



# COUNCIL MINUTES

for the meeting

Tuesday 11 June 2019

in the Council Chamber,  
Adelaide Town Hall



Present - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);  
Deputy Lord Mayor (Councillor Abiad)  
Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll,  
Martin, Moran and Simms.

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### Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor stated:

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

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

### Acknowledgement of Colonel William Light

The Lord Mayor stated:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six (6) squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

### Apologies and Leave of Absence

Nil

### Confirmation of Minutes

#### 1. Item 4 - Confirmation of Minutes – 28/5/2019 [C]

Moved by Councillor Simms,  
Seconded by Councillor Hou –

That the Minutes of the meeting of the Council held on 28 May 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

### Deputation

#### 2. Item 5 – Mr Wayne Copley – Deputation – Homelessness and Service Providers [2018/04055] [C]

Mr Wayne Copley addressed the Council to:

- Speak as a representative from the Hutt Street Traders Association and Hutt Street residents Association about the state of homelessness and service providers in the City and request in response to a pending release of state government policy & framework which includes a multi-service homelessness hub, a temporary pause in approving development applications submitted by individual homeless welfare providers for at least the foreseeable future.

The Lord Mayor thanked Mr Wayne Copley for his presentation.

### Report of The Committee and Advice/Recommendation from Other Committees

#### 3. Item 7.1 - Recommendations of The Committee – 4/6/2019 [2018/04062] [C]

The Lord Mayor advised the meeting that each recommendation would be dealt with separately.

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Simms -

**Recommendation 1 - Safer City Policy and Action Plan [2019/00184] [C]**

That Council:

1. Notes the consultation report, Attachment A to Item 4.1 on the Agenda for the meeting of The Committee held on 4 June 2019.
2. Approves the Safer City Policy 2019-23, Attachment B to Item 4.1 on the Agenda for the meeting of The Committee held on 4 June 2019, and Safer City Action Plan 2019-23, Attachment C to Item 4.2 on the Agenda for the meeting of The Committee held on 4 June 2019.

Carried

It was then -

Moved by Councillor Moran,  
Seconded by Councillor Hyde -

**Recommendation 2 - Adelaide Park Lands Dry Area [2017/03662] [C]**

That Council:

1. Notes that a number of programs, services and research are currently underway to facilitate better responses with people at risk/ experiencing homelessness or vulnerability including Aboriginal People who utilise the Adelaide Park Lands for socialising and conducting daily activities and that these interventions require time, resourcing and collaboration to take full effect.
2. Notes that in the time since the Park Lands Dry Area was last renewed, there has not been new evidence to indicate that a change to alcohol restrictions is warranted.
3. Approves an application to be made to the State Government to extend the current arrangements for the timed Park Lands Dry Area for a further two years. The Park Lands Dry Area will have the following arrangements:
  - 3.1. In effect from 8.00pm to 11.00am the following day
  - 3.2. Expires on 22 September 2021.

Discussion ensued, during which Councillor Abrahamzadeh left the Council Chamber at 6.26pm and re-entered at 6.28pm.

The motion was then put and carried

It was then -

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Moran -

**Recommendation 3 - Incentive Package to Reinstate Front Gardens on Residential Properties [2017/04505] [C]**

That Council:

1. Notes the report to Item 4.3 on the Agenda for the meeting of The Committee held on 4 June 2019.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Donovan,  
Seconded by Councillor Moran -

**Recommendation 4 - Whitmore Square / Iparrityi Master Plan [2017/03690] [C]**That Council:

1. Approves the Whitmore Square / Iparrityi Master Plan, including the vision, principles, actions and overall plan, as outlined in Attachment A to Item 4.4 on the Agenda for the meeting of The Committee held on 4 June 2019.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Moran -

**Recommendation 5 - Public Art Action Plan [2018/02734] [C]**That Council:

1. Adopts the draft goals and deliverables in the *Public Art Action Plan 2019-2022 draft content for public consultation June 2019*, set out in Attachment A to Item 4.5 on the Agenda for the meeting of The Committee held on 4 June 2019.
2. Approves community consultation on the *Public Art Action Plan 2019-2022 draft content for public consultation June 2019*, set out in Attachment A to Item 4.5 on the Agenda for the meeting of The Committee held on 4 June 2019.
3. Notes that a report will be prepared no later than the end of August 2019 for Council's consideration of the consolidated *Public Art Action Plan 2019-2022* and the two companion operating guidelines - *Public Art Guidelines 2019* and *Memorials Guidelines 2019*.

Carried

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Simms -

**Recommendation 6 - Albert Tower Bells [2018/04053] [C]**That Council:

1. Approves the engagement of a contract professional historian and oral historian to work with the City Archives to research and document the community and historical significance of the City's Albert Tower Bells.
2. Approves the proposal for a funding allocation of \$15k to be requested in the 2019/20 Integrated Business Plan.
3. Notes the intention to undertake this project in readiness for potential celebration activities in 2021 for the 160<sup>th</sup> anniversary of the original proposal to install the bells in the Albert Tower, including potential publications and exhibitions.

Carried

It was then -

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Martin -

**Recommendation 7 - Review Public Consultation feedback and final proposed changes to the Integrated Business Plan [2018/03947] [C]**That Council:

1. Receives the submissions received during public consultation on the draft 2019-20 Integrated Business Plan, in Attachment A to Item 4.7 on the Agenda for the meeting of Council on 11 June 2019.

2. Notes the administration responses in response to key themes identified during the consultation process included in Attachment B to Item 4.7 on the Agenda for the meeting of Council on 11 June 2019.
3. Receives questions raised at a Forum held on 13 May 2019 included in Attachment C to Item 4.7 on the Agenda for the meeting of Council on 11 June 2019.
4. Notes the proposed administrative changes to the 2019-20 Budget for consideration at the Committee Meeting on the 18 June 2019.

Carried

It was then -

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Knoll -

**Recommendation 8 - Standing Orders [2018/04062] [C]**

That Council:

1. Adopts the Standing Orders (excluding 233-236, 241-242, 244-245, 247 and 256) included as Attachment A to Item 4.8 on the Agenda for the meeting of The Committee held on 4 June 2019 and revokes all previous Standing Orders, subject to the following separate resolutions below:
  - '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.
  - 22.3 When commenting in the media on matters where Council has an established position or policy, 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.

Part 6 Business at meetings – Prayer & Acknowledgement of Colonel William Light - subject to the inclusion of the Prayer and Acknowledgement of Colonel William Light at each meeting of Council.'
2. Adopts Standing Orders 233-236, 241-242, 244-245, 247 and 256, for which in accordance with Regulation 6(1) of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* a two-third majority of Council Members entitled to vote is required.
3. Authorises the Chief Executive Officer to:
  - 3.1 Amend statutory provisions enacted by the Parliament of the State of South Australia contained in the Standing Orders.
  - 3.2 Amend or include procedures to support governance arrangements or the conduct of a meeting in the Standing Orders, in response to the needs of Council or a Council committee.
  - 3.3 Revise the Terms of Reference for The Committee to reflect the Standing Orders.
4. Approves that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties.
5. Notes the Standing Orders amends or otherwise revokes any previous decisions regarding matters specifically dealt with under the Standing Orders.
6. Notes any previous appointments to the Chair of the Committee and the Chair of the Strategic Planning and Development Policy Committee will continue in office until the term expires on 30 June 2019.
7. Notes the Standing Orders can be amended at any time by resolution of Council.

Amendment –

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That Part 1 of the motion be amended to include the numbers '229.2 and 230' after the word 'excluding'.

Much discussion ensued

The amendment was then put and lost

Councillor Simms then requested that a division be taken on the amendment

**Division**

**For (4):**

Councillors Donovan, Martin, Moran and Simms.

**Against (7):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

The division was declared against the amendment.

Discussion continued

The motion was then put and carried with 2/3 majority.

Councillor Moran then requested that a division be taken on the motion

**Division**

**For (7):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

**Against (4):**

Councillors Donovan, Martin, Moran and Simms.

The division was declared in favour of the motion.

**4. Item 7.2 - Recommendations of the Audit Committee - 7/6/2019 [2018/04062] [C]**

Moved by Councillor Martin,  
Seconded by Councillor Knoll -

**Report of the Audit Committee – 7 June 2019 [C]**

THAT COUNCIL

1. Notes the report of the Special meeting of the Audit Committee held on 7 June 2019.

Discussion ensued, during which Councillors Hou and Khera left the Council Chamber at 7.27pm and re-entered at 7.29pm.

The motion was then put and carried

**5. Item 7.3 - Recommendations of the Strategic Planning & Development Policy Committee – Special meeting - 11/6/2019 [2018/04062] [C]**

Moved by Councillor Simms,  
Seconded by Councillor Abrahamzadeh -

**Recommendation 1 - Planning Reform Update [2018/01363] [C]**

That Council:

1. Notes the report and presentation (Attachment A to Item 6.1 on the Agenda for the Special meeting of the Strategic Planning & Development Policy Committee held on 11 June 2019.)
2. Authorises the CEO to convey Council's concerns regarding:
  - 2.1. the utilisation of the Principles of the Community Engagement Charter to effectively engage the community on the planning reform, and
  - 2.2. the forecast delays to Phases 2 & 3 of the Planning and Design Code.

Carried

## Reports for Council (Chief Executive Officer's Reports)

### 6. Item 8.1 - Strategic Property Matter – Unsolicited Proposal [2019/00350] [C]

Moved by Councillor Martin,  
Seconded by Deputy Lord Mayor (Councillor Abiad) -

#### THAT COUNCIL

1. Approves the draft Guiding Principles as contained in paragraph 5 of Item 8.1 on the Agenda for the meeting of the Council held on 11 June 2019.
2. Notes that following approval of the Guiding Principles, a report will be provided to a future meeting of Council outlining a proposed Engagement Plan and Needs Analysis.

Discussion ensued, during which with the consent of the meeting, Councillor Martin withdrew the motion.

It was then -

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Knoll -

#### THAT COUNCIL

1. Approves the draft Guiding Principles as contained in paragraph 5 of Item 8.1 on the Agenda for the meeting of the Council held on 11 June 2019.
2. Notes that following approval of the Guiding Principles, a report will be provided to a future meeting of Council outlining a proposed Engagement Plan and Needs Analysis.

Amendment –

Moved by Councillor Martin,  
Seconded by Councillor Moran -

That the motion be amended to read as follows:

#### THAT COUNCIL

1. Suspends stage 2 of the Adelaide Football Club unsolicited bid, pending a public consultation to ask the question “Do you agree with the City of Adelaide considering any proposal for the Aquatic Centre on Park 2 in the North Park Lands to be replaced by a new facility that includes the headquarters of the Adelaide Crows?”.

Much discussion ensued, during which Deputy Lord Mayor (Councillor Abiad) left the Council Chamber at 8.10pm and re-entered at 8.12pm.

The amendment was then put and lost

Councillor Simms then requested that a division be taken on the amendment

#### **Division**

#### **For (4):**

Councillors Donovan, Martin, Moran and Simms.

#### **Against (7):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

The division was declared against the amendment.

Discussion continued

The motion was then put and carried

Councillor Martin then requested that a division be taken on the motion

#### **Division**

#### **For (8):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera and Knoll.

**Against (3):**

Councillors Martin, Moran and Simms.

The division was declared in favour of the motion.

**7. Item 8.2 - National General Assembly of Local Government 2019 – Business Papers [2018/04054] [C]**

Moved by Councillor Donovan,  
Seconded by Councillor Simms -

**THAT COUNCIL**

- Notes the Business Papers for the National General Assembly of Local Government 2019.

Carried

**Question on Notice****8. Item 9.1 – Councillor Martin – Question on Notice - Elected Member Appointments and Remuneration [C]**

The following Question and Answer were taken as read.

**Question**

'Could the Administration advise as at 1 June 2019:

- the remunerated positions and the total amount paid, per meeting or by monthly or annual allowance, to all Elected Members representing the City of Adelaide on subsidiary and external organisations?
- the remunerated positions and the total amount paid, per meeting or by monthly or annual allowance, to all Elected Members holding positions on all internal committees and advisory bodies?'

**Reply**

- The table below represents all allowances paid to City of Adelaide Elected Members who currently hold a position on a subsidiary, external organisation (such as a board), internal committees (such as Audit Committee), or other advisory boards which provides for an Elected Member position.
- Elected Members are provided an allowance as part of their role. This allowance is determined by the Remuneration Tribunal of South Australia as per the *Remuneration Act 1990*. The Remuneration Tribunal reviews allowances every four (4) years as set out in the *City of Adelaide Act 1998* section 24.
- The Remuneration Tribunal issued its 2018 Reports and Determinations for Local Government Councils on 30 August 2018. Determination 7 includes City of Adelaide allowances - <http://remtribunal.sa.gov.au/sites/default/files/public/attachments/8/254/233942875/20180830%20-%20Determination%207%20of%202018%20-%20Adelaide%20City%20Council.pdf>
- Remuneration is not payable for Elected Member positions on Audit and Reconciliation Committees.
- The Lord Mayor is eligible for an allowance for the position held on the Adelaide Park Lands Authority however has chosen not to accept it.

	<b>Council Member Allowance (monthly)</b>	<b>RMMA / ACMA</b>	<b>APLA</b>	<b>Council Assessment Panel</b>	<b>External boards</b>
<b>Lord Mayor</b>	\$14,750	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended	N/A	Adelaide Festival Centre Trust - \$590 per meeting  Adelaide Festival Corporation Board - \$590 per meeting (up



					to max. \$7076 p.a.)
<b>Deputy Lord Mayor (Cr Abiad)</b>	\$3,241	ACMA - \$15,450 p.a.	N/A	N/A	N/A
<b>Cr Martin</b> *Committee Chair	\$2,701	N/A	N/A	N/A	N/A
<b>Cr Simms</b> *Chair of SPDP	\$2,701	N/A	N/A	N/A	N/A
<b>Cr Moran</b>	\$2,161	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended (proxy)	\$500 per meeting \$150 per briefing/workshop attended.	N/A
<b>Cr Abrahamzadeh</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Knoll</b>	\$2,161	RMMA - \$665 per meeting	N/A	N/A	N/A
<b>Cr Couros</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Hou</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Khera</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Donovan</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Hyde</b>	\$2,161	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended	N/A	N/A

The tabled Reply for Item 9.1 is attached for reference at the end of the Minutes of this meeting.

#### Questions without Notice

Discussion ensued

#### Motions on Notice

#### 9. Item 11.1 – Councillor Simms – Motion on Notice – Funding for Local Mental Health Support Services [2018/02560] [C]

Moved by Councillor Simms,  
Seconded by Councillor Moran -

That Council:

- Notes, with concern the State Government's decision to reduce funding for local mental health support services by 25 per cent in the next financial year and the adverse impact this could have on vulnerable people in the City of Adelaide.
- Calls on the State Government to reconsider this decision.

Discussion ensued

The motion was then put and carried

Councillor Simms then requested that a division be taken on the motion

#### Division

#### For (8):

Councillors Abrahamzadeh, Couros, Donovan, Khera, Knoll, Martin, Moran and Simms.

#### Against (3):

Deputy Lord Mayor (Councillor Abiad) and Councillors Hou and Hyde.

The division was declared in favour of the motion.

**10. Item 11.2 – Councillor Moran – Motion on Notice – Neglected and Derelict Properties [2019/00951] [C]**

Moved by Councillor Moran,  
Seconded by Councillor Simms -

That Council:

- (1) Request Administration prepare a report outlining guidelines around what would constitute a neglected and/or derelict property;
- (2) Request the Lord Mayor write to the relevant Minister seeking greater power for councils to compel landowners to clean up neglected and derelict properties that are not their primary residence.

Discussion ensued, during which with the consent of the mover, seconder and the meeting Part 2 of the motion was varied to include the words 'who are able to afford it' after the word 'landowners' and delete the words 'that are not their primary residence' after the word 'properties'.

The motion, as varied, was then put and lost

Councillor Simms then requested that a division be taken on the motion as varied

### Division

**For (5):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Donovan, Martin, Moran and Simms.

**Against (6):**

Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

The division was declared against the motion as varied.

**11. Item 11.3 – Councillor Hyde – Motion on Notice – Sturt Street Parking Rectification [2016/02563] [C]**

Councillor Simms identified a perceived conflict of interest in Item 11.3 [Councillor Hyde – Motion on Notice - Sturt Street Parking Rectification], pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because he owns a property nearby and does not own a car, a fact that would not compromise impartiality/objectivity at the meeting of Council and therefore would remain in the Council Chamber and participate in debate and the vote.

The Lord Mayor, Sandy Verschoor identified a perceived conflict of interest in Item 11.3 [Councillor Hyde – Motion on Notice - Sturt Street Parking Rectification], pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because she owns a property nearby which has on-site parking, a fact that would not compromise impartiality/objectivity at the meeting of Council and therefore would remain in the Council Chamber and continue to preside.

It was then -

Moved by Councillor Hyde,  
Seconded by Councillor Abrahamzadeh -

That Council:

Acknowledging that work on the South Ward Local Area Traffic & Parking Management Plan will commence in early 2019/20, given the low occupancy of parking bays in Sturt Street:

1. Remove paid parking on Sturt Street, between Norman Street and Whitmore Square for a trial period of three months commencing 1 July 2019.
2. Leaves parking bay controls, including times, the same.
3. Conducts a short review following the trial, particularly focusing on local businesses, to assess the success of the change and integrates the findings into the South Ward Local Area Traffic & Parking Management Plan recommendations.

Discussion ensued

Amendment –

Moved by Councillor Donovan,  
Seconded by Deputy Lord Mayor (Councillor Abiad) -

That Part 1 of the motion be amended to read as follows:

- '1. Decrease the cost of paid parking, remove paid parking on Sturt Street, between Norman Street and Whitmore Square for a trial period of three months commencing 1 July 2019 and concurrently activate paid parking on Halifax Street.'

Discussion ensued, during which Deputy Lord Mayor (Councillor Abiad) withdrew his seconding of the amendment and Councillor Martin seconded the amendment.

Councillor Couros during debate identified a perceived conflict of interest in that part of Item 11.3 [Councillor Hyde – Motion on Notice – Sturt Street Parking Rectification] in relation to Halifax Street, pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because she owns property on Halifax Street which has on-site parking, a fact that would not compromise impartiality/objectivity at the meeting of Council and therefore would remain in the Council Chamber and participate in debate and the vote.

Councillor Khera during debate identified a perceived conflict of interest in that part of Item 11.3 [Councillor Hyde – Motion on Notice – Sturt Street Parking Rectification] in relation to Halifax Street, pursuant to Sections 75 & 75A of the *Local Government Act 1999 (SA)*, because he owns property on Halifax Street which has on-site parking, a fact that would not compromise impartiality/objectivity at the meeting of Council and therefore would remain in the Council Chamber and participate in debate and the vote.

The amendment was then put and lost with  
Councillor Simms voting in favour and Councillors Couros and Khera voting against the amendment

It was then –

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Couros -

That the motion be put.

Lost

Discussion continued

The motion was then put and carried with  
Councillors Couros and Khera voting in favour and Councillor Simms voting against the motion

## **12. Item 11.4 – Councillor Hyde – Motion on Notice – Homelessness [2018/02560] [C]**

Moved by Councillor Hyde,  
Seconded by Councillor Couros -

That Council:

1. Notes the latest Adelaide Zero Project Connections Week survey of street homelessness in the city indicates an increase on the previous year.
2. Notes that the current State Government inherited a social services system in disarray, where funding is not linked to client outcomes and coordination of services is limited.
3. Notes the State Government has established the South Australian Housing Authority and is developing a Housing and Homelessness Strategy that will holistically consider affordable housing, social housing, services and support and aboriginal homelessness.
4. Declares a crisis of homelessness in the City of Adelaide.
5. Urges the State Government to complete their new Housing and Homelessness Strategy as soon as possible, together with the requisite funding to deliver the strategy.
6. Requests the Lord Mayor write to the Minister for Human Services outlining a willingness for the City of Adelaide to work with the State Government on delivering the strategy in so far as it is relevant to the city and aligns with our strategic objectives.

Discussion ensued, during which:

- Councillor Moran left the Council Chamber at 9.15pm.
- Councillors Khera and Knoll left the Council Chamber at 9.15pm and re-entered at 9.18pm.

Amendment –

Moved by Councillor Simms,  
Seconded by Councillor Donovan -

That the motion be amended to read as follows:

'That Council:

1. Notes the latest Adelaide Zero Project Connections Week survey of street homelessness in the city indicates an increase on the previous year.
2. Notes that the current State Government inherited a social services system in disarray, where funding is not linked to client outcomes and coordination of services is limited.
3. Notes the State Government has established the South Australian Housing Authority and is developing a Housing and Homelessness Strategy that will holistically consider affordable housing, social housing, services and support and aboriginal homelessness.
4. Notes that the State Government has also cut funding for Adelaide's Housing Legal Clinic, a community legal centre for homeless people and those facing eviction, forcing the closure of the centre from 30 June 2019
5. Declares a crisis of homelessness in the City of Adelaide.
6. Urges the State Government to reverse cuts to the Housing Legal Clinic, complete their new Housing and Homelessness Strategy as soon as possible, together with the requisite funding to deliver the strategy.
7. Requests the Lord Mayor write to the Minister for Human Services outlining a willingness for the City of Adelaide to work with the State Government on delivering the strategy in so far as it is relevant to the city and aligns with our strategic objectives.
8. Notes that the Adelaide Zero Project has requested \$30 million dollars from the Commonwealth Government for social and affordable housing in the City of Adelaide, as part of a re-negotiated Adelaide City Deal
9. Calls on the Commonwealth Government to provide funding for new social and affordable housing in the City of Adelaide to address the homelessness crisis potentially as part of a re-negotiated City Deal.'

Discussion ensued, during which:

- Councillor Moran re-entered the Council Chamber at 9.18pm.
- With the consent of the mover, seconder and the meeting Part 9 of the amendment was varied to delete the words 'potentially as part of a re-negotiated City Deal.'

The amendment, as varied, was then put and lost

Councillor Simms then requested that a division be taken on the amendment as varied

### **Division**

**For (4):**

Councillors Donovan, Martin, Moran and Simms.

**Against (7):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

The division was declared against the amendment as varied

The motion was then put and carried

### **13. Item 11.5 – Councillor Martin – Motion on Notice - City of Adelaide Transparency [C]**

Moved by Councillor Martin,  
Seconded by Councillor Simms -

That Council;

Following its refusal to adopt either a mandatory or a voluntary register to record contact by elected members with developers, adopts the reform around transparency proposed in 2014 by then New South Wales Liberal Premier Mike Baird requiring the publication of ministerial diaries and;

1. Requests the Lord Mayor and the Deputy Lord Mayor publish extracts from their Council diaries, following;

- a. The Administration developing guidelines for the publication of such extracts, having regard to personal privacy and other issues, and that;
- b. Such guidelines be placed before Council by the end of July for approval and adoption.

Discussion ensued, during which:

- Councillor Hyde left the Council Chamber at 9.32pm and re-entered at 9.35pm.
- Councillor Couros left the Council Chamber at 9.36pm and re-entered at 9.37pm.

The motion was then put and lost

Councillor Simms then requested that a division be taken on the motion

#### **Division**

#### **For (4):**

Councillors Donovan, Martin, Moran and Simms.

#### **Against (7):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Hou, Hyde, Khera and Knoll.

The division was declared against the motion.

Councillor Simms left the Council Chamber at 9.40pm.

#### **14. Item 11.6 – Deputy Lord Mayor (Councillor Abiad) – Motion on Notice – Flinders Street Crossing [2019/00464] [C]**

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Abrahamzadeh -

That:

Council requests for administration to explore the opportunity of extending the Pirie Pedestrian Crossing to Flinders Street and provide a report to Council on the cost and time period required to achieve such an outcome.

Discussion ensued, during which Councillor Simms re-entered the Council Chamber at 9.42pm.

The motion was then put and carried

Councillor Martin then requested that a division be taken on the motion

#### **Division**

#### **For (11):**

Deputy Lord Mayor (Councillor Abiad) and Councillors Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll, Martin, Moran and Simms.

#### **Against (0):**

The division was declared unanimously in favour of the motion.

#### **15. Item 11.7 – Deputy Lord Mayor (Councillor Abiad) – Motion on Notice – Review of Rundle Mall Levy [2019/00615] [C]**

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Couros -

That Council requests administration to investigate options to review the Rundle Mall Levy, including ways that can support a whole of City Marketing approach.

Discussion ensued, during which Councillor Donovan left the Council Chamber at 9.44pm and re-entered at 9.46pm.

The motion was then put and carried

### Motion without Notice

#### 16. Item 12 – Deputy Lord Mayor (Councillor Abiad) – Motion without Notice – Release of Legal Advice associated with Standing Order 229.2 [2018/04066] [C]

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Hyde -

That Council:

Approves release of legal advice by Kelledy Jones Lawyers dated 11 June 2019 pertaining to proposed standing order 229.2 advice, to the public.

Discussion ensued

The motion was then put and carried

The legal advice for Item 12 is attached for reference at the end of the Minutes of this meeting.

Councillor Hou left the Council Chamber at 9.58pm.

### Exclusion of the Public

#### 17. Item 13.1 – Exclusion of the Public [2018/04291] [C]

For the following Chief Executive Officer Reports seeking consideration in confidence:

14.1.1. Capital City Committee update [s 90(3) (g)]

14.1.2. Council's Strategic Procurement Direction [s 90(3) (d)]

#### ORDER TO EXCLUDE FOR ITEM 14.1.1:

Moved by Deputy Lord Mayor (Councillor Abiad),  
Seconded by Councillor Knoll -

#### THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (g) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/6/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Capital City Committee update] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

#### Grounds and Basis

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/6/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 14.1.1 [Capital City Committee update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (g) of the Act.

Carried

#### ORDER TO EXCLUDE FOR ITEM 14.1.2:

Moved by Councillor Knoll,  
Seconded by Deputy Lord Mayor (Councillor Abiad) -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/6/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 14.1.2 [Council's Strategic Procurement Direction] listed on the Agenda.

Grounds and Basis

The disclosure of information in this report could reasonably prejudice the commercial position and identity of the proponent who supplied 'commercial in confidence' information containing a business case for evaluation by Council for which 'commercial in confidence' discussions have been undertaken and remain current. Disclosure of this information may adversely impact project viability, prejudice the ability to undertake/participate in future negotiations on the proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent and a competitor receiving the information to the detriment of the proponent who supplied information at this point in time, may materially and adversely affect the financial viability of the proponent for any future projects and because the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of the Council dated 11/6/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 14.1.2 [Council's Strategic Procurement Direction] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (d) of the Act.

Carried

Councillor Abrahamzadeh, the public and members of Corporation staff not directly involved with Items 14.1.1 and 14.1.2 left the Council Chamber at 9.59pm.

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Confidential Item 14.1.1

Capital City Committee update

Section 90 (3) (g) of the *Local Government Act (SA) 1999*

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Confidential Item 14.1.2

Council's Strategic Procurement Direction

Section 90 (3) (d) of the *Local Government Act (SA) 1999*

Page 15

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The Council Chamber re-opened to the public at 10.03pm.

### Confidentiality Orders

#### **Minute 18 - Item 14.1.1** - Capital City Committee Update [C]

##### Resolution & Confidentiality Order

##### That Council:

1. Notes the report.
2. Notes that the next Capital City Committee is to be held on 27 June 2019.
3. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 14.1.1 [Capital City Committee Update] listed on the Agenda for the meeting of Council held on 11 June 2019 was received, discussed and considered in confidence pursuant to Section 90(3)(g) of the *Local Government Act 1999 (SA)*, this meeting of the Council orders:
  - 3.1. the resolution becomes public information and included in the Minutes of the meeting;
  - 3.2. the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
  - 3.3. the confidentiality of the matter be reviewed in December 2020; and
  - 3.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.

#### **Minute 19 - Item 14.1.2** - Council's Strategic Procurement Direction [C]

##### Confidentiality Order

In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 14.1.2 [Council's Strategic Procurement Direction] listed on the Agenda for the meeting of Council held on 11 June 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (d) of the *Local Government Act 1999 (SA)*, this meeting of Council do order that:

1. the resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
2. the confidentiality of the matter be reviewed in December 2026;
3. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

### Closure

The meeting closed at 10.03pm.

Mark Goldstone,  
Chief Executive Officer

Sandy Verschoor,  
Lord Mayor.

### Documents Attached for Reference

Minute 8 - Item 9.1 - Councillor Martin – Question on Notice – Elected Member Appointments and Remuneration, Tabled Reply

Minute 16 – Item 12 - Deputy Lord Mayor (Councillor Abiad) – Motion without Notice – Release of Legal Advice associated with Standing Order 229.2, Legal Advice

# Elected Member Appointments and Remuneration

**ITEM 9.1** 11/06/2019  
**Council**

**Council Member**  
Councillor Martin

2015/03422  
Public

**Receiving Officer:**  
Mark Goldstone, Chief Executive  
Officer

## QUESTION ON NOTICE:

**Councillor Martin will ask the following Question on Notice:**

Could the Administration advise as at 1 June 2019:

- i) the remunerated positions and the total amount paid, per meeting or by monthly or annual allowance, to all Elected Members representing the City of Adelaide on subsidiary and external organisations?
- ii) the remunerated positions and the total amount paid, per meeting or by monthly or annual allowance, to all Elected Members holding positions on all internal committees and advisory bodies?

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

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## REPLY:

1. The table below represents all allowances paid to City of Adelaide Elected Members who currently hold a position on a subsidiary, external organisation (such as a board), internal committees (such as Audit Committee), or other advisory boards which provides for an Elected Member position.
2. Elected Members are provided an allowance as part of their role. This allowance is determined by the Remuneration Tribunal of South Australia as per the *Remuneration Act 1990*. The Remuneration Tribunal reviews allowances every four (4) years as set out in the *City of Adelaide Act 1998* section 24.
3. The Remuneration Tribunal issued its 2018 Reports and Determinations for Local Government Councils on 30 August 2018. Determination 7 includes City of Adelaide allowances - <http://remtribunal.sa.gov.au/sites/default/files/public/attachments/8/254/233942875/20180830%20-%20Determination%20of%202018%20-%20Adelaide%20City%20Council.pdf>
4. Remuneration is not payable for Elected Member positions on Audit and Reconciliation Committees.
5. The Lord Mayor is eligible for an allowance for the position held on the Adelaide Park Lands Authority however has chosen not to accept it.

	<b>Council Member Allowance (monthly)</b>	<b>RMMA / ACMA</b>	<b>APLA</b>	<b>Council Assessment Panel</b>	<b>External boards</b>
<b>Lord Mayor</b>	\$14,750	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended	N/A	Adelaide Festival Centre Trust - \$590 per meeting  Adelaide Festival Corporation Board - \$590 per meeting (up to max. \$7076 p.a.)
<b>Deputy Lord Mayor (Cr Abiad)</b>	\$3,241	ACMA - \$15,450 p.a.	N/A	N/A	N/A
<b>Cr Martin</b> *Committee Chair	\$2,701	N/A	N/A	N/A	N/A
<b>Cr Simms</b> *Chair of SPDP	\$2,701	N/A	N/A	N/A	N/A
<b>Cr Moran</b>	\$2,161	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended (proxy)	\$500 per meeting \$150 per briefing/workshop attended.	N/A
<b>Cr Abrahamzadeh</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Knoll</b>	\$2,161	RMMA - \$665 per meeting	N/A	N/A	N/A
<b>Cr Couros</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Hou</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Khera</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Donovan</b>	\$2,161	N/A	N/A	N/A	N/A
<b>Cr Hyde</b>	\$2,161	N/A	\$76.80 per hour + 3 hours preparation time for each meeting attended	N/A	N/A

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- END OF REPORT -

11 June 2019

Mr Brett Kahland  
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 Risk and Governance  
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BY EMAIL: [b.kahland@cityofadelaide.com.au](mailto:b.kahland@cityofadelaide.com.au)

Dear Brett

## PROPOSED STANDING ORDER 229.2

I refer to your request for advice regarding proposed Standing Order 229.2, in particular, whether it may, lawfully, be implemented by the Council.

It is my advice that the proposed Standing Order is not *ultra vires* (ie. it is not beyond the power of the Council). Accordingly, if the Committee recommendation is adopted by the Council, it is a lawful decision that must be implemented by the CEO, as per section 27(a) of the *City of Adelaide Act 1998* ('the Act'). This means that, if adopted as a component part of the Standing Orders, it will become part of a Council policy. In turn, this means that if proposed motions were then to be shared with the media, prior to publication of the agenda, that would be a breach of at least clause 2.6 of the prescribed *Code of Conduct for Council Members* ('the Code').

I explain my advice below.

### 1. Background

Council Committee has resolved to recommend to the Council that clause 229.2 be incorporated into the Standing Orders. The recommendation for the consideration of the Council is to include a new subclause 229.2 as follows:

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

...

***229.2 The proposed Motion must not be shared with the media prior to publication of the agenda.***

You have advised that the intent of the proposed amendment is to ensure that all Council Members access the same information, at the same time, for the purposes of creating an 'equal playing field'. The proposed amendment is, therefore, a proposed procedure to implement a practice that all Council Members are informed of a proposed motion at the same time, on

Lead

Reason

Advise

distribution of the Agenda, supported with any advice from Administration, to ensure that Council Members are properly informed and 'equipped' to deal with media enquiries after the publication of the Agenda. Relevantly, in this regard, I also note the operation of section 21(b)(iv) of the Act (the Lord Mayor is the principal spokesperson of the Council) and clause 2.5 of the Code (permits personal comments to the media, or other public comments, on Council matters - noting there will not be any decision at this time – and to indicate it to be a private view).

### Advice

It is my advice that proposed clause 229.2 of the Standing Orders is lawful for the following reasons:

- an assessment of the lawfulness or validity of a decision requires consideration of the *Local Government Act 1999* ('the LG Act') and the Act. This involves ascertaining legislative provisions that 'speak' in support of or against the proposed amendment and its operational purpose and function;
- relevantly in this regard, section 5 of the Act provides that the Act and the LG Act are to be read together as if they constitute a single Act. If there is any inconsistency between the two, the Act will prevail to the extent of the inconsistency. For the purpose of this advice, it is my opinion that there is no issue of inconsistency between the Act and the LG Act. Accordingly, the references below apply equally;
- the proposed clause 229.2 is, in its effect, a procedural matter. That is, it seeks to regulate when Council members speak to the media in relation to a motion on notice. The LG Act and the *Local Government (Procedures at Meetings) Regulations 2013* ('the Meeting Regulations'), collectively, establish matters of procedure both at meetings and for pre-meeting activities in respect of matters that will be dealt with at the meeting. For example, the Meeting Regulations address the pre-meeting procedural requirements for motions on notice, questions on notice, petitions, and deputations. The inclusion of 229.2 is not inconsistent with this approach and, in my opinion, is supported by provisions of both the Act and the Meeting Regulations. Certainly, there are no express provisions that can be said to operate as a prohibition or an impediment to what is proposed;
- section 86(8) of the LG Act provides that procedures to be observed at a meeting and, by extension, processes leading to the meeting can be prescribed by the Council, to the extent that the procedure is not prescribed by regulation. The issue of when Council members can speak to the media (to express a private view as per the Code) about a notice of motion that has been received, is a matter upon which the LG Act and the Meeting Regulations are silent. Therefore, there is no impediment or other restriction upon the Council establishing its own procedure, by way of a policy position, for the matter of concern. Indeed, it can be recognised that the LG Act, the Meeting Regulations and principles of good corporate governance can be considered to 'speak' in favour of such a policy approach;

- the above position gains further support from section 36(1)(c) of the LG Act which expressly provides that the Council has the '*power to do anything necessary, expedient or incidental to performing or discharging its functions or duties or to achieving its objectives.*'
- the proposed amendment to the Standing Orders is, to my understanding, to ensure that Council members are fully and accurately informed about proposed motions, in a constructive and responsible manner. This will occur through Council administration, not from media speculation and sensationalism, in the first instance. The approach is, therefore, entirely consistent with section 6(a) of the LG Act and the Guiding principles of the Meeting Regulations which require the Council, in performing its functions and role, to act as a representative, informed, open, transparent and responsible decision-maker in the interests of its community; and
- section 22 of the Act (section 59 of the LG Act) provides for the roles of Council members, including as a representative of the interests of residents and ratepayers, in providing community leadership and guidance and as facilitating communication between the community and the Council. This envisaged and prescribed role is not, in any manner, compromised by the proposed or the actual introduction of clause 229.2 because it does not operate to limit or restrict the ability of Council members to fulfil these functions of office. That is, it is not, as already referred to in the media, a so-called 'gag' provision because it, simply, does not achieve such an outcome. Rather, it promotes informed and responsible communication with the media;
- I have also considered whether, in circumstances where the proposed amendment to the Standing Orders is not and does not operate as a 'gag', whether it might, otherwise, be considered to impinge upon the implied freedom of political communication in the Constitution as recognised by the High Court of Australia. Relevantly, the High Court has stated that the question to be answered is whether the decision "*effectively burdens freedom of communication about government or political matters, either in its terms, operation or effect?*"<sup>i</sup>
- in my opinion, the proposed clause 229.2 does not create an impediment or otherwise burden communication about government or political matters in its terms, operation or effect. Such communication remains available to all Council members whether such communication is to the media, residents, ratepayers or someone else but, pursuant to the proposed amendment to the Standing Orders, in a responsible and informed manner that does not risk bringing the Council into disrepute but, conversely, will operate to generate community trust and confidence in the Council; and
- the effect of the proposed amendment is to regulate the timing of such communication by Council members to the point in time when all Council members have relevant information available to them. Indeed, until a notice of motion is published in the agenda for a meeting it is not publicly notified as 'Council business' to be transacted at the meeting to which the agenda relates. In this regard, a clause in the Standing Orders that regulates the timing of private views being expressed to the media in respect of a proposed motion, until such time as that motion is published, does not limit or interfere

Mr B Kahland

11 June 2019

with any procedural requirements of a legal (statutory or common law) nature or the implied freedom of political communication but, instead, is a measure that the Council is free to impose in terms of its corporate governance standards as a matter of law, as a responsible measure for all of the reasons set out above.

Accordingly, in light of the above assessment of relevant legislative provisions and other considerations it is my advice that there is a clear, unfettered, ability for the Council to adopt the proposed policy position in its Standing Orders.

For the sake of completeness, I also observe that for the purposes of the Code, if the Council resolves to include the proposed amendment to its Standing Orders, it will then be a component part of a Council policy. In this regard, the Code provides that Council members must comply with all Council policies (clause 2.6), meaning that a failure to comply with the amended clause 229.2 will amount to a breach of Part 2 of the Code. If there are repeated or sustained breaches of Part 2 by a single Council member, that may be referred, by Council resolution, to the relevant authority (the Ombudsman, usually) as a breach of Part 3 of the Code (Misconduct).

Let me know if you have any questions.

Yours sincerely

KELLEDYJONES LAWYERS



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