

Amendment to Adelaide Economic Development Agency Charter

ITEM 10.23 10/11/2020
Council

Strategic Alignment - Strong Economies

Program Contact:
Michelle English, AD Economic
Development & Sustainability
8203 7687

2020/01894
Public

Approving Officer:
Ian Hill, Director Growth

EXECUTIVE SUMMARY

In finalising amendments to the Rundle Mall Management Authority Charter including the change of name to the Adelaide Economic Development Agency made by Council at a Special meeting on 6 October 2020 a few areas of ambiguity have been noted in the amended Charter.

The purpose of this report is to seek Council's approval of proposed amendments that will not change the intent or purpose of the Charter but will remove ambiguity and provide clarity in the Charter. Details of the proposed amendments and reason for the amendments are shown in the attached table.

RECOMMENDATION

That Council:

1. Approves the further amendments to the Charter for the Rundle Mall Management Authority (to be renamed the Adelaide Economic Development Agency) as shown in Attachment A to Item 10.23 on the Agenda for the meeting of the Council held on 10 November 2020 which will occur on the date that the Charter (as further amended) is published in the Gazette.
 2. Authorises the Chief Executive Officer to make the necessary publication in the Gazette described in paragraph 1 above contemporaneously with the publication authorised by Council on 6 October 2020. To avoid doubt, the effect is that the Chief Executive Officer may determine the date upon which all amendments to the Charter will occur.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Strong Economies Implement a City-Wide Business Model
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Legal advice has been received confirming that proposed amendments to the draft Charter are more than typographical or syntactical revisions and therefore require a decision of Council.
Opportunities	Not as a result of this report
20/21 Budget Allocation	Not as a result of this report
Proposed 21/22 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The subsidiary will operate under Section 42 of the <i>Local Government Act 1999</i> (the Act) until such time as Council resolves for the subsidiary to be wound up. Pursuant to Section 3(4) of Schedule 2 of the Act, the subsidiary charter may be reviewed by Council at any time.
20/21 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Council at a Special meeting on 6 October 2020 resolved in part:

“that the Charter of the Rundle Mall Management Authority will be amended to take the form of the draft Charter, Attachment A to Item 3.1 on the Agenda for the Special meeting of Council held on 6 October 2020 (subject to paragraphs 3 & 4 below) and that amendment will occur on the date that the Charter (as amended) is published in the Gazette (or notice of the fact of the amendment is published in the Gazette). The Council notes that the subsidiary will be renamed as the Adelaide Economic Development Agency, when that amendment occurs.” and

“Authorises the Chief Executive Officer to make any necessary typographical or syntactical revisions to the draft Charter, Attachment A to Item 3.1 on the Agenda for the Special meeting of Council held on 6 October 2020, before any publication is made in the Gazette as described in above paragraph 1. Council will be advised any other necessary revisions required, then it is the version as revised which will become the Charter upon the publication in the Gazette.”
2. Following discussion during the Special Council meeting, Council had approved a number of amendments to the draft Charter. Following the Special meeting, the draft Charter was updated to incorporate the amendments which has identified a few areas of ambiguity. A few typographical and syntactical errors were also identified.
3. To provide clarity in the Charter, Council's approval of the proposed amendments as shown in Attachment A is sought. The proposed amendments do not change the intent or purpose of the Charter.
4. If the proposed amendments are approved by Council, the draft Charter will be amended and will be the Charter to be published in the Government Gazette.

DATA AND SUPPORTING INFORMATION

Nil

ATTACHMENTS

Attachment A – Further Amendments – Adelaide Economic Development Agency Charter (AEDA) Charter from the Rundle Mall Management Authority (RMMA) Charter

- END OF REPORT -

Further Amendments – Adelaide Economic Development Agency (AEDA) Charter from the Rundle Mall Management Authority (RMMA) Charter

Proposed AEDA Charter Clause #	Change from Rundle Mall Management Authority Charter as amended by Special Council on 6 October 2020 (including change of name to Adelaide Economic Development Agency)	Current Clause	Proposed changes to clause	Explanation
6.3.2	Delete “authorityis given” and replace with “authority is given”			Typographical error
8.5 to 8.26	Renumbered as clauses 8.7 to 8.28			Change in clause numbers due the inclusion of two further powers, functions and duties (new clauses 8.5 and 8.6)
15.1	Delete “clause 16.1.2” and replace with “clauses 16.1.2 and 16.1.3”			Correction due to inclusion of new clause 16.1.2
16.1	Delete the words “by Council”	The Board shall consist of a maximum of nine Board Members, to be appointed by council as follows:	The Board shall consist of a maximum of nine Board Members, to be appointed by council as follows:	This is because Council will not appoint the representative of the Advisory Committee in accordance with Clause 38.2.3
16.1.2	After the word “at” insert the word “clause”	One Board Member must be a representative of the Advisory Committee established at 38.2 of this Charter.	One Board Member must be a representative of the Advisory Committee established at clause 38.2 of this Charter.	To confirm the reference is to Clause 38.2
16.1.3 (b)	Delete the word “seven” and replace with “six” After the word “with”, delete the word “one”.	Up to seven Board Members with an appropriate range of skills and experience, including at least two Board Members who are business owners within the City of Adelaide, with one at least one being a small business owner.	Up to seven six Board Members with an appropriate range of skills and experience, including at least two Board Members who are business owners within the City of Adelaide, with one at least one being a small business owner.	This is to clarify that the Board will have a maximum of 9 members including the Lord Mayor, the representative of the Advisory Committee the Chairperson, and 6 other Board Members
16.1.3 (c)	Before the words “Board Member” include the words ‘Chairperson and’ Delete the words “Board Members(s)” at the end of the clause and replace with “Chairperson”	The Selection Panel will determine and undertake an expression of interest process for the position of Board Member and make a recommendation to the Council for the	The Selection Panel will determine and undertake an expression of interest process for the position of Chairperson and Board Member and make a recommendation to the Council for the Council’s approval	To clarify that the Selection Panel referred to in this clause is for the recruitment and recommendation to Council to appoint the Chairperson

Further Amendments – Adelaide Economic Development Agency (AEDA) Charter from the Rundle Mall Management Authority (RMMA) Charter

		Council's approval and the appointment of a Board Member(s).	and the appointment of a Board Member(s) Chairperson.	
16.2	Delete this clause	The Board Member (non members of the Council) shall be appointed for a maximum three year term determined by the Council provided that the Council shall endeavour that no more than half of the Board Members' terms of office expire in the same year.	The Board Member (non members of the Council) shall be appointed for a maximum three year term determined by the Council provided that the Council shall endeavour that no more than half of the Board Members' terms of office expire in the same year.	This clause relates to the maximum term of appointment of Board Members which is covered in clause 16.1.3(e)
16.3 to 16.11	Renumbered as clauses 16.2 to 16.10			Change in clause numbers due to removal of clause 16.2
31.4	After the word "must" insert the word "be" Delete the word "Agency" and replace with authority	All payments must authorised by the Managing Director in accordance with delegated Agency or by resolution of the Board.	All payments must be authorised by the Managing Director in accordance with delegated Agency authority or by resolution of the Board.	Typographical errors
38.2.3	After the word "at" insert the word "clause"	The Advisory Committee will determine its representative Board Member outlined at 16.1.2 of this Charter by an ordinary resolution once every twelve months.	The Advisory Committee will determine its representative Board Member outlined at clause 16.1.2 of this Charter by an ordinary resolution once every twelve months.	To confirm the reference is to clause 16.1.2
43.6.1	Delete "44.5" and replace with "43.5"			Typographical error
43.6.2	After the word "Response," insert a paragraph break so the remainder of the paragraph, namely "the Council shall be entitled to take such further action (if any) as it determines with respect to the matters raised in the Council Notice which action may include but shall not be limited to the removal of the Board and the appointment of a replacement Board in accordance with this Charter." is relevant to Clauses 43.6.1 and 43.6.2	If the Board does not provide a Notion in Response, the Council shall be entitled to take such further action (if any) as it determines with respect to the matters raised in the Council Notice which action may include but shall not be limited to the removal of the Board and the appointment of a replacement Board in accordance with this Charter.	If the Board does not provide a Notion in Response, the Council shall be entitled to take such further action (if any) as it determines with respect to the matters raised in the Council Notice which action may include but shall not be limited to the removal of the Board and the appointment of a replacement	Syntactical error

Further Amendments – Adelaide Economic Development Agency (AEDA) Charter from the Rundle Mall Management Authority (RMMA) Charter

			Board in accordance with this Charter.	
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Item 10.23 - Attachment A