

Council Member
Councillor Mackie2018/04066
Public**Contact Officer:**
Clare Mockler, Acting Chief
Executive Officer

MOTION ON NOTICE

Councillor Mackie will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

‘That Council:

Review the current policy on the use of the official Coat of Arms / Crest of the City of Adelaide by Council Members and update to limit use to official Council business and not political purposes. Following this review, suggested updating wording for the Standing Orders be considered by Council by the end of March 2021. In the meantime, its use should only be limited to the conduct of official Council business or for Council approved or endorsed activities.’

ADMINISTRATION COMMENT

1. The City of Adelaide Standing Orders address various policy positions relevant to the role of Council Members.
2. Standing Order 25 states that the City of Adelaide Crest can only be used by Council and current Council Members, or for Council approved or endorsed activities with no further direction provided.
3. Section 59 of the *Local Government Act 1999 (SA)* specifies the role of a Member of Council, which includes facilitating communication between the community and the Council.
4. Should the motion be carried, Administration will review the current provisions and consider what, if any, updates to the Standing Orders could be put to Council for further consideration.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable

Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Review likely to take some time, including investigating what other capital cities have in place - allocate at least 5 hours
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours.

- END OF REPORT -

Council Member
Councillor Hyde

2015/00903
Public

Contact Officer:
Clare Mockler, Deputy CEO &
Director City Shaping

MOTION ON NOTICE

Councillor Hyde will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Requests the Council Administration modernize and finalise all of the redrafted foundational documents for the governance of the Adelaide Central Market Authority in a comprehensive manner, in order to prepare for the imminent construction, completion, and integration of the Adelaide Central Market Arcade into the existing Market.
2. Resolves that all of the relevant documents should be modernised and updated simultaneously, and that all documents should be approved at the same time, including:
 - a. The Adelaide Central Market Authority Charter
 - b. The Operating Agreement and Roles and Responsibilities for the Adelaide Central Market and the Arcade redevelopment respectively
 - c. The Head Lease for the Adelaide Central Market
 - d. The Community Land Management Plan covering the Adelaide Central Market and the Adelaide Central Market Arcade
3. Requests that the following principles will underpin the redrafting of the new foundational documents:
 - a. 'One Market'
 - i. The Arcade will be integrated into, and complementary to, the Adelaide Central Market, in order to create one Market.
 - ii. The Authority will be responsible for the Arcade's management in the same way that it will manage the Market.
 - b. 'Asset Management Plan'
 - i. Council will be solely responsible for the funding of capital works on the infrastructure which is otherwise under the management of the Authority.
 - ii. The process for the creation of the Asset Management Plan for the infrastructure under the management of the Authority will be specifically outlined in the Charter, and will broadly be determined by the Authority, before then coming through the relevant Council staff and being approved by the Council
 - iii. The infrastructure within the Market will be condition compliant to occupational health and safety standards at a minimum, noting that compliance may change from time to time.
 - c. 'Accessibility'
 - i. The Authority may devolve itself from management of the Adelaide Central Market U-Park, but that this devolvement would only be accompanied by a guarantee, enshrined in the foundational documents, that the carpark will continue to primarily support the retail activity in the Market

- through regular collaborative and uniquely branded promotional activities and that approval of these promotional activities will be made by the Council.
- ii. Any proposed permanent changes to traffic management that affects access to the Market will be brought to the Authority's Board before presentation to Council.
- d. 'Trader Engagement and Representation'
 - i. The nature and extent of role of the traders in the management of the Authority will be determined through consultation with the Authority and the traders.
 - ii. The charter will allow for the traders to be engaged in a rigorous way which allows for the dissemination of information between the Authority and whichever governance structure is determine do be appropriate.
 - iii. The charter will address the need to allow the traders to contribute to the Authority's management while mitigating any potential for conflicts of interest in the ordinary course of the Board's work.
 - e. 'Executive Accountability'
 - i. That the staff working within the Authority will be primarily guided by the directions of the Authority's Board
 - f. 'Risks and Matters of Concern'
 - i. A delegate of the Authority or its delegate may be included in the Council Administration's Strategic Risk and Internal Audit Committee
 - ii. The Authority may choose to escalate identified risks or Matters of Concern directly to the Council's Chief Executive Officer and these risks of matters will be brought directly to the attention of the Council's Elected Members
 - g. 'Transparency and Information'
 - i. That all documents and information relating to the above principles will be provided to the Authority for their consideration and to be read alongside the redrafted foundational documents
 - h. 'Transitional arrangements'
 - i. The Council Administration will present, alongside the foundational documents, proposed transitional arrangements in order for the Authority to continue functioning sustainably until the Arcade is completed and management of it is assumed by the Authority.
4. Requests the above is completed in time to be approved by Council at its March 2021 meeting.
 5. Requests that in undertaking the above, the Administration will consult and collaborate extensively with the Authority as well as the trader community.'

ADMINISTRATION COMMENT

1. The Adelaide Central Market Authority (ACMA) is established as a Council subsidiary, pursuant to Section 42 of the *Local Government Act 1999* (SA) (the Act) and any amendments or revision will require the consideration of Council.
2. Pursuant to Schedule 2, Part 3(4) of the Act and clause 1.6.5 of the Charter, Council can review the ACMA Charter at any time whenever relevant to do so because of a review of the Council's Strategic Management Plans.
3. A review of the current ACMA Charter (established in 2014) and functions of this Council subsidiary is currently being undertaken by the Administration in conjunction with the Authority.
4. A review of the Charter has taken into account the changing requirements of the Adelaide Central Market and the associated governance roles and responsibilities. In addition, the relationship to the current redevelopment of the Central Market Arcade has been a factor in the review, including, but not limited to, leasing and budgetary structures.

5. A workshop is proposed to be held with Council Members on 16 February 2021 which will outline the process and next steps relating to any required amendments to the Charter, Head Lease and Community Land Management Plan. A subsequent report will be prepared and presented to Council for its consideration in March 2021.
6. If this motion is carried the review process will ensure that the principles outlined in the motion are addressed as part of the workshop on 16 February 2021 and subsequent report to Council.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not Applicable
External consultant advice	This review will require the engagement of a external consultant to assess the format and legality of any proposed changes or amendments Costs as yet unknown.
Legal advice / litigation (eg contract breach)	As the review proceeds, Administration may need to seek legal advice either internally or externally depending on the specifics. Costs as yet unknown.
Impacts on existing projects	Not Applicable
Budget reallocation	Not Applicable
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	Preparation time required to prepare a workshop and report is estimated at 2+ hours
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hours

- END OF REPORT -