Member, subject to the complaint.
37. At the conclusion of the investigation, the Chief Executive Officer shall be provided with a written report that summarises the:
- 37.1 allegations made in the complaint
 - 37.2 the evidence to which the investigation had regard
 - 37.3 factual findings
 - 37.4 conclusions
 - 37.5 recommendations arising from the report.
38. In the event the investigation concludes there has been no breach of the Code of Conduct for Council Members by the Council Member, then the Chief Executive Officer shall advise the complainant and the Council Member accordingly and take no further action.
39. In the event the investigation concludes that there has been a breach of the Code of Conduct by the Council Member, then the report shall be presented at the next ordinary meeting of Council, which must be a public meeting.
40. When the report is considered by Council, the Council Member who is the subject of the complaint (and if applicable a Council Member who made the complaint) has, by definition, a material conflict of interest in the matter pursuant to section 73 of the *Local Government Act 1999* (SA). The Council Member must disclose the interest, leave the Chamber and not participate in Council's consideration of the matter.
41. Before the Council meeting at which the report is to be considered, a copy of the report shall be provided to the Council Member, subject of the complaint, so as to afford the Council Member with the opportunity to make a formal written submission to be included on the Agenda for the consideration of Council.

Notification of Outcome

42. The Chief Executive Officer shall notify the Council Member who is the subject of the complaint and the complainant of the outcome of the investigation and Council's decision in relation to the matter.

Penalties

43. Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction:
- 43.1 take no action
 - 43.2 pass a censure motion in respect of the Council Member
 - 43.3 request a public apology, whether written or verbal
 - 43.4 request the Council Member to attend training on the specific topic found to have been breached
 - 43.5 resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected position on Council)
 - 43.6 request the Council Member repay monies to the Council.
44. In addition, the Council may make a public statement succinctly summarising the nature of the complaint made against the Council Member, the determination made, and the penalty imposed by Council.
45. All determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the Chief Executive Officer in a public register, which will be published on the City of Adelaide website, listing the date, the type of breach and the name of the Council Member found in breach.

Decision to Discontinue Action in relation to Complaint

46. The Chief Executive Officer may, at any time after a complaint is made, and before a final determination of the complaint is made by Council, determine to discontinue any and all action in relation to the complaint, if the Chief Executive Officer considers in the exercise of his or her discretion that some proper ground or grounds exist for doing so. Such a decision and the reasons for determining to discontinue must be communicated in writing to the complainant and the Council Member.

Complaints by or against the Chief Executive Officer

47. All references to the Chief Executive Officer in this section are to be construed as referring to the Deputy Chief Executive Officer if the complaint is made by or against the Chief Executive Officer.

CHAPTER 4

Disclosure of Interests

PART 1 - REGISTER OF INTERESTS

Local Government Act 1999

65—Lodging of primary returns

Each person who is elected as a member of a council (other than a person who was a member of that council immediately before the conclusion of that election) or is appointed as a member of a council must, within six weeks after election or appointment, submit to the chief executive officer a primary return in accordance with Schedule 3.

66—Lodging of ordinary returns

Each member of a council must, on or within 60 days after 30 June in each year, submit to the chief executive officer an ordinary return in accordance with Schedule 3.

67—Form and content of returns

- (1) A member of a council who has submitted a return under this Division must notify the chief executive officer of a change or variation in the information appearing on the Register in respect of the member or a person related to the member (within the meaning of Schedule 3) within 1 month of the change or variation.

Maximum penalty: \$10 000.

- (2) It is a defence to a prosecution for an offence against subsection (1) to prove that the member did not know, and could not reasonably be expected to have known, of the relevant change or variation.

68—Register of Interests

- (1) The chief executive officer must maintain a Register of Interests and must cause to be entered in the Register all information furnished pursuant to this Division and Schedule 3.
- (2) If a member of a council fails to submit a return to the chief executive officer within the time allowed under this Division, the chief executive officer must as soon as practicable notify the member of that fact and include specific information about the consequences under Division 1 of Part 2 of this Chapter if a return is not submitted in accordance with the requirements of this Division.
- (3) A notification under subsection (2) must be given by letter sent to the member by registered mail.
- (4) Despite this Division and Schedule 3, if the chief executive officer is satisfied that—
- (a) the inclusion in the Register of the address of a person would place at risk the personal safety of that person, a member of that person's family or any other person, the chief executive officer may suppress the address from the Register; or
 - (b) a person's address is suppressed from the roll under the *Electoral Act 1985*, the chief executive officer must suppress the person's residential address from the Register.

69—Provision of false information

A member of a council who submits a return under this Division and Schedule 3 that is to the knowledge of the member false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence.

Maximum penalty: \$10000.

70—Inspection of Register

- (a1) A council must publish, in accordance with the regulations, the following details in relation to each member of the council contained in the Register on a website determined by the chief executive officer (and cause the details on the website to be updated at regular intervals):
- (a) the member's income sources (within the meaning of Schedule 3) or employer;

(b) the name of any political party, any body or association formed for political purposes or any trade or professional organisation (within the meaning of Schedule 3) of which the member is a member;

(c) any gifts received by the member that are required to be included in the information entered in the Register in relation to the member.

(1) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.

48. In accordance with section 70 of the *Local Government Act 1999 (SA)*, the Chief Executive Officer will make the register available to the general public for inspection, without charge, at the Customer Centre during ordinary office hours. The Chief Executive Officer will provide, on payment of a fee fixed by Council, a copy of any part of the Register.

PART 2 – CONFLICTS OF INTEREST

Material Conflicts of Interest

Local Government Act 1999

73—Material conflicts of interest

- (1) Subject to this section, for the purposes of this Subdivision, a member of a council has a **material conflict of interest** in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:
- (a) the member;
 - (b) a relative of the member;
 - (c) a body corporate of which the member is a director or a member of the governing body;
 - (d) a proprietary company in which the member is a shareholder;
 - (e) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
 - (f) a partner of the member;
 - (g) the employer or an employee of the member;
 - (h) a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;
 - (i) a person of a prescribed class.
- (2) A member of a council will not be taken to have a material conflict of interest in a matter to be discussed at a meeting of the council—
- (a) if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area; or
 - (b) on account of an interest under subsection (1) of a relative of the member, other than the member's spouse or domestic partner, if the member does not know, and could not reasonably be expected to know, of the interest.
- (3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a material conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.
- (4) In this section—
- agency or instrumentality of the Crown** includes—
- (a) an administrative unit of the Public Service;
 - (b) a body corporate comprised of, or including or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown.

74—Dealing with material conflicts of interest

- (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
- (a) inform the meeting of the member's material conflict of interest in the matter; and
 - (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.

Maximum penalty:

- (a) if the member votes on the matter with an intention to gain a benefit, or avoid a loss, for the member or another person—\$15 000 or 4 years imprisonment; or
 - (b) in any other case—\$5 000.
- (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting, or being in the chamber where the meeting is being conducted, if the member—
- (a) has been granted an approval under subsection (3); and
 - (b) is complying with the conditions of the approval.
- (3) The Minister may grant an approval in writing to a member of the council to take part in the meeting, or to be in the chamber where the meeting is being conducted, if—
- (a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; or
 - (b) it appears to the Minister to be in the interests of the council's community and area.
- (4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.
- (5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:
- (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) if the member took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).
- (6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.

Actual and Perceived Conflicts of Interest

Local Government Act 1999

75—Actual and perceived conflicts of interest

- (1) In this Subdivision—
- actual conflict of interest*—see section 75A(1)(a);
 - conflict of interest*—see subsections (2) and (3);
 - perceived conflict of interest*—see section 75A(1)(b).
- (2) For the purposes of this Subdivision but subject to this section, a *conflict of interest* is a conflict between—
- (a) a member of a council's interests (whether direct or indirect personal or pecuniary); and
 - (b) the public interest,
- that might lead to a decision that is contrary to the public interest.
- (3) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—
- (a) by reason only of—
 - (i) an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or

- (ii) membership of a political party; or
- (iii) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or
- (iv) the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school; or
- (v) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council; or

(b) in prescribed circumstances.

- (4) A member of a council will not be taken, for the purposes of this Subdivision, to have a conflict of interest in a matter to be discussed at a meeting of the council if the relevant member's interest in the matter is held in common with all or a substantial proportion of the ratepayers, electors or residents of the council area.

75A—Dealing with actual and perceived conflicts of interest

- (1) If, in relation to a matter to be discussed at a meeting of a council, a member of the council—
- (a) has a conflict of interest in the matter (an **actual conflict of interest**); or
 - (b) could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter (a **perceived conflict of interest**),
- the member must deal with the actual or perceived conflict of interest in a transparent and accountable way.
- (2) Without limiting subsection (1), the member must inform the meeting of—
- (a) the member's interest in the matter; and
 - (b) if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.
- (3) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- (4) If a member of a council discloses an actual or perceived conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:
- (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) the manner in which the member dealt with the actual or perceived conflict of interest;
 - (d) if the member voted on the matter, the manner in which he or she voted;
 - (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- (5) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with an actual or perceived conflict of interest of the member in a matter to be discussed at the meeting.
- (6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.

Explanation of Ordinary Business relating to Conflicts of Interest

Local Government (General) Regulations 2013

8AAA—Conflicts of interest—ordinary business matters etc

- (1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:
- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
 - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
 - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
 - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
 - (e) the adoption or revision of an annual business plan;
 - (f) the adoption or revision of a budget;
 - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;
 - (h) a discussion or decision of a matter at a meeting of a council if the matter—
 - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and
 - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee of the agency or instrumentality if the matter does not directly concern the agency or instrumentality.

Conflict of interest for members and meetings of committees and subsidiaries

Local Government Act 1999

75B—Application of Division to members and meetings of committees and subsidiaries

- (1) The provisions of this Division extend to committees and to members of committees established by councils as if—
- (a) a committee were a council; and
 - (b) a member of a committee were a member of a council
- (2) The provisions of this Division extend to subsidiaries and to board members of subsidiaries as if—
- (a) a subsidiary were a council; and
 - (b) a board member of a subsidiary were a member of a council. member of a committee were a member of a council.

Local Government (General) Regulations 2013

8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees

For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

- (a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—
 - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
 - (ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;
- (b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—
 - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
 - (ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and
 - (iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;
- (c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—
 - (i) the discussion or recommendation relates to the purpose for which the committee is established; and
 - (ii) the relevant interest in the matter is the interest of the council that established the committee.

Local Government Act 1999

39—Protection of members

- (1) No civil liability attaches to a member of a council for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or council's powers, functions or duties under this or other Acts.
- (2) A liability that would, but for this section, attach to a member of a council attaches instead to the council.

CHAPTER 5

Allowances and Benefits

This Chapter addresses the policy requirements pursuant to:

Section 25 of the *City of Adelaide Act 1998 (SA)* – Reimbursement of Expenses

section 80A of the *Local Government Act 1999 (SA)* – Training and Development

PART 1 - ALLOWANCES

City of Adelaide Act 1998

24—Allowances

- (1) Subject to this section, a member of the Council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.
- (2) The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each periodic election for the City of Adelaide held under the *Local Government (Elections) Act 1999*.
- (3) The Remuneration Tribunal must, in making a determination under this section, have regard to the following:
 - (a) the role of members of the Council as members of the Council's governing body and as representatives of their area;
 - (b) the size, population and revenue of the Council, and any relevant economic and social factors in the council area;
 - (c) the fact that an allowance under this section is not intended to amount to a salary for a member;
 - (d) the fact that an allowance under this section should reflect the nature of a member's office;
 - (e) the provisions of this Act providing for the reimbursement of expenses of members.
- (4) For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of ***remuneration*** in the *Remuneration Act 1990*.

49. The allowance shall be paid monthly by direct deposit into a bank account nominated by each Council Member.

PART 2 - BENEFITS AND REIMBURSEMENT OF EXPENSES

This part addresses the policy requirements pursuant to section 25 of the City of Adelaide Act 1998 (SA).

City of Adelaide Act 1998

25—Reimbursement of expenses

- (1) A member of the Council is entitled to receive from the Council—
- (a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and
 - (b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the Council (either specifically or under a policy established by the Council for the purposes of this section), incurred in performing or discharging official functions and duties.

City of Adelaide (Members Allowances and Benefits) Regulations 2010

5—Reimbursement of expenses—section 25(1)(a)

- (1) Subject to this regulation, for the purposes of section 25(1)(a) of the Act, the following kinds of expenses are prescribed:
- (a) travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if—
 - (i) the journey is an eligible journey; and
 - (ii) the journey is by the shortest or most practicable route;
 - (b) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,
 actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.
- (2) However—
- (a) in relation to the operation of subregulation (1)(a)—
 - (i) if an eligible journey relates to travel between a place within the area of the Council and a place outside the area of the Council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the Council; and
 - (ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth;
 - (b) in relation to the operation of subregulation (1)(b)—a member of the Council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.
- (3) The Council may aggregate claims for reimbursement of expenses under subregulation (1)(a) and then pay them on either a quarterly or monthly basis.

6—Expenses requiring Council approval—section 25(1)(b)

For the purposes of section 25(1)(b) of the Act, the following kinds of expenses are prescribed:

- (a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 25(1)(a) of the Act);
- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;
- (d) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,
 incurred by the member as a consequence of the member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 25(1)(a) of the Act);
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a Council.

Official Business of the Corporation of the City of Adelaide

50. Council Members shall be reimbursed for reasonable expenses incurred in undertaking official business of the Corporation of the City of Adelaide. Official business is defined as attendance at:
- 50.1 Council and Committee meetings
 - 50.2 Authority and Panel meetings
 - 50.3 informal gatherings or discussions held in accordance with section 90 (8a) of the *Local Government Act 1999 (SA)*
 - 50.4 civic or ceremonial occasions convened by the Council or Lord Mayor
 - 50.5 meetings, functions or any attendance in an official role as a representative of the Council or the Lord Mayor
 - 50.6 meetings arising as a result of a Member of Council being appointed by Council to an external body or Committee, except where the body reimburses relevant expenses incurred by the Member of Council
 - 50.7 meetings with Council staff or other Members of Council on any matter relating to the Council
 - 50.8 site visits to view or meet with people in the capacity as a Member of Council
 - 50.9 conferences, study tours, official visits, training sessions and functions attended in the capacity as a Council Member.
51. The Corporation of the City of Adelaide shall reimburse a Council Member for any other reasonable expenses incurred by a Council Member in the discharge of his or her duties as a Council Member, which are specifically approved for reimbursement by Council.

Carer Expenses

52. The Corporation of the City of Adelaide will reimburse the costs of necessary carer expenses for the care of a child of a Council Member, or dependants of Council Members requiring full time care, incurred by Council Members in the course of carrying out official business of the Corporation of the City of Adelaide as defined in Standing Order 50 (where these costs are not covered by other entitlements, eg Australian Government Child Care Benefit).
53. Carer expenses consist of all hourly fees for the carer, agency booking fees and reasonable travelling expenses (refer Standing Order 55) incurred by the Council Member.

54. Fees are not payable under Standing Order 52 if the care is provided by a relative of the Council Member who ordinarily resides with the Council Member.
55. Fees are payable per hour, or part thereof, subject to any minimum period which is part of the provider's usual terms but may only include the period of official business and reasonable travel time.
56. Travelling expenses under Standing Order 53 cover the transport costs of the carer to and from the Council Member's residence, or of the Council Member's children or dependents to and from the place of care.
57. A Council Member must certify that a claim for carer services under Standing Order 52 relates to official business of the Corporation of the City of Adelaide as defined in Standing Order 50.
58. Claims for reimbursement of carer expenses under Standing Order 52, together with invoices and receipts, are to be submitted to the Corporation of the City of Adelaide within twenty-eight (28) days of the provision of the service or the receipt of a regular statement, whichever occurs first.

Use of Private Vehicles

59. Council Members using their private vehicles to travel to and from their principal place of residence or workplace on official business of the Corporation of the City of Adelaide, as defined in Standing Order 50, are entitled to be reimbursed according to the rates prescribed by the *Income Tax Assessment Act 1997*. The reimbursement shall be made on the basis of the shortest and most practical route.
60. Claims for reimbursement of private vehicle expenses can be made upon presentation of relevant invoices and receipts within twenty-eight (28) days of the vehicle use.

Use of Taxis for Local Travel

61. A Council Member may use a cab charge card supplied by the Corporation of the City of Adelaide to each Council Member upon request, for journeys required as a consequence of attendance at a function or activity on official business of the Corporation of the City of Adelaide, as defined in Standing Order 50.
62. In the event that a Council Member incurs costs in using a taxi service to attend a function or activity on official business of Council without a cab charge card, a claim for reimbursement of the amount can be made upon presentation of relevant invoices and proof of payment within twenty-eight (28) days of using the service.

Telephone, Email and Internet

63. Telephone, email and internet costs incurred by a Council Member in connection with their role as a Council Member, shall be met by the Corporation of the City of Adelaide at cost, and subject to the application of Standing Orders 64 to 66, upon presentation of relevant invoices and proof of payment within twenty-eight (28) days of receipt of the account.
64. Council Members are entitled to the use of a mobile telephone and a tablet device supplied by the Corporation of the City of Adelaide, during their term of office.
65. Council Members will reimburse the Corporation of the City of Adelaide for the cost of any charges incurred by the Corporation for personal use of mobile phones on a quarterly basis.
66. Where a monthly invoice of over \$200 is received for either mobile telephone or tablet use, the Chief Executive Officer, or delegate, will review the account. This review will involve seeking clarification from the Council Member regarding use, as well as seeking information and clarification from the carrier. Following this review, the Chief Executive Officer will advise the Member of any personal use that must be reimbursed by the Council Member.

Training and Professional Development Expenses (refer Part 5 – Training and Development)

67. The Corporation of the City of Adelaide shall pay registration fees, including relevant workshops, for Council Members attending approved meetings, conferences, seminars, training or other engagements approved in accordance with this Chapter.

68. All receipts and supporting documentation relating to the registration by a Council Member for approved meetings, conferences and training events shall be submitted for reimbursement to the Corporation of the City of Adelaide within twenty-eight (28) days of the expense being incurred.
69. The Corporation of the City of Adelaide shall pay the reasonable costs of overnight accommodation, where required, for attendance at approved meetings, conferences, seminars, training or other engagement.
70. Expenses are payable for the nights of the approved meeting, conference, seminar, training or other engagement and the night before and after where necessary.
71. In-room entertainment and alcoholic beverage costs are payable by the Council Member.
72. All receipts and supporting documentation relating to a Council Member's overnight accommodation for approved meetings, conferences and training events shall be submitted for reimbursement to the Corporation of the City of Adelaide within twenty-eight (28) days of their return.
73. The Corporation of the City of Adelaide shall pay for all reasonable costs for meals for Council Members attending meetings, conferences, seminars, training or engagements approved by Council, where any of those meals are not provided as part of the meeting, conference, seminar, training or engagement fee. The reasonable cost of beverages accompanying a meal will also be paid by the Corporation of the City of Adelaide.
74. All receipts and supporting documentation relating to a Council Member's meals at approved meetings, conferences and training events shall be submitted for reimbursement to the Corporation of the City of Adelaide within twenty-eight (28) days. Reimbursement will be consistent with the Australian Taxation Office guidelines (<https://www.ato.gov.au/>).
75. Any other expense (not authorised by a resolution of Council approving a Council Member's attendance at a meeting, conference, seminar, training or engagement) must be submitted to the Chief Executive Officer for assessment for reimbursement within twenty-eight (28) days of their return.

PART 3 - REGISTER OF ALLOWANCES AND BENEFITS

(Gifts and Benefits Register referred to in Code of Conduct for Council Members)

Local Government Act 1999

79—Register of allowances and benefits

- (1) The chief executive officer of a council must ensure that a record (the **Register of Allowances and Benefits**) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—
- (a) the annual allowance payable to the member; and
 - (b) details of any expenses reimbursed by the council under section 77(1)(b); and
 - (c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.
- (2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—
- (a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or
 - (b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.
- (3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.
- (4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.

City of Adelaide (Members Allowances and Benefits) Regulations 2010

7—Register of allowances and benefits

- (1) The chief executive officer of the Council must ensure that the Register of Allowances and Benefits includes—
- (a) details of any expenses reimbursed by the Council under section 25(1)(b) of the Act [*City of Adelaide Act 1998 (SA)*]; and
 - (b) a record of the provision of a reimbursement (other than a reimbursement under section 25(1)(a) of the Act [*City of Adelaide Act 1998 (SA)*] or benefit not previously recorded in the Register. [Note 1]
- (2) The principles that apply under subsections (1) and (2) of section 79 of the *Local Government Act 1999* extend to details or records relating to expenses reimbursed under section 25(1)(b) of the Act [*City of Adelaide Act 1998 (SA)*].

Note—

- 1 see also the other requirements under section 79 of the *Local Government Act 1999*.

76. The Register of Allowances and Benefits will be available on the Council's website and updated on a quarterly basis.

77. The Register of Allowances and Benefits is compiled based on the information provided to the Council Liaison Officer.

Additional information to be included on the Register of Allowances and Benefits

78. Where Council Members receive a gift or benefit of a value more than \$100, the Council Member must organise details of each gift or benefit to be recorded in the Register of Allowances and Benefits.

Register of Travel Allowances

79. The Chief Executive Officer will ensure a record is kept listing all Council Member's travel expenses for interstate and international travel. This should include:

- 79.1 expenses related to travelling to, from and within the destination
- 79.2 Visa application fees and any other expenses related to entering a foreign nation
- 79.3 accommodation expenses
- 79.4 eligible food and drink expenses and incidental expenses.

PART 4 - PROVISION OF FACILITIES AND SUPPORT

City of Adelaide Act 1998

26—Provision of facilities and support

- (1) The Council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.
- (2) The provision of facilities and services under this section is at the discretion of the Council subject to complying with the following requirements:
 - (a) the Council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
 - (b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the Lord Mayor);
 - (c) any property provided to a member remains the Council's.
- (3) A member of the Council must not use a facility or service provided by the Council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the Council and the member has agreed to reimburse the Council for any additional costs or expenses associated with this use).

Lord Mayor

80. The Office of the Chief Executive Officer is allocated an annual budget by Council to deliver executive support to the Lord Mayor, Deputy Lord Mayor and Council Members.
81. Staff of the Office of the Lord Mayor are engaged, allocated and managed by the Chief Executive Officer in consultation with the Lord Mayor.
82. The Lord Mayor shall be provided with all other assistance which is reasonably necessary to enable the Lord Mayor to carry out the role of the Lord Mayor, including:
 - 82.1 Personal usage of a Council provided vehicle without charge.
 - 82.2 A Council vehicle and driver for local and intrastate journeys associated with the official business of Council. The vehicle must be available for other duties when not utilised by the Lord Mayor.
 - 82.3 The entitlements of Council Members provided for in Standing Orders 86 to 108.
83. Any other support required by the Lord Mayor which is not covered in Standing Orders 81 and 82 may be approved under delegated authority within the approved budget of the Corporation of the City of Adelaide by the Chief Executive Officer.

Deputy Lord Mayor

84. The Deputy Lord Mayor shall be provided with the assistance which is reasonably necessary to enable the Deputy Lord Mayor to carry out the role of Deputy Lord Mayor.

Official Partner of the Lord Mayor or Lady Mayoress

85. Any person appointed by the Lord Mayor as Official Partner of the Lord Mayor or Lady Mayoress shall be entitled to the use of a dedicated room and, through the Office of the Lord Mayor, to such administrative support as shall be reasonably required to fulfil the role in the manner intended by the Lord Mayor, as to be approved by the Chief Executive Officer, within the approved budget of the Corporation of the City of Adelaide.

Council Members

Administrative Support

86. Administrative services, including scheduling of meetings, for Council Members, responding to invitations, preparation of correspondence and record keeping, shall be provided at a level

determined reasonable by the Chief Executive Officer and in mutual agreement with the Lord Mayor.

87. Office equipment and necessary stationery shall be provided to enable Council Members to discharge their functions and duties.
88. Council Members will be supplied with letterhead to conduct official Council business. Council Members shall not use the ordinary letterhead of the Corporation of the City of Adelaide, which is reserved for use by staff of the Corporation of the City of Adelaide.

Council Business Assistance

89. The Council Business Team and/or the Executive Leadership Team shall, if requested, provide individual Council Members with necessary information, advice and assistance on the nature and form of any motion which the Council Member wishes to move, within five (5) business days of a request being made.

Independent Legal Advice

90. In liaison with the Chief Executive Officer (or delegate), Council Members will have access to independent and confidential legal advice at the cost of Council regarding any question or matter arising in relation to the Council Member's role or legal responsibilities, or rights in relation to, or arising out of, his or her capacity as a Council Member.
91. The right to legal advice under Standing Order 90 does not extend to the provision of ongoing legal representation in relation to any legal issue or matter without a resolution of Council to that effect.
92. The right to legal advice under Standing Order 90 does not extend to actions arising out of the private business, or a private matter, of a Council Member.
93. Council Members shall select a legal provider from the legal panel appointed by the Corporation of the City of Adelaide, unless another legal provider is approved by the Chief Executive Officer, on a reasonable basis, taking into account the circumstances of the matter.

Computers and Internet Access

94. Council Members are entitled to the use of current technology and applications to enable them to discharge their responsibilities as a Council Member at a level determined by the Chief Executive Officer, or by resolution of Council.
95. Council Members shall be issued with an email account within the Corporation of the City of Adelaide's computer systems which must be solely used for the purpose of receiving Council documents, undertaking official functions and duties and addressing Council business.

Office Use and Storage

96. During their term of office, Council Members are entitled to the use of office accommodation and document storage for the purposes of performing their roles as Council Members in the Council premises, as allocated by the Chief Executive Officer.
97. Council Members are entitled to use available Council offices and meeting rooms for formal meetings with staff or other persons.

Members' Room

98. The Members' Room shall be available for the use of Council Members. It is not to be used by individual Members of Council for informal gatherings (as defined under section 90 of the *Local Government Act 1999 (SA)*).

Local Government Act 1999

(8) The duty to hold a meeting of a council or council committee at a place open to the public does not in itself make unlawful informal gatherings or discussion involving—

(a) members of the council or council committee; or

(b) members of the council or council committee and staff, provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.

Also refer to Chapter 6, Part 2 Standing Orders, 'Informal Gatherings'

Insurance

99. Council Members are covered by insurance maintained by the Corporation of the City of Adelaide while performing or discharging their official functions or duties, including attendance at meetings of external bodies as a representative of Council, as follows:
- (a) Public Liability and Professional Indemnity
 - (b) Personal Accident whilst on Council business
 - (c) Corporate Travel insurance for Council Members and their partners and spouses whilst on overseas Council business travel.
100. Terms and conditions to these insurances covers apply. Further details are available from the Manager Governance.

Meals, Refreshments, Newspapers and Magazines

101. A meal and refreshments shall be provided for Council Members while they are attending Council or Committee meetings at the Town Hall at, or about, meal times.
102. Beverages and tea and coffee making facilities for the use of Council Members, and their guests and visitors, shall be provided in the Members' Room.
103. Newspapers and periodicals shall be provided in the Members' Room and associated digital access to these publications provided where available.

Building Access and Parking

104. Council Members are entitled to be provided with a security pass/key allowing 24 hour access to the Members' offices and the Members' Room, to support them in discharging their responsibilities as Council Members.
105. Council Members who are on official business of the Corporation of the City of Adelaide as outlined in Standing Order 50, are entitled to park in the City of Adelaide Permit Zones in Pirie, King William and Flinders Streets, in Visitor Permit areas, and in ticket spaces without purchasing a ticket and timed areas for longer than the maximum time. The vehicle must clearly display the City of Adelaide Council crest sticker on the windscreen at the time of parking. No parking is allowed in front of the Town Hall in the *Permit Zone requiring authorisation by Lord Mayor at all times*, without prior approval of the Lord Mayor.
106. Council Members shall be offered a UPark card which allows them access to any of the UPark car parks, including Park Lands Car Parks operated by the Council, for use on official Council business, as outlined in Standing Order 50.
107. Council Members are not permitted to park in a zone which has been created exclusively for road traffic or pedestrian safety, exempli gratia no stopping areas, or continuous yellow lines.

Private Use of Council Facilities

108. If a Council Member wishes to make private use of facilities and services, he or she must obtain the approval of the Chief Executive Officer prior. If additional costs or expenses arise from private use, the Council Member must make payment to the Council accordingly.

PART 5 - TRAINING AND DEVELOPMENT

This part addresses the policy requirements pursuant to section 80A(5) of the Local Government Act 1999 (SA).

Local Government Act 1999

80A—Training and development

- (1) A council must prepare and adopt a training and development policy for its members.
- (2) The policy must—
 - (a) be aimed at assisting members in the performance and discharge of their functions and duties; and
 - (b) comply with any requirements prescribed by the regulations.
- (3) A council may from time to time alter its policy, or substitute a new policy.
- (4) A person is entitled to inspect (without charge) a policy under this section at the principal office of the council during ordinary office hours.
- (5) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under this section.

Local Government (General) Regulations 2013

8AA—Training and development

- (1) For the purposes of section 80A(2)(b) of the Act, a council must ensure that its training and development policy—
 - (a) provides that members must undertake regular training in accordance with the policy; and
 - (b) complies with the LGA training standards.
- (2) In this regulation—

LGA training standards means the document entitled *LGA training standards for council members* approved by the Minister for the purposes of this regulation and published on a website maintained by the LGA, as in force from time to time.
- (3) An alteration to the LGA training standards by the LGA has no force or effect for the purposes of subregulation (2) unless or until the Minister has provided his or her written approval to the making of the alteration.
- (4) For the purposes of the definition of *LGA training standards*—
 - (a) the LGA is declared to be a prescribed body under section 303(4) of the Act; and
 - (b) the LGA training standards are adopted by these regulations pursuant to section 303(4) of the Act; and
 - (c) the principal office of the LGA (at 148 Frome Street, Adelaide, 5000 or, if the LGA moves its principal office, at that new address) is specified for the purposes of section 303(7)(c) of the Act.

109. The Chief Executive Officer will allocate the Council approved budget each financial year to support the training and development of Council Members.

110. At the beginning of each Council term the Chief Executive Officer will provide reasonable training to support the induction and onboarding of Council Members.

Minimum and Mandatory Training

111. The following are the minimum and mandatory training requirements (modules) of the LGA training standard that each Council Member is required to complete within the first 12 months of the municipal term.

Summary from [LGA Training Standards for Council Members](#)

Module 1 – Introduction to Local Government

By completing this mandatory training module, Council Members will gain an understanding of the Australian System of Government and the composition, structure and operational functions of Councils in South Australia.

The Australian System of Government

- The three spheres of government and their functions
- Relationships between the three spheres of government

Roles and Functions of Local Government

- Role, functions and objectives of Local Government
- Composition and structure of Councils
- Community engagement and consultation
- Strategic Planning

Elected/Staff Structures

- Role of Council Members
- Role of Staff

Services Provided by Councils

- Mandatory
- Discretionary

Minimum requirement- 1.5 hours.

Module 2 - Legal Responsibilities

By completing this mandatory training module, Council Members will gain an overview of their duties as a Council Member under the *Local Government Act 1999* and related legislation. The module will describe the roles of the Independent Commissioner Against Corruption, the Minister for Local Government and the Ombudsman regarding individual and Council performance, with an emphasis on investigations of maladministration, corruption and misconduct.

Role of a Council Member

Delegations

General Duties

Code of Conduct for Council Members

Conflict of Interest

Register of Interests

Responsibilities concerning the provision of support and resources

Legal Protections for Council Members

External Oversight

- Ombudsman SA
- Independent Commissioner Against Corruption
- Minister for Local Government
- District Court

Minimum requirement- 2 hours

Module 3 – Council and Committee Meetings

By completing this mandatory training module, Council Members will have a greater understanding of the meeting procedures established to guide Council decision making.

Council & Committee Meeting Procedures

- Overview
- Council Meetings
- Committee Meetings
- Public Access to Council and Committee Meetings
- Informal Gatherings
- Agendas

- Motions and Voting
- Minutes
- Public Access to documents
- Chairing meetings

Minimum requirement- 1.5 hours

Module 4 - Financial Management and Reporting

By completing this mandatory training module, Council Members will gain an understanding of a Council's responsibilities for financial and asset management planning, setting rates and monitoring budgets.

Overview of financial governance responsibilities of individual elected members and the elected body

Long term financial planning

Long term asset management planning

Audit Committees

Rating

Budgets and Annual business plans

Minimum requirement- 2.5 hours

112. The Chief Executive Officer must keep a record that indicates that Council Members have completed the required modules.

Professional Memberships

113. Council Members are entitled to have one professional membership provided each year by the Corporation of the City of Adelaide, and two per year in respect to the Lord Mayor, to support them in undertaking their official duties as Council Members.
114. The Chief Executive Officer will approve the professional membership(s) that will be paid for by the Corporation of the City of Adelaide.
115. A tax invoice shall be provided to the Chief Executive Officer or delegate to enable payment of the professional membership within twenty-eight (28) days of the membership being agreed. Payment of professional memberships by Council will be limited to the term of Council.
116. Any professional membership provided by Council must be recorded on the Register of Allowances and Benefits.

Authorisation to Attend Interstate Events

117. In recognition of the strategic importance of the Lord Mayor role as the primary representative of the City of Adelaide, the Lord Mayor may attend interstate conferences, seminars, meetings or other engagements without the need for separate Council approval, with Council meeting the reasonable costs of travel, accommodation and subsistence
118. Expenditure by Council Members incurred by attending meetings, conferences, seminars, training or other engagements interstate must be approved by Council in advance, if such expenditure is to be reimbursed to the Council Member or paid by the Corporation of the City of Adelaide. Council Members are expected to discuss proposed attendance with the Lord Mayor prior to the proposal being considered by Council.
- 118.1 The booking of business class air travel, to be paid for or reimbursed by City of Adelaide, is prohibited while on official business of the City of Adelaide.

Authorisation to Attend Overseas Events

119. Expenditure by Council Members incurred by attending meetings, conferences, seminars, training or other engagements overseas must be approved by Council in advance, if such expenditure is to be reimbursed to the Council Member or paid by the Corporation of the City of Adelaide. Council Members are expected to discuss proposed attendance with the Lord Mayor prior to the proposal being considered by Council.

119.1 The booking of business class air travel, to be paid for or reimbursed by City of Adelaide, is prohibited while on official business of the City of Adelaide.

120. Any international travel proposed by the Lord Mayor must be approved by Council prior to any such travel with an appropriate budget for travel, accommodation and subsistence.

Authorisation to Attend Local Events

121. Council Members may attend local conferences, seminars, meetings or other engagements, on the basis that the cost will be paid by the Corporation of the City of Adelaide, or reimbursed to the Council Member, where the approval of the Chief Executive Officer has been first obtained, provided such meeting, conference, seminar, training or other engagement is relevant to the operations of the Corporation of the City of Adelaide, Local Government generally, or is directly related to the performance and discharge of the roles or duties of the Council Member.

Voting Rights attending a conference or meeting

122. When a Council Member, including the Lord Mayor, is attending a conference or meeting at the expense of the Corporation of the City of Adelaide, the Council Member must act as a representative of the Council and, if feasible, will:

122.1 Seek a prior endorsed position or decision from Council where applicable (if vote requirements are known in advance).

122.2 Vote in line with pre-existing Council decisions or policies.

Reports on Attendance

123. A Council Member attending an overseas or interstate meeting, conference, seminar, training or engagement must prepare and submit a report to a meeting of the Council occurring within 60 days (2) months following such attendance.

Reporting

124. All reimbursements or payments made on behalf of Council Members to attend training and development activities will be recorded in the Register of Allowances and Benefits.

125. In respect of each Council Member, a record of travel expenses for interstate and international travel will be maintained by the Chief Executive Officer (the Register of Travel Allowances – Refer to Standing Order 79).

126. Details of each Council Member's training and development activity will also be recorded in the Annual Report, as required by the Schedule 4 of the *Local Government Act 1999 (SA)*.

PART 6 – RECORD KEEPING AND ACCESS RIGHTS

Records

127. The *State Records Act 1997 (SA)* places statutory obligations on the Corporation of the City of Adelaide to retain its official records for continuing administrative and legal purposes, and to dispose of them only in accordance with General Disposal Schedule 20, or an authority issued by State Records under the Act.
128. The *Independent Commissioner Against Corruption Act 2012 (SA)*, *Freedom of Information Act, 1991 (SA)* the *Ombudsman Act 1972 (SA)* and the *Evidence Act 1929 (SA)*, contain provisions in relation to access to official records and/or obligations to make such records available in legal proceedings.
129. Council Members' written and electronic records that concern the Corporation of the City of Adelaide business, functions or activities are classified as 'official records' under the *State Records Act, 1997 (SA)* and must be retained. Council Members have an obligation to ensure the records created or used by them in the course of performing their official functions and duties are retained and incorporated in the Corporation of the City of Adelaide's records, including:
- 129.1 Social media accounts and receipt or response to official business, which are to be forwarded to a City of Adelaide email address, or the relevant City of Adelaide social media account, tagged to enable the Council record keeping process to be utilised.
- 129.2 The obligation for Council Members to retain records does not apply to those items that are personal or private, or documents which the Corporation of the City of Adelaide has itself created and stored such as Council agendas, minutes or briefing notes.

Access

Local Government Act 1999

61—Access to information by members of councils

- (1) A member of a council is entitled at any reasonable time, in connection with the performance or discharge of the functions or duties of the member (whether under this or another Act), without charge, to have access to any relevant council document, including (but not limited to)—
- (a) a copy of a written contract entered into by the council, or a copy of a document relating to a contract that is proposed to be entered into by the council;
- (b) accounting records kept by the council;
- (c) financial statements and other documents prepared by the council under Chapter 8.
- (2) A request for access to a document under subsection (1) should be directed to the chief executive officer, or another officer specified by the chief executive officer for the purposes of this section.
- (3) The chief executive officer or another officer providing access to a document under subsection (1) may indicate to the member that information contained in the document is, or should be considered as, confidential.

CHAPTER 6

Council Governance

Part 2 Informal Gatherings policy as per section 90(8) of the Local Government Act 1999.

PART 1 - COUNCIL AND COMMITTEES

130. Council, established through the *Local Government Act 1999 (SA)* and the *City of Adelaide Act 1998 (SA)*, is the governing body of the Corporation of the City of Adelaide and is:
- 130.1 Accountable to the Capital City Community for City leadership and strategy development that delivers benefit for all South Australian.
- 130.2 Responsible for the delivery of efficient and effective local government services that respond to the community's needs.
131. Council is comprised of all those who have been elected as Members of the governing body of the Corporation of the City of Adelaide (refer section 35 *Local Government Act 1999*) and the Lord Mayor is the Principal Member (refer Chapter 2 Roles).
132. The Governance Structure is to be approved by Council. Prior to the Council resolving the structure it seeks to establish for the municipal term of office, the Chief Executive Officer will liaise with the Lord Mayor and all Council Members seeking input on governance arrangements.

Committees

Local Government Act 1999

41—Committees

- (1) A council may establish committees.
- (2) A committee may, according to a determination of the council (and subject to the operation of this Act), be established—
 - (a) to assist the council in the performance of its functions;
 - (b) to inquire into and report to the council on matters within the ambit of the council's responsibilities;
 - (c) to provide advice to the council;
 - (d) to exercise, perform or discharge delegated powers, functions or duties.
- (3) The membership of a committee will be determined by the council and may consist of, or include, persons who are not members of the council.
- (4) The council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.
- (5) A member of a committee holds office at the pleasure of the council.
- (6) The council may appoint the principal member of the council as an *ex officio* member of a committee (but in such a case the principal member will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee).
- (7) A committee may establish a subcommittee to assist it in a matter.
- (8) A council must, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
- (9) A committee that is performing a regulatory activity of the council must report to the council on its activities at least quarterly.
- (10) The establishment of a committee does not derogate from the power of the council to act in a matter.
- (11) No act or proceeding of a council committee is invalid by reason of—
 - (a) a vacancy or vacancies in the membership of the committee; or
 - (b) a defect in the election or appointment of a member or members of the committee; or

- (c) the fact that the election of a member or members of the committee is subsequently declared void by a court of competent jurisdiction.
- (12) No civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.
- (13) A liability that would, but for subsection (12), attach to a member of a committee attaches instead to the council.

Delegations

Local Government Act 1999

44—Delegations

- (1) A council may delegate a power or function vested or conferred under this or another Act.
- (2) A delegation may be made—
 - (a) to a council committee; or
 - (b) to a subsidiary of the council; or
 - (c) to an employee of the council; or
 - (d) to the employee of the council for the time being occupying a particular office or position; or
 - (e) to an authorised person.
- (3) However, a council may not delegate—
 - (a) power to make a by-law or to determine that a by-law applies only within a part or parts of the area of the council;
 - (b) power to declare rates or a charge with the character of a rate;
 - (c) power to borrow money or to obtain other forms of financial accommodation;
 - (d) power to adopt or revise a strategic management plan of the council;
 - (da) power to adopt or revise an annual business plan or budget of the council;
 - (e) power to approve expenditure of money on works, services or operations of the council not contained in a budget adopted by the council;
 - (g) power to approve payment or reimbursement of expenses that may be paid at the discretion of the council and for which the council has not adopted a formal policy or made specific financial provision;
 - (h) power to establish a subsidiary, or to participate in the establishment of a regional subsidiary;
 - (i) power to make an application or recommendation, or to report or to give a notice, to the Governor or the Minister, being an application, recommendation, report or notice for which provision is made by or under this or another Act;
 - (j) power to fix, vary or revoke a fee under section 188(1)(d) to (h);
 - (ja) the power to revoke the classification of land as community land under section 194;
 - (k) a power or function excluded from delegation by the regulations.
- (3a) A council must not delegate—
 - (a) the power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the council; or
 - (b) the power to declare and levy a building upgrade charge under a building upgrade agreement,

except to the chief executive officer and, despite subsection (4)(b), the chief executive officer cannot subdelegate these powers.

- (4) A delegation—
- (a) is subject to conditions and limitations determined by the council or specified by the regulations; and
 - (b) if made to the chief executive officer authorises the subdelegation of the delegated power or function unless the council directs otherwise and if made to anyone else authorises the subdelegation of the delegated power or function with the approval of the council; and
 - (c) is revocable at will and does not prevent the council from acting in a matter.
- (5) If a power or function is delegated to an employee of the council, the employee is responsible to the chief executive officer for the efficient and effective exercise or performance of that power or function.
- (6) The council must cause a separate record to be kept of all delegations under this section, and should at least once in every financial year review the delegations for the time being in force under this section.
- (7) A person is entitled to inspect (without charge) the record of delegations under subsection (6) at the principal office of the council during ordinary office hours.
- (8) A person is entitled, on payment of a fee fixed by the council, to an extract from the record of delegations under subsection (6).
- (9) This section does not limit or affect a power of delegation under another Act.

Audit Committee

Local Government Act 1999

126—Audit committee

- (1) A council must have an audit committee.
- (2) The membership of an audit committee—
- (a) may include persons who are not members of the council; and
 - (b) may not include an employee of the council (although an employee may attend a meeting of the committee if appropriate); and
 - (c) may include, or be comprised of, members of an audit committee for another council; and
 - (d) must otherwise be determined in accordance with the requirements of the regulations.
- (4) The functions of an audit committee include—
- (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
 - (ab) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
 - (ac) proposing, and reviewing, the exercise of powers under section 130A; and
 - (b) liaising with the council's auditor; and
 - (c) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

133. The Audit Committee Terms of Reference will be adopted by Council.

Reconciliation Committee

134. There shall be a Reconciliation Committee appointed by Council established for the term of the office.
135. Membership will be in accordance with the City of Adelaide Reconciliation Committee Terms of Reference adopted by Council.
136. The primary purpose of the Reconciliation Committee is to engage collaboratively with peak Government and non-Government reconciliation groups to advance reconciliation in the City of Adelaide and encourage and seek broad participation from Aboriginal People in Council activities and events.
137. The role of the Reconciliation Committee is to:
- 137.1 Recommend to Council a Reconciliation Action Plan (schedule of reconciliation initiatives) that demonstrates Council's commitment to reconciliation.
 - 137.2 Provide input to policy development and strategic advice to Council across areas likely to impact on Aboriginal People as requested by Council or resolved by the Committee.
 - 137.3 Promote a positive image to the general public of Aboriginal People, facilitate reconciliation between the City of Adelaide's diverse communities and contribute to the education and awareness of the Council's communities about the diversity of Aboriginal cultures.
 - 137.4 Monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement.
138. The City of Adelaide's Reconciliation Committee will have dual Chairs, one of whom will be the Lord Mayor. The Reconciliation Committee will select the second person for the dual Chair role, as well as a proxy and the role of Deputy, from the remaining Reconciliation Committee members.

Council Assessment Panel

Planning, Development and Infrastructure Act 2016

83—Panels established by joint planning boards or councils

- (1) The following provisions will apply in relation to an assessment panel appointed by a joint planning board or a council (a designated authority) under Division 1:
- (a) a designated authority may appoint more than 1 assessment panel but, if it does so, the designated authority must clearly specify which class of development each assessment panel is to assess;
 - (b) a designated authority must determine—
 - (i) the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a council, and, if the designated authority thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and
 - (ii) the procedures to be followed with respect to the appointment of members; and
 - (iii) the terms of office of members; and
 - (iv) conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
 - (v) the appointment of deputy members; and
 - (vi) who will act as the presiding member of the panel and the process for appointing an acting presiding member;
 - (c) a person appointed as a member of an assessment panel must be an accredited professional;

- (d) a person who is a member of the Parliament of the State is not eligible to be appointed as a member of an assessment panel;
 - (e) a person appointed as a member of an assessment panel must disclose his or her financial interests in accordance with Schedule 1;
 - (f) the procedures of an assessment panel must comply with any requirements prescribed by the regulations;
 - (g) a member of an assessment panel must not act in relation to a development if he or she has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development;
 - (h) the designated authority that appoints an assessment panel will be responsible for—
 - (i) arranging the staffing and support required for the purposes of the operations of the panel; and
 - (ii) the costs and other liabilities associated with the activities of the panel;
 - (i) in the case of an assessment panel appointed by a council—the council must substitute the existing members of the panel with new members if directed to do so by the Minister acting on recommendation of the Commission under section 86.
- (2) Subsection (1)(c) does not apply if—
- (a) the person is a member, or former member, of a council; and
 - (b) the designated authority is satisfied that the person is appropriately qualified to act as a member of the assessment panel on account of the person's experience in local government.
- (3) Without limiting the effect of subsection (1)(g), a person will be taken to have a pecuniary interest in a matter for the purposes of the subsection if an associate of the person has an interest in the matter.
- (4) A person who contravenes subsection (1)(g) is guilty of an offence.
- Maximum penalty: \$20 000.

Working Groups

139. From time to time the Chief Executive Officer may establish a Working Group comprised of any members of the executive and staff of the Corporation of the City of Adelaide, Council Members and/or members of the public with particular skill or expertise.
140. A Working Group established under Standing Order 140 will be:
- 140.1 Formed for a specific period of time to assist the Corporation of the City of Adelaide in carrying out a particular function or project.
 - 140.2 Advisory in nature and intended to inform the Chief Executive Officer.
 - 140.3 Not subject to the meeting and/or informal gathering provisions of the *Local Government Act 1999 (SA)*.
141. Any member of a Working Group, other than a Council Member or an executive or staff member of the Corporation of the City of Adelaide, may be offered a sitting or other fee, as the Chief Executive Officer may determine appropriate.

Subsidiaries

Local Government Act 1999

42—Ability of council to establish a subsidiary

- (1) A council may establish a subsidiary—
- (a) to provide a specified service or services; or
 - (b) to manage or administer property, facilities or activities on behalf of the council; or

(c) to perform a function of the council under this or another Act.

(2) A council cannot establish a subsidiary under this section if the primary purpose of the subsidiary would be to perform a regulatory activity of the council.

(3) The establishment of a subsidiary under this section is subject to obtaining the approval of the Minister to the conferral of corporate status under this Act.

(4) The establishment of a subsidiary does not derogate from the power of the council to act in a matter.

Note—

Schedule 2 contains other provisions relevant to a subsidiary established by a council under this section

142. The following subsidiaries have been established:

142.1 The Adelaide Central Market Authority <https://adelaidecentralmarket.com.au/about/>

142.2 The Rundle Mall Management Authority <https://rundlemall.com/about/rundle-mall-management-authority/>

142.3 The Adelaide Park Lands Authority established under the *Adelaide Park Lands Act 2005* (SA) <https://adelaideparklands.com.au/adelaide-park-lands-authority/>

PART 2 - INFORMAL GATHERINGS

This part meets the requirements for the Council to adopt a policy on the holding of Informal Gatherings pursuant to section 90(8) and 90(8a) of the Local Government Act 1999.

Local Government Act 1999

Informal Gatherings

90—Meetings to be held in public except in special circumstances

(8) The duty to hold a meeting of a council or council committee at a place open to the public does not in itself make unlawful informal gatherings or discussion involving—

- (a) members of the council or council committee; or
- (b) members of the council or council committee and staff,

provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.

Examples—

The following are examples of informal gatherings or discussions that might be held under subsection (8):

- (a) planning sessions associated with the development of policies or strategies;
- (b) briefing or training sessions;
- (c) workshops;
- (d) social gatherings to encourage informal communication between members or between members and staff.

(8a) In addition, an informal gathering or discussion under subsection (8) may only be held if—

- (a) the council has adopted a policy on the holding of informal gatherings or discussions; and
- (b) the informal gathering or discussion complies with the policy.

(8b) A policy adopted under subsection (8a) must comply with any requirements prescribed by the regulations, and the regulations may (for example) include requirements that the policy provide for—

- (a) the imposition of limitations on the holding of informal gatherings or discussions; and
- (b) procedures for approval of informal gatherings or discussions; and
- (c) the capacity of the council to impose conditions on an approval.

(8c) A council may from time to time alter its policy, or substitute a new policy.

(8d) The council must ensure that a copy of the policy under subsection (8a) is available for inspection (without charge) at the principal office of the council during ordinary office hours and on a website determined by the chief executive officer.

(8e) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (8a).

Local Government (General) Regulations 2013

8AB—Informal gatherings and discussions

(1) For the purposes of section 90(8b) of the Act, a council must ensure that its policy on the holding of informal gatherings or discussions—

- (a) provides that designated informal gatherings or discussions must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has declared may be held in confidence; and
- (b) provides that the council or chief executive officer will only declare that a designated informal gathering or discussion may be held in confidence—
 - (i) on a case by case basis; and
 - (ii) if the designated informal gathering or discussion—
 - (A) is a planning session of a general or strategic nature; or
 - (B) is a briefing relating to—
 - information; or
 - a matter,
 of a confidential nature within the ambit of section 90(3) of the Act; and
- (c) provides for procedures relating to the holding of designated informal gatherings or discussions; and
- (d) provides for publication on the council's website of details relating to designated informal gatherings or discussions, including—
 - (i) in all cases—
 - (A) the place, date and time at which the designated informal gathering or discussion will be held; and
 - (B) the matter that is to be discussed at the designated informal gathering or discussion; and
 - (C) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and
 - (ii) in the case of a designated informal gathering or discussion that will be held in confidence—the reason for the designated informal gathering or discussion being held in confidence.

(2) In this regulation—

designated informal gathering or discussion means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

143. Section 90(8) of the *Local Government Act 1999 (SA)* provides that informal gatherings and discussions may be held, provided that a matter which would ordinarily form part of the agenda for a formal meeting of the Council or Council Committee is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of the Council or Council Committee.
144. The Chief Executive Officer will determine procedures relating to the holding of an informal gathering and discussion.
145. An informal gathering or discussion may be convened to facilitate discussion and support a non-decision-making forum that enables all Council Members, the Chief Executive Officer, Directors, Associate Directors or officers (or any combination of these persons) to participate in an open and transparent discussion in relation to, but not limited to:
- 145.1 planning sessions associated with the development of policies or strategies
 - 145.2 briefing or training sessions
 - 145.3 workshops

- 145.4 social gatherings or events to encourage informal communication between members or between members and staff
- 145.5 meetings with politicians or State Government agencies.
146. A designated informal gathering or discussion (as per the definition in regulation 8AB(2) of the *Local Government (General) Regulations 2013 (SA)*) will be held in a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or the Chief Executive Officer to be held in confidence.
147. A confidentiality declaration can apply to:
- 147.1 a planning session of a general or strategic nature
- 147.2 a briefing relating to information or a matter of a confidential nature within the ambit of section 90(3) of the *Local Government Act 1999 (SA)*.
148. When a designated informal gathering or discussion is convened, the Chief Executive Officer must have a notice of the designated informal gathering or discussion posted to www.cityofadelaide.com.au as soon as practical after Council Members have been advised, and not less than 4 hours before the designated informal gathering or discussion is due to start.
149. The notice of the designated informal gathering or discussion will contain the following details in all cases:
- 149.1 The place, date and time at which the designated informal gathering or discussion will be held.
- 149.2 The matter that is to be discussed at the designated informal gathering or discussion.
- 149.3 Whether or not the designated informal gathering or discussion is to be held at a place open to the public.
- 149.4 In the case of a designated informal gathering or discussion that will be held in confidence – the reason for the designated informal gathering or discussion being held in confidence.
150. Both the Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings are conducted in accordance with the *Local Government Act 1999 (SA)*.
151. Designated informal gatherings are not subject to the procedural meeting requirements of the *Local Government Act 1999* and *Local Government (Proceedings at Meetings) Regulations 2013 (SA)*.
152. Designated informal gatherings will be chaired by the Chief Executive Officer, or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the *Local Government Act 1999 (SA)*.
153. There will be no formal minutes recorded from a designated informal gathering or discussion. Notes of a designated informal gathering may be tabled at the next available Council meeting.
154. Attendance of Elected Members at a designated informal gathering or discussion will be recorded via a sign-in sheet.
155. If a designated informal gathering or discussion has been declared to be held in confidence, then the designated informal gathering or discussion may be attended by Council members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.
156. If a confidentiality declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then those confidential matters will be scheduled to be discussed at the end of the agenda for the designated informal gathering or discussion. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing.

157. An informal gathering or discussion that is not a designated informal gathering or discussion, will generally be conducted in a manner consistent with designated informal gatherings or discussions, with the exception that:
- 157.1 they will not be held in a place open to the public
 - 157.2 they will not be publicised
 - 157.3 attendance will not be recorded.

PART 3 - SELECTION OF COUNCIL MEMBERS TO NOMINATED POSITIONS

Filling of Positions at Disposal of Council

158. Council, in a meeting of the Council, will determine, or delegate the determination of, every appointment to a position at its disposal.

Nomination Process

159. Prior to a meeting of the Council to nominate or appoint a Council Member to a position, the Chief Executive Officer shall, where possible, give Council Members at least 10 days' notice prior to the meeting of the nomination or appointment sought, with a request to provide a written expression of interest for the position via email.
160. The expression of interest must be sent from the Council Member directly to the Chief Executive Officer. The Council Member will state a willingness to accept a nomination for or appointment to a position and give an undertaking that he or she will, if appointed, resign from the position, subject of the appointment, within one month of ceasing to be a Council Member.
161. The name of each Council Member identified in the expression of interest will be included in the report presented for Council consideration and resolution on the appointment or nomination.
162. Where permissible, in the absence of an expression of interest from a Council Member, or requirement for a resolution of the Council to nominate for appointment, the Chief Executive Officer may nominate or appoint a suitably qualified staff member and Council will be informed of the nomination or appointment put forward.
163. The expression of interest process does not preclude a Council Member being nominated or accepting/declining a nomination at the meeting of the Council where the nomination or appointment is sought.
164. In the event an external board or committee has specifically requested that Council provide more than one nominee or appointment, the Chief Executive Officer will provide a list of nominees presented in the order of preference, as resolved by Council.

Appointment Process

165. All elections for positions will be subject to confirmation by way of a resolution of Council.
166. Prior to Council appointing a Council Member to a position of Director on a Board of a Subsidiary, the Council will have regard to the composition and purpose of the Subsidiary, and its Charter.
167. If the nomination, or nominations, match the position, or positions, available, a resolution of the Council will be required to confirm the outcome of the election process.
168. Unless determined otherwise by Council, in the event of there being more nominations than required, an election by voting ballot of all Council Members present, will be undertaken to select a nominee.
169. The nominee with the highest number of votes will be the preferred Council nominee.
170. With the exception of the selection of a Deputy Lord Mayor, if the votes for two or more candidates are equal, unless the meeting decides to undertake another election by voting ballot for the candidates with equal votes, Council will draw lots to determine which candidate, or candidates, will be excluded.
171. In the selection of a Deputy Lord Mayor, if the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded [s 51 of the *Local Government Act 1999* (SA)].
172. In the event lots are drawn, the candidate, or candidates, remaining, will be identified as the preferred Council nominee.
173. At the conclusion of a voting ballot or drawing of lots, a resolution of the Council will be required to confirm the outcome of the election process.

Absence of Presiding Member

174. In the case of Council, if the Lord Mayor and Deputy Lord Mayor, or in the case of a Committee, the Chair and Deputy Chair, are absent, then a Council Member (or Committee) will be elected to chair the meeting by the Council Members (or Committee) who are present.
- 174.1 The election must be conducted by the Chief Executive Officer.
- 174.2 If, at an election of an Acting Chair, there is more than one nomination, and two or more candidates receive the same number of votes, and no other candidate receives a greater number of votes, unless the meeting decides to undertake another election by voting ballot for the candidates with equal votes, the Acting Chair is to be the candidate whose name is chosen by lot.
- 174.3 The Chief Executive Officer must arrange for the names of the candidates who have an equal number of votes to be written on similar slips, and then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 174.4 The candidate whose name is on the drawn slip is excluded and the remaining candidate elected as the Acting Chair.
- 174.5 At the conclusion of a voting ballot or drawing of lots, a resolution of the meeting will be required to confirm the outcome of the election process.

Responsibility of Members on External Board or Committee

175. A Council Member who is appointed by Council to a position on an external board or external committee must act in the best interests of that external board when fulfilling his/her role as Board Member. He/she must not let the interests of the external board or external committee impact on his or her role as a Council Member.
176. Subject to any confidentiality and fiduciary obligations owed to an external board or external committee, a Council Member who is 'representing' the Council or committee is required, to the extent lawfully possible, to report to Council on the activities and considerations of the relevant board or committee to the extent, if any, that the activities or considerations should be of any interest or significance to the Corporation of the City of Adelaide.
177. Having regard to Standing Order 178 above, a Council Member who is a Council representative on an external board or external committee must update the Council on a bi-monthly basis. Administrative Support will be provided for those Members to assist in the discharge of this responsibility.

PART 4 - CORPORATE STATUS AND COMMON SEAL***Local Government Act 1999*****35—Corporate status**

- (1) A council is a body corporate with perpetual succession and a common seal.
- (2) A council bears the name assigned to it under this Act.
- (3) A council consists of the members appointed or elected to the council in accordance with this Act or the Local Government (Elections) Act 1999.

Local Government Act 1999**38—The common seal**

- (1) The common seal of a council must not be affixed to a document except to give effect to a resolution of the council.
- (2) The affixation of the common seal must be attested by the principal member of the council and the chief executive officer.
- (3) An apparently genuine document purporting to bear the common seal of a council and the signatures of the principal member of the council and the chief executive officer attesting the affixation of the seal will, in the absence of proof to the contrary, be taken to have been duly executed by the council.

178. The Chief Executive Officer shall have the charge of the common seal of the Corporation of the City of Adelaide and shall be responsible for the safe custody and proper use of the same.

PART 5 - CARETAKER PERIOD AND END OF TERM OF OFFICE

179. It is a long established democratic principle that outgoing elected bodies should not use public resources for election campaigning, nor make decisions which may unreasonably, inappropriately, or unnecessarily bind an incoming Council.

Local Government (Elections) Act 1999

91A—Conduct of council during election period

- (1) A council must, within 6 months of the commencement of this section, prepare and adopt a caretaker policy governing the conduct of the council and its staff during the election period for a general election.
- (2) Subject to this section, the caretaker policy must, as a minimum, prohibit the making of a designated decision during the election period.
- (3) If a council considers that there are extraordinary circumstances which require the making of a designated decision during the election period, the council may apply in writing to the Minister for an exemption from the application of this section to the designated decision specified in the application.
- (4) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the designated decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (5) A designated decision made by a council in contravention of this section or the caretaker policy of the council is invalid.
- (6) Any person who suffers any loss or damage as a result of acting in good faith on a designated decision made in contravention of this section or a caretaker policy is entitled to compensation from the council for that loss or damage.
- (7) The caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the *Local Government Act 1999* or the *City of Adelaide Act 1998*.

Caretaker Policy

180. Refer to City of Adelaide Caretaker Policy adopted by Council ([City of Adelaide policy portal](#)).

End of Term of Office

181. Prior to entering the election period, the Chief Executive Officer, in consultation with the Lord Mayor, will prepare an End-of-Term Function proposal (including a proposed budget and function date) for Council's consideration and adoption.
182. The End-of-Term function will be used to acknowledge those people relevant to, or involved with, the Council during the term of office who may include, but not necessarily be limited to, any one or more of the following:
 - 182.1 the Governor of South Australia and partner
 - 182.2 former Lord Mayors' and their partners or guest
 - 182.3 State and Federal Ministers, and Shadow Ministers, relevant to the affairs of the City of Adelaide
 - 182.4 the Members of State and Federal Parliament within whose seat the City of Adelaide lies
 - 182.5 Members of Council and their partners
 - 182.6 all candidates for the Council election and their partners
 - 182.7 officials and staff of the Corporation of the City of Adelaide nominated by the Lord Mayor or Chief Executive Officer
 - 182.8 other persons of significance to the City of Adelaide affairs and areas of influence

- 182.9 persons who have had a material involvement with the City of Adelaide during the term of office
- 182.10 other people working or residing in the City of Adelaide who are relevant to the affairs of the City of Adelaide.
183. At the last ordinary meeting of the Council for the municipal term, the Chief Executive Officer shall, present an End-of-Term Report to Council on Council's activities and achievements during the Term of Office, which shall be received and recorded in the minutes of the meeting of Council at which it is presented.
184. Following the last meeting of Council for the Term of Office, all Council Members will receive a certificate of appreciation (or similarly titled document).
185. As soon as a Council Member is no longer a current serving Council Member, the use of the City of Adelaide Crest on documents and social media sites/pages must cease.

CHAPTER 7

Meeting Procedures and Access to Meetings and Documents

Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations) provides that a Council may add or vary certain provisions of Part 2 of the Regulations by adopting a code of practice that establishes procedures for the relevant matter or matters that apply in substitution for the relevant provision.

Code of Practice for Access to Meetings and Documents pursuant to section 92 *Local Government Act 1999 (SA)*

PART 1 - INTRODUCTION

Sections 86(8) and 89 of the *Local Government Act 1999 (SA)* (the Act), refer to the procedures to be followed at Council and Committee meetings, respectively.

The following Standing Orders apply equally to Council and Committee meetings, unless otherwise specified.

Local Government Act 1999

86—Procedure at meetings

- (8) Subject to this Act, the procedure to be observed at a meeting of a council will be—
- (a) as prescribed by regulation;
 - (b) insofar as the procedure is not prescribed by regulation—as determined by the council.

89—Proceedings of council committees

- (1) Subject to this Act, the procedure to be observed in relation to the conduct of meetings of a council committee will be—
- (a) as prescribed by regulation;
 - (b) insofar as the procedure is not prescribed by regulation—as determined by the council;
 - (c) insofar as the procedure is not prescribed by regulation or determined by the council—as determined by the council committee itself.

Regulation 6 of the Regulations provides that a Council may add or vary certain provisions of Part 2 of the Regulations by adopting a code of practice that establishes procedures for the relevant matter or matters that apply in substitution for the relevant provision.

Local Government (Procedures at Meetings) Regulations 2013

6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20.

186. Council, having taken into account the Guiding Principles of the Meeting Regulations, by a resolution supported by at least two-thirds of the Council Members, has determined this Code of Practice which establishes and identifies its own procedures.

The purpose of this Code is to provide Council Members, Council employees and the public clear procedures and expectations at Council and Committee meetings.

Interpretation

Local Government (Procedures at Meetings) Regulations 2013

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days—see subregulations (2) and (3);

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council.

(2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

(4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Guiding Principles

Local Government (Procedures at Meetings) Regulations 2013

4—Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Applicability

Local Government (Procedures at Meetings) Regulations 2013

Part 2—Meetings of councils and key committees

5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

Local Government (Procedures at Meetings) Regulations 2013

Part 3—Meetings of other committees

22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

Protocols

187. Council Members must at all times comply with the Code of Conduct for Council Members. To support the orderly, respectful and consistent conduct of meetings, particular attention is drawn to Part 2 – Behavioural Code (refer to *Chapter 3 - Code of Conduct for Council Members*).
188. Breaches of these Standing Orders or the Code of Conduct will be dealt with according to the procedure for handling a complaint under the Code of Conduct for Council Members, with appropriate penalties applicable.
189. When speaking at a Council meeting, Council Members should address the presiding member and not the public gallery.
190. When entering and leaving the meeting it is appropriate to acknowledge the presiding member.
191. Do not interrupt another Council Member while they are speaking, unless it is to object to words used by a Council Member, to raise a point of order or to advise loss of quorum.
192. Mobile telephones and tablet devices must be switched off or in vibration or silent mode during Council and Committee meetings. Council Members shall not make or receive telephone calls during Council and Committee meetings and must leave the Chamber or Colonel Light Room if absolutely required to do so.

PART 2 - CALLING AND NOTICE OF MEETINGS

Local Government Act 1999

Council Meetings

81—Frequency and timing of ordinary meetings

- (1) Subject to this section, ordinary meetings of a council will be held at times and places appointed by a resolution of the council.
- (2) There must be at least one ordinary meeting in each month.
- (3) If a time and place has not been appointed for the holding of an ordinary meeting during a month, the chief executive officer must appoint the time and place at which the ordinary meeting for the month is to be held.
- (4) The chief executive officer must also appoint the time and place at which the first ordinary meeting of a council will be held—
 - (a) after the council is constituted under Chapter 3; or
 - (b) after a general election of the council.
- (5) Ordinary meetings of a council may not be held on Sundays, or on public holidays.
- (6) In the case of a municipal council, ordinary meetings of the council may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.
- (7) A resolution under subsection (6) does not operate in relation to a meeting held after the conclusion of the general election next held following the making of the resolution.

82—Calling of special meetings

- (1) The chief executive officer must, at the request of—
 - (a) the principal member of the council; or
 - (b) at least three members of the council; or
 - (c) a council committee at which at least three members of the council vote in favour of the making of the request,
 call a special meeting of the council.
- (2) The chief executive officer must be provided with an agenda for the special meeting at the time that a request is made under subsection (1) (and if an agenda is not provided then the request has no effect).
- (3) Special meetings may be held at any time.

83—Notice of ordinary or special meetings

- (1) In the case of an ordinary meeting, the chief executive officer must give each member of the council notice of the meeting at least three clear days before the date of the meeting.
- (2) In the case of a special meeting, the chief executive officer must give each member of the council notice of the meeting at least four hours before the commencement of the meeting.
- (3) Notice of a meeting of the council must—
 - (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) be signed by the chief executive officer; and
 - (d) contain, or be accompanied by, the agenda for the meeting.
- (4) The chief executive officer must, insofar as is reasonably practicable—

- (a) ensure that items on an agenda given to members of the council under this section are described with reasonable particularity and accuracy; and
 - (b) supply to each member of the council at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- (5) The chief executive officer may indicate on a document or report provided to members of the council under subsection (4) (or on a separate notice) any information or matter contained in or arising from a document or report that may, if the council so determines, be considered in confidence under Part 3, provided that the chief executive officer at the same time specifies the basis on which an order could be made under that Part.
- (6) Notice may be given to a member of a council under this section—
- (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or
 - (c) by leaving the notice for the member at an appropriate place at the principal office of the council, if authorised in writing by the member to do so; or
 - (d) by a means authorised in writing by the member as being an available means of giving notice (eg facsimile transmission).
- (7) A notice that is not given in accordance with subsection (6) is taken to have been validly given if the chief executive officer considers it impracticable to give the notice in accordance with that subsection and takes action the chief executive officer considers reasonably practicable in the circumstances to bring the notice to the attention of the member.
- (8) The chief executive officer must maintain a record of all notices of meetings given under this section to members of the council.
- (9) The fact that a notice of a meeting has not been given to a member of a council in accordance with this section does not, of itself, invalidate the holding of the meeting or a resolution or decision passed or made at the meeting but SACAT may, on the application of the Minister, annul a resolution or decision passed or made at the meeting and make such ancillary or consequential orders as it thinks fit if satisfied that such action is warranted in the circumstances of the particular case

84—Public notice of council meetings

- (1) The chief executive officer must give notice to the public of the times and places of meetings of the council.
- (1a) The chief executive officer must give the notice required under subsection (1) in the following manner:
- (a) by causing a copy of the notice and the agenda for the meeting to be placed on public display at each office of the council that is open to the public for the general administration of council business within its area; and
 - (b) by publishing the notice and the agenda for the meeting on a website determined by the chief executive officer.
- (2) The notice required under subsection (1) must be given—
- (a) in the case of an ordinary meeting—at least three clear days before the date of the meeting; or
 - (b) in the case of a special meeting—as soon as practicable after the time that notice of the meeting is given to members of the council.
- (2a) Without derogating from subsection (1a), the chief executive officer may also give notice to the public of the time and place of a meeting of the council in such other manner as the chief executive officer considers appropriate after taking into account—
- (a) the characteristics of the council's community and area; and

- (b) the best ways to bring notice of a meeting of the council to the public's attention; and
 - (c) such other matters as the chief executive officer thinks fit.
- (3) A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda on display under subsection (1a)(a).
 - (4) The notice and agenda must be kept on public display, and continue to be published on the website, under subsection (1a) until the completion of the relevant meeting.
 - (5) The chief executive officer must also ensure that a reasonable number of copies of any document or report supplied to members of the council for consideration at a meeting of the council are available for inspection by members of the public—
 - (a) in the case of a document or report supplied to members of the council before the meeting—at the principal office of the council as soon as practicable after the time when the document or report is supplied to members of the council; or
 - (b) in the case of a document or report supplied to members of the council at the meeting—at the meeting as soon as practicable after the time when the document or report is supplied to members of the council.
 - (6) However, subsection (5) does not apply to a document or report—
 - (a) that is subject to the operation of section 83(5); or
 - (b) that relates to a matter dealt with by the council on a confidential basis under Part 3.

Local Government Act 1999

Committee Meetings

87—Calling and timing of committee meetings

- (1) Ordinary meetings of a council committee will be held at times and places appointed by the council or, subject to a decision of the council, the council committee.
- (2) A council or council committee must, in appointing a time for the holding of an ordinary meeting of a council committee, take into account—
 - (a) the availability and convenience of members of the committee; and
 - (b) the nature and purpose of the committee.
- (3) A resolution appointing a time for the holding of an ordinary meeting of a council committee does not operate after the conclusion of the general election next following the making of the resolution.
- (4) The chief executive officer must ensure that each member of a council committee is given notice of an ordinary meeting of the committee at least three clear days before the date of the meeting.
- (5) The chief executive officer must, at the request of—
 - (a) the presiding member of a council committee; or
 - (b) at least two members of a council committee,
 call a special meeting of a council committee.
- (6) Special meetings of a council committee may be held at any time.
- (7) The chief executive officer must ensure that each member of a council committee is given notice of a special meeting of the committee at least four hours before the commencement of the meeting.
- (8) Notice of a meeting of a council committee must—
 - (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) contain, or be accompanied by, the agenda for the meeting.

- (9) The chief executive officer must, insofar as is reasonably practicable—
- (a) ensure that items on an agenda given to members of a council committee under this section are described with reasonable particularity and accuracy; and
 - (b) ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- (10) The chief executive officer may indicate on a document or report provided to members of the committee under subsection (9) (or on a separate notice) any information or matter contained in or arising from a document or report that may, if the committee so determines, be considered in confidence under Part 3, provided that the chief executive officer at the same time specifies the basis on which an order could be made under that Part.
- (11) Notice may be given to a member of a committee under this section—
- (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or
- by leaving the notice for the member at an appropriate place at the principal office of the council, if authorised in writing by the member to do so; or
- (d) by a means authorised in writing by the member as being an available means of giving notice (eg facsimile transmission)
- (12) A notice that is not given in accordance with subsection (11) is taken to have been validly given if the chief executive officer considers it impracticable to give the notice in accordance with that subsection and takes action the chief executive officer considers reasonably practicable in the circumstances to bring the notice to the attention of the member of the committee.
- (13) The chief executive officer must ensure that a record of all notices of meetings given under this section is maintained.
- (14) The fact that a notice of a meeting has not been given to a member of a committee in accordance with this section does not, of itself, invalidate the holding of the meeting or a resolution or decision passed or made at the meeting but SACAT may, on the application of the Minister, annul a resolution or decision passed or made at the meeting and make such ancillary or consequential orders as it thinks fit if satisfied that such action is warranted in the circumstances of the particular case.
- (15) The regulations may modify the application of this section for council committees that are not performing regulatory activities of councils.

Local Government (Procedures at Meetings) Regulations 2013

Part 3—Meetings of other committees

23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

Local Government Act 1999**88—Public notice of committee meetings**

- (1) The chief executive officer must ensure that notice is given to the public of the times and places of meetings of a council committee.
- (1a) The chief executive officer must give the notice required under subsection (1) in the following manner:
- (a) by causing a copy of the notice and the agenda for the meeting to be placed on public display at each office of the council that is open to the public for the general administration of council business within its area; and
 - (b) by publishing the notice and the agenda for the meeting on a website determined by the chief executive officer.
- (2) The notice required under subsection (1) must be given as soon as practicable after the time that notice of the meeting is given to members of the committee.
- (2a) Without derogating from subsection (1a), the chief executive officer may also give notice to the public of the time and place of a meeting of a council committee in such other manner as the chief executive officer considers appropriate after taking into account—
- (a) the work of the committee and the characteristics of the council's community and area; and
 - (b) the best ways to bring notice of a meeting of the committee to the public's attention; and
 - (c) such other matters as the chief executive officer thinks fit.
- (3) A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda on display under subsection (1a)(a).
- (4) The notice and agenda must be kept on public display, and continue to be published on the website, under subsection (1a) until the completion of the relevant meeting.
- (5) The chief executive officer must also ensure that a reasonable number of copies of any document or report supplied to members of a council committee for consideration at a meeting of the committee are available for inspection by members of the public at the principal office of the council as soon as practicable after the time when the document or report is supplied to members of the committee.
- (6) However, subsection (5) does not apply to a document or record—
- (a) that is subject to the operation of section 87(10); or
 - (b) that relates to a matter dealt with by the council or council committee on a confidential basis under Part 3.
- (7) The regulations may modify the application of this section for council committees that are not performing regulatory activities of councils.

Local Government (Procedures at Meetings) Regulations 2013**Part 3—Meetings of other committees****24—Public notice of committee meetings**

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

193. In accordance with the above provisions Notice of Meetings will be published on www.cityofadelaide.com.au and placed on display at the Customer Centre, 25 Pirie Street, Adelaide.

A Notice of Meeting and Agenda is also issued to the City Library, Hutt Street Library and Tynte Street Library for public display.

Local Government Act 1999

94A—Meeting information on website

The chief executive officer of a council must, so far as is reasonably practicable, make available for inspection on the Internet an up-to-date schedule of the dates, times and places set for meetings of the council and council committees.

PART 3 - PLACE OF COUNCIL AND COMMITTEE MEETINGS

Local Government Act 1999

90—Meetings to be held in public except in special circumstances

- (1) Subject to this section, a meeting of a council or council committee must be conducted in a place open to the public.

Planning, Development and Infrastructure (General) Regulations 2017

13—Public access to meetings

- (1) In connection with the conduct of the proceedings of an assessment panel, members of the public are entitled to attend a meeting of the panel other than as set out in subregulation (2).

Note regarding the above 2 provisions - excluding matters the meeting determines to receive, discuss or consider in confidence pursuant to section 90 of the Local Government Act 1999 (SA) and section 13(2) of the Planning, Development and Infrastructure (General) Regulations 2017.

194. All ordinary meetings of Council will be held in the Council Chamber, Town Hall, King William Street, Adelaide, unless determined otherwise by Council.
195. All ordinary meetings of Council Committees and the Council Assessment Panel (CAP) will take place in the Colonel Light Room Town Hall, King William Street, Adelaide unless determined otherwise by Council or, subject to the decision of Council, the Committee, CAP or the Chief Executive Officer.
196. All special meetings of Council, Committees or CAP will take place in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless determined otherwise by the Council, the Committee, CAP or the Chief Executive Officer (subject to any prevailing decision of the Council).
197. A designated informal gathering of Council or Council Committee, when convened by the Chief Executive Officer, will generally be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, or at a place open to the public as determined by the Chief Executive Officer (unless the designated informal gathering or discussion is one that the Council or the Chief Executive Officer has declared may be held in confidence).
198. The Chief Executive Officer (or delegate) has the authority to vary the Council or a Council Committee meeting schedule (including the commencement time, meeting place, date or cancellation of the core Committee meeting) after liaising with the Presiding Member and will notify the public accordingly.

PART 4 - ITEMS CLOSED TO THE PUBLIC

Local Government Act 1999

90—Meetings to be held in public except in special circumstances

- (1) Subject to this section, a meeting of a council or council committee must be conducted in a place open to the public.
- (2) A council or council committee may order that the public be excluded from attendance at a meeting to the extent (and only to the extent) that the council or council committee considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information or matter listed in subsection (3) (after taking into account any relevant consideration under that subsection).
- (3) The following information and matters are listed for the purposes of subsection (2):
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
 - (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 to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (c) information the disclosure of which would reveal a trade secret;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - (e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;
 - (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
 - (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
 - (h) legal advice;
 - (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;
 - (j) information the disclosure of which—
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
 - (ii) would, on balance, be contrary to the public interest;
 - (k) tenders for the supply of goods, the provision of services or the carrying out of works;
 - (m) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
 - (n) information relevant to the review of a determination of a council under the *Freedom of Information Act 1991*.

- (4) In considering whether an order should be made under subsection (2), 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.
- (7) If an order is made under subsection (2), a note must be made in the minutes of the making of the order and specifying—
- (a) the grounds on which the order was made; and
 - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
- (9) In this section—
- personal affairs** of a person includes —
- (a) that person's—
 - (i) financial affairs;
 - (ii) criminal records;
 - (iii) marital or other personal relationships;
 - (iv) personal qualities, attributes or health status;
 - (b) that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person,
- but does not include the personal affairs of a body corporate.

PART 5 - MEETING DOCUMENTS

Agenda

200. An Agenda for ordinary meetings of Council/Committee will be distributed to Council Members by Friday (noon) for a Tuesday meeting, and published for the general public as soon as practicable thereafter.
201. The agenda for a special meeting of Council or Committee called pursuant to section 82 or section 87(5) of the *Local Government Act 1999* (SA) respectively, will wherever possible be distributed with at least 24 hours' notice of the meeting.
202. An Agenda (with reports or workshop/discussion items) for meetings is accessible to the public (with the exception of an item recommended to be received and discussed in a meeting closed to the public):
- 202.1 on the website at www.cityofadelaide.com.au
 - 202.2 at the Customer Centre, 25 Pirie Street, Adelaide (limited numbers)
 - 202.3 at the meeting (limited numbers).
203. The Agenda for every meeting is available at the time the notice for the meeting is issued and will identify those matters recommended to be considered in confidence (and kept on public display until the completion of the relevant meeting).

Minutes and Release of confidential documents

204. Minutes of meetings of Council and Council Committees shall be made available on the City of Adelaide website www.cityofadelaide.com.au and at the Customer Centre 25 Pirie Street, Adelaide (and kept on public display for a period of one month) and are accessible without charge.
205. If an audio and/or visual recording of a meeting for live streaming (excluding any portion of the meeting closed to the public) is produced it will be available on the City of Adelaide website www.cityofadelaide.com.au until the next meeting and will then be archived.

Local Government Act 1999

91—Minutes and release of documents

- (1) The chief executive officer must ensure that minutes are kept of the proceedings at every meeting of the council or a council committee.
- (3) Each member of the council must, within five days after a meeting of the council or a council committee, be supplied with a copy of all minutes of the proceedings of the meeting kept under this section.
- (4) A copy of the minutes of a meeting of the council must be placed on public display in the principal office of the council within five days after the meeting and kept on display for a period of one month.
- (5) A person is entitled to inspect, without payment of a fee, at the principal office of the council—
 - (a) minutes kept under this section; and
 - (b) reports to the council or a council committee received at a meeting of the council or committee; and
 - (c) recommendations presented to the council in writing and adopted by resolution of the council; and
 - (d) budgetary or other financial statements adopted by the council.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of any documents available for inspection under subsection (5).
- (7) However, subsections (4), (5) and (6) do not apply to a document or part of a document if—

- (a) the document or part relates to a matter dealt with by the council or council committee on a confidential basis under Part 3; and
 - (b) the council or council committee orders that the document or part be kept confidential.
- (8) A council must not make an order under subsection (7)—
- (a) to prevent the disclosure of the remuneration or conditions of service of an employee of the council after the remuneration or conditions have been set or determined; or
 - (b) to prevent the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the council as to why a successful tenderer has been selected; or
 - (ba) to prevent the disclosure of the amount or amounts payable by the council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the council after the contract has been entered into by all parties to the contract; or
 - (c) to prevent the disclosure of the identity of land that has been acquired or disposed of by the council, or of any reasons adopted by the council as to why land has been acquired or disposed of by the council.
- (9) If an order is made under subsection (7)—
- (a) the council or council committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed, and, in any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year; and
 - (ab) in the case of an order of specified duration—
 - (i) the duration of the order cannot be extended after the order has ceased to apply (as a result of the expiry of the period for which the order was specified to apply); and
 - (ii) an order extending the duration of such an order cannot be delegated by the relevant council or council committee; and
 - (b) the council or council committee must ensure that a note is made in the minutes recording the making of the order, the grounds on which it was made, and the decision of the council or council committee under paragraph (a); and
 - (c) the council or council committee may delegate to an employee of the council the power to revoke the order.
- (10) No action for defamation lies against the council in respect of—
- (a) the accurate publication under this section of any information, statement or document (in whatever form); or
 - (b) the accurate publication under this section of a transcript, recording or other record of a meeting of a council or a council committee.
- (11) A document purporting to be minutes of proceedings at a meeting of a council, or a council committee, or to be a copy of or extract from such minutes, and to be signed by the chief executive officer, will be accepted as proof, in the absence of proof to the contrary, of the matters contained in the document.

Local Government Act 1999

132—Access to documents

- (3) A council must make the following documents available for inspection on a website determined by the chief executive officer within a reasonable time after they are available at the principal office of the council:
- (a) agendas for meetings of the council or council committees;
 - (b) minutes of meetings of the council or council committees;

(3a) To avoid doubt, if an order under section 91(7) expires or ceases to apply in relation to a document or part of a document, the council must make the document or part of the document (as the case requires) available for inspection on the website referred to in subsection (3) within a reasonable time after it is available for inspection under section 91(5) at the principal office of the council.

Local Government (Procedures at Meetings) Regulations 2013

Part 2—Meetings of councils and key committees

8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and
 - (m) a description of any oral briefing given to the meeting on a matter of council business; and
 - (n) any other matter required to be included in the minutes by or under the Act or any regulation.

206. In addition to the above provisions, the minutes will also include the following:

206.1 a record of any undertaking given by the Chief Executive Officer

206.2 in relation to deputation, the identity of the speaker, and the subject and purpose of the address

206.3 an Acknowledgment of Country

206.4 a Memorial Silence.

Local Government (Procedures at Meetings) Regulations 2013**Part 3—Meetings of other committees****25—Minutes**

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

PART 6 - BUSINESS AT MEETINGS

Ordinary Council Meeting

1. Acknowledgement of Country
2. Acknowledgement of Colonel William Light
3. Prayer
4. Memorial silence
5. Apologies and Leave of Absence
6. Confirmation of Minutes
7. Deputations
8. Petitions
9. Recommendation/Advice from Committee/s and Advice from APLA (if required)
10. Reports for Council (CEO Reports)
11. Exclusion of the public (if required)*
12. Confidential Reports (if required)*
13. Lord Mayor's Report
14. Councillors' Reports (including external representative reports)
15. Questions on Notice
16. Questions without Notice
17. Motions on Notice
18. Motions without notice
19. Closure

*Note - Items 11 and 12 will only be listed on the Agenda when an Item is presented to Council with a request for consideration in a meeting closed to the public

Ordinary meeting of The Committee

1. Acknowledgment of Country
2. Apologies and Leave of Absence
3. Confirmation of Minutes
4. Items aligned with the *City of Adelaide Strategic Plan 2016-2020* for Consideration and Recommendation to Council (determined by the CEO)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities
5. Discussion Forum Items (determined by the CEO & aligned with the *City of Adelaide Strategic Plan 2016-2020*)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities
6. Council Member Discussion Forum
7. Exclusion of the Public (if required)
8. Items aligned with the *City of Adelaide Strategic Plan 2016-2020* for Consideration and Recommendation to Council in Confidence (if required as determined by the CEO)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities

9. Discussion Forum Items aligned with the *City of Adelaide Strategic Plan 2016-2020* in Confidence (if required as determined by the CEO)

Strategic Alignment – Smart

Strategic Alignment – Green

Strategic Alignment – Liveable

Strategic Alignment – Creative

Strategic Alignment - Corporate Activities

10. Council Member Discussion Forum in Confidence (if required)

11. Closure

*Note - Items 7, 8 and 9, 10 will only be listed on the Agenda when a matter is presented with a request for consideration in a meeting closed to the public

PART 7 - START OF MEETING AND QUORUM

Local Government (Procedures at Meetings) Regulations 2013

7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

207. In addition to the above provision, the Presiding Member or the Chief Executive Officer, upon opening the meeting of Council, will advise if the public session of the meeting is being recorded and/or streamed live to the internet. The recording and/or streaming of a meeting shall be determined on a case by case basis by the Chief Executive Officer.

Local Government (Procedures at Meetings) Regulations 2013

Part 4—Miscellaneous

26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note— See also section 41(6) of the Act.

PART 8 - QUESTIONS

Local Government (Procedures at Meetings) Regulations 2013

9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

208. To support publication of the Agenda, in accordance with Standing Order 200, the notice to place a question on notice for a Council meeting is requested by 5 pm on the Wednesday prior to the Agenda publication.
209. At a meeting of Council, the asking of a question on notice and/or the reply may be taken as read by the Presiding Member, with leave from the meeting.

PART 9 - PUBLIC INVOLVEMENT AT MEETINGS

Public can communicate with Council in a meeting through addressing the Council or Committee (as permitted in the committee Terms of Reference) as a deputation or through the presentation of a petition. Public are welcome to observe the public proceedings of the meetings from the public gallery.

Petitions

Local Government (Procedures at Meetings) Regulations 2013

10—Petitions

(1) A petition to the council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

(d) be addressed to the council and delivered to the principal office of the council

(2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

(3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

210. In order to determine that a document presented is a petition, the following matters, in conjunction with the requirements of Regulation 10 (1) above, will be assessed prior to the presentation of a petition to the Council:

210.1 *What is a Petition?*

A 'petition' is commonly defined as 'a formal document which seeks the taking of specified action by the person or body to whom it is addressed' or 'a written statement setting out facts upon which the petitioner bases a prayer for remedy or relief'.

210.2 Does the Petition contain original signatures or endorsements, accompanied by an address?

A petition being a document of a formal nature must contain original signatures or endorsements (not copies) and those signatures, or endorsements, must be accompanied by an address.

210.3 *Does each page of the Petition identify what the signature is for?*

Each signature must be on a true page of the petition which sets out the prayer for relief as part of that page - a sheet which contains signatures but not the prayer cannot be accepted as valid as there is no evidence as to what the signatories were attesting to; and

210.4 *Language in the Petition?*

The request must be written in temperate language and not contain material that may, objectively, be regarded as defamatory or offensive in content.

211. If a petition in accordance with Standing Order 210 is received, the Chief Executive Officer must ensure the petition is placed on the Agenda for the next ordinary meeting of Council:

211.1 If the petition relates to a function within s101A of the *Development Act 1993 (SA)* and a meeting time permits, the Chief Executive Officer may ensure the petition is placed on the Agenda for a meeting of Council or Committee of the Council.

- 211.2 At this time a report identifying the topic, the subject of the petition, number of signatories and purpose of the petition (being the nature of request or submission) will be presented, with a recommendation acknowledging the number of signatories and the petition to be received.
- 211.3 The original petition will be distributed to the Lord Mayor and Council Members separately.
- 211.4 Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
212. If a petition in accordance with Standing Order 210 is received after the publication of an Agenda, and prior to the meeting of the next ordinary meeting of Council:
- 212.1 Verbal notification will be provided to the meeting of receipt of a petition.
- 212.2 Verbal notification will identify if the petition relates to a matter on the published Agenda, the number of signatories, and purpose of the petition, with the petition then placed on the Agenda for the next ordinary meeting with a report identifying the number of signatories and purpose of the petition (being the nature of request or submission) with a recommendation acknowledging the number of signatories and the petition to be received.
- 212.3 If the petition relates to a function within s 101A of the *Development Act 1993 (SA)*, and a meeting time permits, verbal notification may also indicate that the petition will be placed on the Agenda for a Committee of the Council.

Deputations

Local Government (Procedures at Meetings) Regulations 2013

11—Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

213. In support of the above, a person or persons wishing to make a deputation at a meeting of the Council must, by noon on the working day prior to the meeting, complete and lodge/sign a Registration Form with sufficient information regarding the matter to be addressed:
- 213.1 Registration for a deputation to a special meeting of the Council or a Council Committee (if provided for) must relate to the purpose of the special meeting and be lodged by completing and signing a Registration Form with sufficient information regarding the matter to be addressed, no later than 2 hours prior to the commencement of the special meeting.
214. Any request for a deputation on a matter that is not listed as a subject for consideration on the Agenda for a meeting, that is received after noon on the working day prior to the meeting day, or after the timeframe listed in 213.1 above, will be treated as a request to appear at the next ordinary meeting.

215. Any person(s) wishing to make a deputation on behalf of an organisation, must, when registering prior to the Council or Council Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the same and evidence that the organisation and/or body has approved the deputation.
216. A meeting that is to receive deputations will provide a maximum of five (5) speaking opportunities per scheduled meeting, unless the meeting determines otherwise. Only three (3) deputations will be heard in relation to the same issue at any given meeting, unless the leave of the meeting is granted.
217. Whether or not a deputation may appear is determined on a case-by-case basis, meeting by meeting, and with regard to the particular matter the subject of the deputation request. The Presiding Member, when determining whether to allow a deputation, will take the following considerations into account:
- 217.1 the subject matter of the proposed deputation
 - 217.2 whether the subject matter is within the power of the Council or Committee
 - 217.3 relevance to the Council or Council Committee Agenda for that meeting – and if not, relevance to the Council’s powers, functions or role
 - 217.4 the integrity of the request
 - 217.5 the time the request was received (including - allowing sufficient time for the Presiding Member to consider the request)
 - 217.6 the size and extent of the Agenda for the particular meeting, subject to the request
 - 217.7 whether the subject matter has previously been spoken to by the person at another meeting
 - 217.8 the benefit to the Council of receiving the deputation
 - 217.9 the history of deputations from the person i.e. the manner in which the person or organisation has approached deputations previously, and the behaviour displayed, the relevance of information presented, or the manner in which information has been presented.
218. Having had regard to Standing Order 217 above, a deputation may be refused by the Presiding Member if the person making the request has previously presented on the same, or substantially similar, subject matter.
219. Having had regard to Standing Orders 217 and 218 above, a deputation may be refused by the Presiding Member if the request has not been sought by noon on the working day prior to the meeting or the timeframe listed in Standing Order 213 above.
220. The Presiding Member may rule the speaker ineligible to continue in a deputation, if in his or her opinion, the subject matter is:
- 220.1 not one in which the Council has a direct interest or responsibility
 - 220.2 not the topic outlined in the request to make a deputation
 - 220.3 one which relates to the prosecution of expiation notices, summonses or any other litigation
 - 220.4 more appropriately addressed by other means
 - 220.5 vague, irrelevant, insulting or improper.
221. A person making a deputation must not speak for longer than 5 minutes at any one time, without leave of the meeting. If leave is granted, an additional 2 minutes only will be provided.
222. The identity of the person making the deputation, the subject, and purpose of the address, will be recorded in the Minutes of the meeting, but the details of the address will not be included.
223. Material distributed to a meeting, and referenced as part of the address, will upon the request of the speaker, be attached to the Minutes for reference, subject to an assessment by the Chief

Executive Officer as to whether the material is to be disallowed on the basis of it being defamatory, offensive or insulting in content.

224. To support Council Members with the agenda during a meeting, if a deputation has been approved on a matter not relating to an agenda item then it will be identified as a public forum item on the agenda. All the provisions of a deputation apply to a public forum item.

Interruption of meeting

Local Government Act 1999

95—Obstructing meetings

A person who intentionally obstructs or hinders proceedings at a meeting of a council or council committee, or at a meeting of electors, is guilty of an offence.

Maximum penalty: \$1 250.

Local Government (Procedures at Meetings) Regulations 2013

Part 4—Miscellaneous

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

225. Mobile telephone and tablet devices must be switched off or in vibration or silent mode during Council and committee meetings.

Recording of Meetings

226. Recording of meetings (audio, photographs, video) by Council Members or third parties will only be allowed with the prior approval of the presiding member.

PART 10 - MOTIONS AND ADDRESSES BY MEMBERS

227. Council Members may bring forward any business during a Council meeting in the form of a Motion on Notice or Motion without Notice.

Motions on Notice are submitted via the Council Liaison Officer.

228. Noting Regulation 12(6) below, Motions without Notice should be limited to matters that are time sensitive, would not require input from the Administration to inform the decision making process or the expenditure of funds.

229. Council Members can circulate their proposed Motions to Council Members prior to the meeting to contribute to fully informed decision making. However:

229.1 There can be no debate on the merits of the motion which may result in a decision being obtained prior to the formal meeting of the Council (or a committee) as per section 90 of the *Local Government Act 1999* (SA).

Local Government (Procedures at Meetings) Regulations 2013

12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.

230. To support publication of an Agenda in accordance with Standing Order 200, the notice to place a motion on notice is requested by 5.00pm on the Monday prior to the publication of the Agenda.

Local Government (Procedures at Meetings) Regulations 2013

12—Motions

- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election,
 whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.

Note (9) and (10) varied as follows pursuant to Regulation 12(21) of the *Local Government (Procedures at Meetings) Regulations 2013* (SA)

231. Further to Regulation 12(7) above, the presiding member may refuse to accept a motion on notice before or during the meeting. If required then an explanation should be provided by the presiding member at the meeting.

232. The mover of a motion:

232.1 may speak to the motion at the time of moving

- 232.2 move a motion seeking a seconder to the motion prior to speaking
 - 232.3 move a motion, without speaking to the motion, to seek a seconder and then reserve the right to speak at a later stage.
233. The seconder of a motion:
- 233.1 may speak to the motion at the time of seconding the motion
 - 233.2 may speak after the mover
 - 233.3 may reserve the right to speak later in the debate on the motion.
234. A member may speak:
- 234.1 once to a motion (including the Presiding Member, immediately prior to the mover in reply)
 - 234.2 once to each amendment to a motion
 - 234.3 to provide an explanation regarding a material part of his or her speech, but not so as to introduce any new matter
 - 234.4 as the mover in reply after all speakers.

Local Government (Procedures at Meetings) Regulations 2013

12—Motions

- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—
 - (a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.

- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

235. A member who has spoken in the debate may second a formal motion.
236. At a meeting of Council, the Presiding Member may undertake a call over of procedural (including reports for noting) agenda items then seek a motion to adopt, en bloc, each recommendation on the agenda not reserved for further discussion.
237. Unless the Presiding Member, with the approval of two-thirds of the Members present, seeks a short-term suspension of proceedings, to address differing points of view, a motion will be sought on a matter before a meeting of Council for determination.
238. The Presiding Member can make a statement relevant to the debate prior to the Council Member summing up on a motion during Council and committee meetings.

Amendments to Motions

Local Government (Procedures at Meetings) Regulations 2013

13—Amendments to motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.

239. A person who moves or seconds an amendment will have spoken to the motion.
240. The mover of an amendment:
- 240.1 may speak to the amendment at the time of moving
 - 240.2 move an amendment seeking a seconder to the amendment prior to speaking
 - 240.3 move an amendment, without speaking to the amendment, to seek a seconder and then reserve the right to speak at a later stage.
241. The seconder of an amendment:
- 241.1 may speak to the amendment at the time of seconding the amendment
 - 241.2 may speak after the mover
 - 241.3 may reserve the right to speak later in the debate on the amendment.
242. A person who moves or seconds an amendment, having spoken to the motion, is unable to move or second another amendment.
243. A person who moves or seconds an amendment may speak to a further amendment.
244. A person may speak only once to each amendment (including the Presiding Member, immediately prior to the mover in reply).

245. The mover of an amendment may speak in reply after all speakers to the amendment.

Local Government (Procedures at Meetings) Regulations 2013

13—Amendments to motions

- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

Local Government (Procedures at Meetings) Regulations 2013

14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

Addresses by Members

246. A member must not speak for longer than three minutes at any one time without the leave of the meeting. If leave is granted an additional two minutes only can be granted by the Council or Committee.

Local Government (Procedures at Meetings) Regulations 2013

15—Addresses by members etc

- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.

Leave of the Meeting

247. When sought by the Lord Mayor, or the Presiding Member of a Council Committee, in the absence of objection, leave of the meeting will be deemed granted.

248. Where there is objection, the Lord Mayor, or the Presiding Member of a Council Committee, will put the matter to the meeting to vote by majority show of hands, and declare leave granted or declined.

249. A division may be called on whether leave of the meeting is granted.

Other provisions

Local Government (Procedures at Meetings) Regulations 2013

18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

Local Government (Procedures at Meetings) Regulations 2013

21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Adjourned Business

Local Government (Procedures at Meetings) Regulations 2013

19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

PART 11 - VOTING

Local Government Act 1999

86—Procedure at meetings

- (4) Subject to this Act, a question arising for decision at a meeting of a council will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (5) Each member present at a meeting of a council must, subject to a provision of this Act to the contrary, vote on a question arising for decision at that meeting.
- (6) The mayor of a council, or other member presiding in the absence of the mayor, at a meeting of the council, does not have a deliberative vote on a question arising for decision at the meeting but has, in the event of an equality of votes, a casting vote.
- (7) The chairperson of a council, or other member presiding in the absence of the chairperson, at a meeting of the council, has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

Local Government Act 1999

89—Proceedings of council committees

- (1) Subject to this Act, the procedure to be observed in relation to the conduct of meetings of a council committee will be—
 - (a) as prescribed by regulation;
 - (b) insofar as the procedure is not prescribed by regulation—as determined by the council;
 - (c) insofar as the procedure is not prescribed by regulation or determined by the council—as determined by the council committee itself.

Local Government (Procedures at Meetings) Regulations 2013

16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

Local Government (Procedures at Meetings) Regulations 2013

Part 4—Miscellaneous

27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

250. Council Members and Council Committee Members exercise their vote by show of hand.

251. A Member of Council, or Council Committee, who is not in his or her seat is not permitted to vote, unless determined otherwise by Council, or Committee, in relation to a Member's participation in the meeting.

252. A majority of the Members present voting in favour will constitute the question being carried.

253. A majority of the Members present voting against will constitute the question being lost.

254. A tied vote at a Committee meeting constitutes the question being lost due to an equality of votes and there being no outcome on the question.

Divisions

Local Government (Procedures at Meetings) Regulations 2013

17—Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

Division on an Amendment or Formal Motion

255. A division will be taken on an amendment or on a formal motion at the request of a Member. The result of the vote as to whether the amendment or formal motion was carried or lost is set aside.

PART 12 - MEETING INTERRUPTION

Short term suspension of proceedings

Local Government (Procedures at Meetings) Regulations 2013

20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

256. At a meeting of Council or The Committee, the Lord Mayor, or Presiding Member, may call a formal break after two hours.

Local Government (Procedures at Meetings) Regulations 2013

20—Short-term suspension of proceedings

- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
 - (i) the provisions of the Act must continue to be observed [*see particularly Part 4 of Chapter 5, and Chapter 6, of the Act*]; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if—
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Points of Order and Meeting Interruptions

Local Government (Procedures at Meetings) Regulations 2013

Part 4—Miscellaneous

28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.

- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
- (a) the ruling has no effect; and
 - (b) the point of order is annulled.

29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
- (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
- (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
- (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
- (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5),
- is guilty of an offence.
- Maximum penalty: \$1 250.

257. The Lord Mayor (or the Presiding Member of a Council Committee) may make a statement at the beginning of each meeting which sets out his/her expectations and/or about behavioural standards at a formal Council or Committee meeting, which may include his/her views about what amounts to improper or disorderly behaviour.
258. This opportunity can be used to advise that he/she will ensure that appropriate standards will be observed and that behaviours that fall below those standards will be considered to be improper and/or disorderly conduct.
259. For the purposes of regulation 29(1) of the Meeting Regulations, set out above, the ordinary and natural meaning of:
- 259.1 The adjective '*proper*' is '*conforming to established standards of behaviour or manners, correct or decorous*' and of the adjective '*improper*' is '*not in accordance with propriety or behaviour, manners etc*' or '*unsuitable, inappropriate, as for the purpose of the occasion*' (Macquarie Dictionary).
- 259.2 The adjective '*orderly*' is '*observant of system or method, as persons, the mind, etc., characterised by or observant of order, rule or discipline*' and of the adjective '*disorderly*' is '*law violating, or opposed to, constituted order, contrary to public order or morality*' (Macquarie Dictionary).

260. It is at the discretion of the Lord Mayor (or the Presiding Member of a Council Committee), whether to control improper and/or disorderly behaviour by way of a number of warnings before resorting to reliance upon regulation 29 of the Meeting Regulations.
261. Where regulation 29 of the Meeting Regulations is relied upon:
 - 261.1 The Lord Mayor (or the Presiding Member of a Council Committee), must inform the meeting that the conduct of the Member is, in his/her opinion, improper and/or disorderly.
 - 261.2 The Member must then be allowed to make a personal explanation about his/her behaviours and must leave the meeting.
 - 261.3 The meeting will then consider the conduct and determine if it wishes to take any action against the Member.
262. If action is to be taken, then in accordance with regulation 29(5)(a) of the Meeting Regulations the remaining Members of the Council or Committee can censure the Member by passing a resolution that is an expression or statement of dissatisfaction with the Member's performance, conduct and/or behaviours. Such a resolution has no further effect other than as a formal, public reprimand that is expressed publicly and recorded in the Minutes of the meeting.
263. Suspension of the Member in accordance with regulation 29(5)(b) of the Meeting Regulations will be reserved for the most serious behaviours.
264. It is expected that Members will support the Lord Mayor (or the Presiding Member of a Council Committee), in his/her endeavours to maintain appropriate standards of behaviour during meetings.

CHAPTER 8

Civic Protocols

The Mace

265. The Mace is the official mace of the Council as the Governing body of the Corporation of the City of Adelaide which shall be used during Council meetings in the Council Chamber and at formal Council functions as appropriate.



266. A Mace Bearer shall bear the Mace to all meetings of Council and such other ceremonies or occasions as shall be directed by the Council or requested by the Lord Mayor.

Order of Precedence

267. The Order of Precedence of Council Members and Staff of the Corporation of the City of Adelaide shall be:
- 267.1 The Lord Mayor
 - 267.2 In his or her own City, a Lord Mayor takes precedence over everyone except the Royal family or the direct representative of the Sovereign (reference: *College of Arms, London, Ruling 1922-3*).
 - 267.3 The Lady Mayoress or Official Partner of the Lord Mayor
 - 267.4 The Deputy Lord Mayor
 - 267.5 Area Councillors (in order in terms of cumulative length of service as Members of Council)
 - 267.6 Ward Councillors (in order in terms of cumulative length of service as Members of Council)
 - 267.7 The Chief Executive Officer
 - 267.8 The Directors (in order in terms of length of service)
 - 267.9 The spouses or partners of Council Members
 - 267.10 The spouses or partners of Council staff.

Swearing in Ceremony

268. As soon as practical after the election of a new Council, a formal meeting of the Council shall be called, referred to as the Swearing In Ceremony, at which the Lord Mayor and all Council Members shall take an oath of office in accordance with Council and legal requirements.
269. The Swearing In Ceremony shall take place in the Council Chamber.
270. The Lord Mayor shall, in consultation with the Chief Executive Officer and Council Members, invite guests to attend the Swearing In Ceremony.

Official Call Upon the Governor

271. Following the first meeting of each newly elected Council, the Council shall, if it shall please His or Her Excellency, call upon the Governor of the State of South Australia to offer an expression of allegiance to the Throne and Person of Her Majesty Queen Elizabeth II on behalf of the Council and the citizens of Adelaide. Council Members will gather at the Adelaide Town Hall, and will walk robed, from the Adelaide Town Hall to Government House.

Historical information

On 4 November 1840, Council, at its first meeting, resolved that it would without delay wait upon the Governor, Lieutenant Colonel George Gawler, to present an address and affirm its loyalty to the Crown. This tradition, thus begun, has continued with successive Councils

Colonel Light Ceremony

272. The Colonel Light Ceremony will be held annually on a date as near as practical to the birthday of Colonel Light (27 April).
273. The Colonel Light Ceremony will be held by way of a special meeting of Council or other commemorative ceremony determined by the Lord Mayor.

Historical information

The annual ceremony of drinking the health of Colonel William Light was instituted in 1859 when a silver bowl was presented to the Mayor and Corporation of Adelaide by four of the original founders of the colony of South Australia; Messrs George Palmer, Jacob Montefiore, Raikes Currie and Alexander Elder; who wished to preserve the memory of the late Colonel. It was their intention that the ornamental silver bowl, made in England in 1766-7, be used by the Mayor and Members of Council to 'drink in Australian wine to the memory of Lieutenant Colonel Light, the first Surveyor-General of South Australia'.

When the bowl was presented in January 1859, a piece of wedding cake of Her Royal Highness the Princess Royal of England was also sent to the Corporation by George Palmer who was one of the Colonisation Commissioners of 1835 who intended that it be distributed among the Councillors and citizens present at the meeting at which the memory of Colonel Light was first honoured.

At the Meeting of Council on the 31 January 1859 it was resolved: "that the practice of drinking to the memory of Colonel Light be continued from year to year on the first meeting of the Council in each Municipal Year or after the anniversary of the Colony."

From 1859 until 1984, it was the custom to comply with this request at the first meeting of the Council in each Municipal Year immediately after the annual Council elections. However, in 1984 the elections were made bi-annual.

At a meeting on the 30 June 1984, Council resolved that the Colonel Light Ceremony be held in April, 1985 on a date as near as practical to the birthday of Colonel Light (27 April), and annually thereafter.

Since 1985 Council has normally invited a keynote speaker to present an address at the ceremony on a theme related to Colonel Light and the history and progress of the City.

The luncheon is held in the Queen Adelaide Room immediately before the meeting for Members and distinguished guests, after which they move to the Council Chamber.

Robing

274. The Lord Mayor, Deputy Lord Mayor, Council Members and the Chief Executive Officer must robe for certain meetings, ceremonies and functions including but not limited to:

- 274.1 The Swearing In Ceremony
- 274.2 The Official Call Upon the Governor
- 274.3 The Colonel Light Ceremony
- 274.4 Special events such as Royal visits and State or City birthday celebrations
- 274.5 All other meetings of Council, ceremonies or occasions where directed by the Council or otherwise directed by the Lord Mayor.

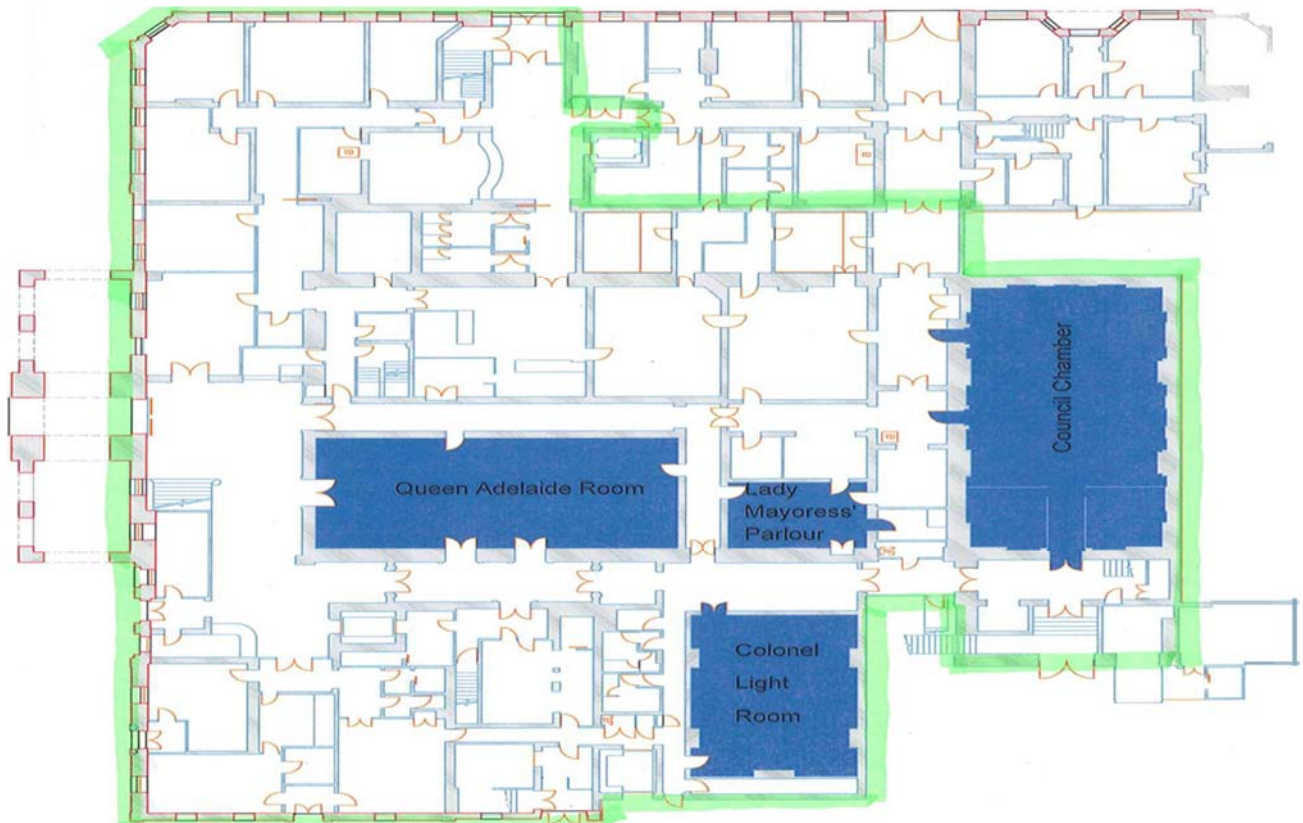
Recognition of Former Lord Mayors and Council Members

- 275. Former Lord Mayors and Official Partners of the Lord Mayor/Lady Mayoresses of Adelaide and their partners or guests shall be invited to and acknowledged at all major ceremonies and functions of the Council including:
 - 275.1 The Swearing In Ceremony
 - 275.2 The Official Call Upon the Governor
 - 275.3 The Colonel Light Ceremony
 - 275.4 Special events such as Royal visits and State or City birthday celebrations
 - 275.5 All other meetings of Council, ceremonies or occasions where directed by Council or otherwise requested by the Lord Mayor.

Civic Rooms

- 276. The Civic Rooms of the Corporation of the City of Adelaide are those rooms which are available to be utilized for activities other than for formal Council business comprising the Council Chamber, the Colonel Light Room, the Queen Adelaide Room and the Lady Esther Jacob's Room.
- 277. Use of the Civic Rooms applies to both internal and external parties of the Council.
- 278. Council will encourage public engagement in matters of civil and civic concern and will maintain a sense of history and community involvement by allowing appropriate use of the Civic Rooms.
- 279. Council will support the use of the Civic Rooms by recognised bodies and groups for restricted activities associated with civil or civic purposes such as public hearings, debates and discussions. Such use shall be with the prior approval of the Chief Executive Officer or the Lord Mayor. Costs associated with catering or other requirements will be borne by the group using the civic room.
- 280. Council will support the use of the Civic Rooms by recognised bodies and groups for special and commemorative events such as birth dates for Colonel Light and Queen Adelaide and Australia Day Citizenship Ceremonies. Such use shall be with the prior approval of the Lord Mayor or Chief Executive Officer. Costs associated with catering or other requirements will be borne by the group using the civic room.
- 281. The Lord Mayor or Chief Executive Officer may approve other uses of the Civic Rooms.
- 282. The use of the Civic Rooms must not clash with reasonable Council business or restrict occupancy of the adjacent rooms by the Lord Mayor, Council Members and the executive and staff of the Corporation of the City of Adelaide.
- 283. The Civic Rooms shall be:
 - 283.1 Laid out, decorated and furnished in accordance with resolutions of Council under this Standing Order or a decision of the CEO following recommendation from the Civic Recognition Working Group established under these Standing Orders and which includes at least one Council Member.
 - 283.2 Maintained, repaired and protected from damage at all times.

284. The Civic Area of the Town Hall is defined as the area on the map below and including the adjoining public access corridors. Civic Rooms are shaded blue on the map below.



285. All proposals for work or changes to the Civic Area be considered by the Civic Recognition Working Group for Chief Executive Officer determination or a report to and resolution of Council where appropriate.

CHAPTER 9

Amendment of Standing Orders

AMENDMENT OF STANDING ORDERS

286. The whole of these Standing Orders shall continue in force and effect until altered, amended, or repealed and shall have full force and effect at all meetings of the Council and its committees.

Legislative Amendment

287. To the extent that the Standing Orders consist of statutory provisions enacted by the Parliament of the State of South Australia, then such reference in the Standing Orders shall automatically stand amended upon the statutory provisions being amended without further resolution of Council. In that circumstance, the Chief Executive Officer shall arrange for the Standing Orders to be amended accordingly, advise Council Members and record in the Revision History table below.

Proposal to Otherwise Amend Standing Orders

288. Any proposal to abolish any of the Standing Orders, or to adopt any new Standing Order, shall be considered and determined Council.
289. The Chief Executive Officer may vary the Standing Orders to give effect to Standing Order 288 above and Standing Order 291 and 292 below and will record the variation in the Revision History below.
290. The Chief Executive Officer may in response to the Council, The Committee or a council committee amend or include procedures to support governance arrangements or the conduct of a meeting.
291. Any proposal to amend or remove provisions in the Code of Practice for Meeting Procedures (refer to Regulation 6(3) of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* must be supported by at least two thirds of the Members of the Council entitled to vote on the resolution.

Revision History – 2018-2022 Term of Office

In Response to:	Revision to Standing in Orders
Council decision 11 June 2019	Adoption of revised Standing Orders
Council decision 25 June 2019	Removal of previous 229.2 and 230 (Ch 7 – Part 10)
Council decision 7 April 2020	Inclusion of Addendum to City of Adelaide Standing Orders - Public Health Emergency: Electronic Participation in Council Meetings
Council decision 14 April 2020	Amendment to 209
Council decision 12 May 2020	Amendment to Part 6 – order of business at ordinary Council meetings
Council decisions 13 April 2021	Inclusion of 21.4-21.7 Inclusion of 118.1 and 119.1 Removal of Strategic Planning & Development Policy Committee sections (Ch 6 - Part 1 and Ch 7 – Part 6)

Related Documents

- [Overview of Governance Arrangements](#)
- [Terms of Reference for The Committee](#)
- [Terms of Reference for the Strategic Planning and Policy Development Committee](#)
- [Terms of Reference for the Audit Committee](#)
- [Terms of Reference for the Reconciliation Committee](#)
- [Caretaker Policy approved 13 March 2018](#) (will be updated when determined by Council in 2021/22 financial year)

Addendum to City of Adelaide Standing Orders

Public Health Emergency: Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (Notice No 1) varying or suspending the operation of the specified provisions of the *Local Government Act 1999* ('the Act') as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

Notice No 1 provides that a Council meeting will be taken to be conducted in a place open to the public even if one or more Council members participate in the meeting by electronic means provided that -

- (a) the Chief Executive Officer (or nominee) makes available to the public a live stream of the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the live stream; or
- (b) if the Chief Executive Officer (or nominee) has taken reasonable steps to make available a live stream of the meeting but is unable to do so, the Chief Executive Officer (or nominee) makes available to the public a recording of the meeting as soon as practicable after the meeting on the City of Adelaide website and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the Chief Executive Officer (or nominee) has taken reasonable steps to make available to the public a live stream of the meeting or, (if unable to make available a live stream of the meeting) a recording of the meeting but is unable to comply the Chief Executive Officer (or nominee) must publish on the City of Adelaide website the steps taken to comply and the requirement will be suspended.

For the period of the operation of Notice No 1, the requirement that the Chief Executive Officer give notice to the public of the times and places of Council meetings by placing the notice of meeting and agenda on public display at each office of the Council that is open to the public for the general administration of Council business within its area, is suspended.

For the period of the operation of Notice No 1 the requirement that the Chief Executive Officer must ensure that a reasonable number of copies of any document or report supplied to members for consideration at a meeting of the Council or Council Committee are available for inspection by members of the public at the principal office of the Council or at the meeting, is suspended.

The Chief Executive Officer (or nominee) will ensure that any document or report supplied to members for consideration at a meeting of the Council or Council Committee is available for inspection by members of the public; in the case of a document or report supplied to members before the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members; or, in the case of a document or report supplied to members at the meeting - on the City of Adelaide website as soon as practicable after the time when the document or report is supplied to members.

Notice No 1 provides that a Council or Council Committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2) of the Act. It is an offence for person who, knowing that an order is in force under section 90(2), to connect to a meeting of the Council or Council Committee by electronic means, or fail to disconnect from a meeting of the Council or Council committee.

For the period Notice No 1 has effect pursuant to section 302B(2)(d)(ii) of the Act , the City of Adelaide Standing Orders are altered as below. Those alterations have effect, notwithstanding any other provision in the Standing Orders to the contrary.

For the avoidance of doubt, the Standing Orders, as well as the alteration made by way of this Addendum to the Standing Orders, apply to all Council and Council Committee meetings.

In addition to the current protocols contained in Standing Orders 188-193 and any alterations contained in the Table below, the following protocols apply for electronic meetings:

- As City of Adelaide has the capacity for Council and Council Committee members to participate in an electronic meeting both by being seen and heard, members will always need to be seen and heard in accordance with the 'Condition' to the variation of the operation of sections 85 and 86 of the Act,
- To protect privacy, all Council and Council Committee member participants need to be mindful of the background to their video display and must use the supplied City of Adelaide crest background to their video image if technically possible.
- Participation in an electronic meeting should be from a quiet space where there is minimal likelihood of interruption or noise interference.
- All participants will remain muted until it is their turn to speak.
- If a Council or Council Committee member needs to interrupt the speaker to raise a conflict of interest, object to words used by a Council or Council Committee member, to raise a point of order or to advise loss of quorum then, a signal will be provided to the presiding member by a raised hand or by sending a message to the meeting host.

Alterations to the Standing Orders

The Act – Local Government Act 1999

The Regulations – Local Government (Procedures at Meetings) Regulations 2013

Details	
Chapter 4 - Disclosure of Interests - Part 2 Conflicts of Interest	
Change to legislation S74 of the Act <i>Dealing with material conflicts of interest</i>	Current section 74 of the Act as extracted in the Standing Orders on page 31 is updated with: Delete subsection 74 (1)(b) and substitute: (b) leave the meeting (physically or by disconnecting electronic means) such that the member cannot view or hear any discussion or voting at the meeting about the matter; and (c) not view or listen to the discussion or voting at the meeting about the matter via any live stream or recording of the meeting. Section 74(2) update: After “or being in the chamber where the meeting is being conducted,” insert: or being connected to the meeting by electronic means, Section 74(3) update: After “or to be in the chamber where the meeting is being conducted,” insert: or to be connected to the meeting using electronic means, Section 74(5) Delete subsection (5)(c) and substitute: if the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting, or was connected to the meeting by electronic means (as the case requires).

	<p>After subsection 74(6) insert: (7) In this section— connected to means able to hear and/or see the meeting, including via a live stream or recording of the meeting; disconnecting electronic means includes— (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard;</p> <p>live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;</p> <p>Explanatory Note:</p> <p>Even though Notice 1 has not specifically amended the actual and perceived conflict of interest provisions under section 75 and 75A of the Act, it must reasonably and objectively be the case that any member who has declared an actual or perceived conflict of interest, for which they wish to exclude themselves from that portion of the meeting, can do so by ‘disconnecting’ the electronic means, as has been specifically provided for dealing with a material conflict of interest under section 73 of the Act.</p>
<p>Chapter 6 - Council Governance - Part 2 Informal Gatherings</p>	
<p>Update to Standing Order 155 <i>Informal Gathering</i></p>	<p>Standing Order 155 on page 61 updated as follows: Attendance of Council and Council Committee Members at a designated informal gathering or discussion will be recorded via a sign-in sheet. If the Chief Executive Officer facilitates the informal gathering by electronic means, a member is taken to be present provided that the member can hear and be heard by all other members present at the informal gathering.</p>
<p>Chapter 7 - Meeting Procedures & Access to Meetings & Documents</p>	
<p>Change to legislation S81 of the Act <i>Frequency and timing of ordinary meetings</i></p>	<p>Addition to the current section 81 extracted in the Standing Orders on page 72: After subsection (3) insert: (3a) If a place has been appointed for the holding of an ordinary meeting but the council is unable to meet at the designated place as a result of the public health emergency, the chief executive officer may appoint a different place at which the ordinary meeting is to be held.</p> <p>After subsection (7) insert: (8) In this section— place includes an electronic location (such as a virtual meeting room).</p>
<p>Change to legislation S83 of the Act <i>Notice of ordinary or special meetings</i></p>	<p>Addition to the current section 83 extracted in the Standing Orders on page 72: After subsection (3) insert: (3a) For the purposes of subsection (3)(c), the chief executive officer may sign the notice in hardcopy or electronically.</p> <p>After subsection (9) insert: (10) In subsection (3)—</p>

	<p>place includes an electronic location (such as a virtual meeting room).</p>
<p>Change to legislation S84 (1a), (3), (4) & (5) of the Act <i>Public Notice of Council Meetings</i></p>	<p>Section 84 as extracted in the Standing Orders on page 73:</p> <p>Suspend subsection 84(1a)(a).</p> <p>Delete subsection (3) and insert as below.</p> <p>Delete subsection (4) and insert as below.</p> <p>Delete subsection (5) and insert as below.</p> <p>(3) A person is entitled, on payment of a fee fixed by the council, to obtain a copy of a notice and agenda published under subsection (1a)(b) on request.</p> <p>(4) The notice and agenda must continue to be published on the website under subsection (1a) until the completion of the relevant meeting.</p> <p>(5) The chief executive officer (or a person nominated in writing by the chief executive officer) must also ensure that any document or report supplied to members of the council for consideration at a meeting of the council is available for inspection by members of the public—</p> <p>(a) in the case of a document or report supplied to members of the council before the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council; or</p> <p>(b) in the case of a document or report supplied to members of the council at the meeting—on a website determined by the chief executive officer as soon as practicable after the time when the document or report is supplied to members of the council.</p> <p>After subsection (6) insert on page 74:</p> <p>(7) In this section—</p> <p>place includes an electronic location (such as a virtual meeting room).</p>
<p>Change to legislation S85 of the Act Addition of a new subsection (2) <i>Quorum</i></p>	<p>Section 85 as to be extracted in the Standing Orders on page 87:</p> <p>After subsection (1) insert:</p> <p>(2) For the purposes of this section—</p> <p>(a) a member of the council participating in a council meeting by electronic means is taken to be present at the meeting provided that the member—</p> <p>(i) can hear all other members present at the meeting;</p> <p>(ii) can be heard by all other members present at the meeting; and</p> <p>(iii) can be heard by the person recording the minutes of the meeting.</p> <p>(b) A quorum is taken to be present even if 1 or more council members constituting the quorum is present by electronic means.</p>
<p>Change to legislation S86(8) of the Act Addition of new subsection (8a) and (10) <i>Procedure at meetings</i></p>	<p>Addition to the current section 86 extracted in the Standing Orders on page 70:</p> <p>After subsection (8) insert:</p> <p>(8a) For the purposes of subsection (8)(b), council members may meet by electronic means to alter a procedure determined by the council to be observed at a meeting of a council, even if the existing procedure prevents or inhibits the council members from meeting by electronic means.</p> <p>After subsection (9) insert:</p> <p>(10) For the purposes of this section—</p> <p>(a) a member of the council participating in a council meeting is taken to be present at the meeting provided that the member—</p>

	<p>(i) can hear all other members present at the meeting; (ii) can be heard by all other members present at the meeting; and (iii) can be heard by the person recording the minutes of the meeting.</p>
<p>Change to legislation S90 of the Act Addition of new section (1a) and (1b) and (2a) and update to (9) <i>Meetings to be held in public except in special circumstances</i></p>	<p>Additions to the current section 90(1) of the Act extracted in the Standing Orders on page 79 and 80:</p> <p>After subsection (1) insert:</p> <p>(1a) A council meeting will be taken to be conducted in a place open to the public for the purposes of this section even if 1 or more council members participate in the meeting by electronic means provided that—</p> <p>(a) the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the live stream; or</p> <p>(b) if the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the chief executive officer and ensures that members of the public can hear the discussion between all council members present at the meeting via the recording.</p> <p>(1b) If the chief executive officer (or a person nominated in writing by the chief executive officer) has taken reasonable steps to comply with subsection (1) but is unable to comply—</p> <p>(a) the chief executive officer (or a person nominated in writing by the chief executive officer) must publish on a website determined by the chief executive officer the steps taken to comply with subsection (1); and</p> <p>(b) subsection (1) is suspended.</p> <p>After subsection (2) insert:</p> <p>(2a) A council or council committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under subsection (2).</p> <p>Delete subsection (5) and substitute:</p> <p>A person who, knowing that an order is in force under subsection (2), enters or remains in a room where a meeting of the Council or Council Committee is being held, or connects to a meeting of the Council or a Council Committee by electronic means, or fails to disconnect from a meeting of the Council or Council Committee, is guilty of an offence and liable to a penalty not exceeding \$500 and if such a person fails to leave the room on request it is lawful for an employee of the council or a member of the police force to use reasonable force to remove him or her from the room.</p> <p>Section 90(9) After “In this section—” insert: connect means able to hear and/or see the meeting, including via a live stream or recording of the meeting; disconnect means remove the connection so as to be unable to hear and see the meeting;</p>

	<p>live stream means the transmission of audio and/or video from a meeting at the time that the meeting is occurring;</p>
<p>Change to legislation update to S91(4) of the Act <i>Minutes and release of documents</i></p>	<p>Current section 91(4) the Act as extracted in the Standing Orders on page 81 is updated with:</p> <p>Delete subsection (4) and substitute:</p> <p>A copy of the minutes of a meeting of the council must be placed on public display on a website determined by the chief executive officer within five days after the meeting and kept on display for a period of one month.</p>
<p>Change to legislation to Regulation 3 <i>Interpretation</i></p>	<p>Current Regulation 3 as extracted on page 70 is updated as follows:</p> <p>Delete subregulation (4) and substitute:</p> <p>For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by—</p> <p>(a) a show of hands; or</p> <p>(b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative,</p> <p>(but nothing in this subregulation prevents a division from being called in relation to the vote).</p> <p>After subregulation (4) insert:</p> <p>(5) For the purposes of subregulation (1), a reference to “appear personally” includes to appear by electronic means.</p> <p>(6) For the purposes of these regulations, a member participating in a meeting by electronic means is taken to be present at the meeting provided that the member—</p> <p>(a) can hear all other members present at the meeting;</p> <p>(b) can be heard by all other members present at the meeting; and</p> <p>(c) can be heard by the person recording the minutes of the meeting.</p>
<p>Change to legislation to Regulation 6 addition of (3a) and (3b) and update to 6(7) <i>Discretionary Procedures</i></p>	<p>Current Regulation 6 as extracted on page 69 is updated as follows:</p> <p>After subregulation (3) insert:</p> <p>(3a) Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means.</p> <p>(3b) For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one.</p> <p>Delete subregulation (7) and substitute:</p> <p>Regulation 12(4) does not apply to a motion under subregulation (3) or subregulation (3a).</p>
<p>Change to legislation to Regulation 7(5) <i>Commencement of meetings and quorum</i></p>	<p>Current Regulation 7(5) as extracted on page 87 is updated as follows:</p> <p>Delete subregulation (5)(b) and substitute:</p> <p>give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.</p>

<p>Change to legislation to Regulation 8 <i>Minutes</i></p>	<p>Current Regulation 8 as extracted on page 83 is updated as follows: After subregulation (3) insert: (3a) For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.</p> <p>After subregulation (4)(b)(ii) insert: (iii) the method of attendance by the person; and Example— The following are examples of methods of attendance: (a) physical attendance; (b) by an audio-visual link; (c) by an audio link; (d) by telephone.</p>
<p>Change to legislation to Regulation 10(1)(d) <i>Petitions</i></p>	<p>Current Regulation 10(1)(d) as extracted on page 89 is updated as follows: Delete subregulation (1)(d) and substitute: be addressed to the council and delivered to the council by means determined by the chief executive officer.</p> <p>Explanatory note</p> <p>For the period of time within which Notice 1 remains in force, a petition is to be addressed to the Council and delivered by way of email to CouncilBusinessTeam@cityofadelaide.com.au</p>
<p>Change to legislation to Regulation 11(1) <i>Deputations</i></p>	<p>Current Regulation 11(1) as extracted on page 90 is updated as follows: Delete subregulation (1) and substitute: A person or persons wishing to appear as a deputation at a meeting must deliver (to the council by means determined by the chief executive officer) a written request to the council.</p> <p>Explanatory note</p> <p>For the period of time within which Notice 1 remains in force, a request for deputation is to be addressed to the Council and delivered by way of email to CouncilBusinessTeam@cityofadelaide.com.au</p> <p>A written response to a deputation request, which will be sent by way of email, will include, where approved, details of the date and time of the meeting, as well as the length of time to speak and the manner in which the deputation is to be received at that meeting, (whether physically or via electronic means).</p>
<p>Change to legislation to Regulation 16(4) <i>Voting</i></p>	<p>Current Regulation 16(4) as extracted on page 98 is updated as follows: Delete subregulation (4) and insert: (4) Subregulation (3)— (a) may be varied at the discretion of the council pursuant to regulation 6; (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act; and (c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.</p> <p>(5) In this regulation—</p>

	<p>disconnection of the electronic means includes—</p> <ul style="list-style-type: none"> (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.
<p>Change to legislation Regulation 17(3) <i>Divisions</i></p>	<p>Current Regulation 17(3) as extracted on page 99 is updated as follows: Delete subregulation (3) and substitute: (3) The division will be taken as follows:</p> <ul style="list-style-type: none"> (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places; (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats; (c) the presiding member will count the number of votes and then declare the outcome. <p>(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</p>

CONDITIONS

The variation of the operation of sections 85 and 86 of the Act are subject to the following conditions:

1. Where—

- (a) a Council member is to participate in a Council meeting by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the Council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.