



# COUNCIL

## Minutes

for the meeting on

Tuesday, 22 April 2025

in the Council Chamber, Adelaide Town Hall

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Our Adelaide.  
**Bold.**  
**Aspirational.**  
**Innovative.**

Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)  
Councillors Davis, Giles, Martin, Dr Siebentritt and Snape

**1 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.’

**2 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 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.’

**3 Prayer**

The Lord Mayor stated:

‘We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.’

**4 Pledge**

The Lord Mayor stated:

‘May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.’

**5 Memorial Silence**

The Lord Mayor asked all present stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

**6 Apologies and Leave of Absence**

Apologies:

Councillors Abrahamzadeh and Couros

**7 Confirmation of Minutes - 8/4/2025, 14/4/2025 and 15/4/2025**

Discussion ensued

It was then -

Moved by Councillor Martin,  
Seconded by Councillor Snape –

That the Minutes of the meeting of the Council held on 8 April 2025 and the Minutes of the Special meetings of the Council held on 8 April 2025, 14 April 2025 and 15 April 2025, be taken as read and be confirmed as an accurate record of proceedings.

Carried unanimously

**8 Declaration of Conflict of Interest**

Nil

**9 Deputations**

Nil

**10 Petitions**

Nil

**11 Recommendations of the Audit and Risk Committee - 11 April 2025**

Moved by Councillor Martin,  
Seconded by Councillor Snape -

**11.1 Recommendation 1 - Item 6.2 - Strategic Risk Register - update**

THAT COUNCIL:

1. Notes the report to Item 6.2 - Strategic Risk Register Update on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025.
2. Endorses the Strategic Risk Register in Attachment A to Item 6.2 on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025, and provides the following feedback:
  - 2.1. Review the need for the Causes column as information is restated in Subordinate Risks column.
  - 2.2. In Risk 1 - include ESCOSA's review and findings as a control measure and a risk.
  - 2.3. In Risk 6 - include a subordinate risk relating to legislated outcomes by the State Government.
  - 2.4. In Risk 7 - expand commentary in first subordinate risk to articulate the potential gap between aspiration and the ability to meeting expectations.
  - 2.5. Page 41 - revise wording in last Subordinate risk.
3. Notes that the final Strategic Risk Register, with the feedback contained in part 2 herein incorporated, will be presented back to the Audit and Risk Committee.

**11.2 Recommendation 2 - Item 6.5 - Treasury Policy, Future Fund and Investment Policy Review**

THAT COUNCIL

1. Notes Audit and Risk Committee feedback on the updated Treasury Policy as contained in Attachment B to Item 6.5 on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025.
2. Notes Audit and Risk Committee feedback on the updated Future Fund Reserve Policy (formerly "Future Fund & Investment Policy") as contained in Attachment D to Item 6.5 on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025.
3. Notes the table summarising changes made to the Treasury Policy and Future Fund Reserve Policy (formerly "Future Fund & Investment Policy") as contained in Attachment E to Item 6.5 on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025.

4. Requests Administration provide advice to a future meeting of the Audit and Risk Committee in relation to the time value for money implications of the current Future Fund Reserve Policy.
5. Authorises the Chief Executive Officer (or delegate) to make minor, typographical, syntactical and technical updates to the Treasury Policy as contained in Attachment B, and the Future Fund Reserve Policy (formerly "Future Fund & Investment Policy") as contained in Attachment D to Item 6.5 on the Agenda for the meeting of the Audit and Risk Committee held on 11 April 2025 to finalise the document.

Discussion ensued

The motion was then put and carried

## **12 Recommendations of the Infrastructure and Public Works Committee - 15 April 2025**

Moved by Councillor Martin,  
Seconded by Councillor Giles -

### **12.1 Recommendation 1 - Item 7.1 - E-Scooter Trial Extension and State Government Review update**

#### THAT COUNCIL

1. Approves the continuation of the e-scooter trial for an additional 4 months, ending on 31 August 2025, for the two current operators, Neuron Mobility and Beam Scooters.
2. Authorises the Lord Mayor to write to the Minister for Infrastructure and Transport expressing the frustration in the delay of legislation and to request an extension to the e-scooter trial for a further 4 months until 31 August 2025.
3. Notes that the Administration will:
  - 3.1. Continue to work collaboratively with the Department for Infrastructure and Transport and inform Council Members by way of an E-news on the progression of new regulatory framework and timeframes on the implementation of new legislative changes when received.
  - 3.2. Continue to review and amend the permit conditions as necessary to improve safety and efficiency of the e-scooter operations should e-scooter operations continue.
  - 3.3. In preparation, documentation will be prepared to assist Council in its deliberations, should it wish to undertake an Expression of Interest (EOI) process for micromobility operators to align with new legislative changes once made.

### **12.2 Recommendation 2 - Item 7.2 - Integrated Transport Strategy - Draft Strategy for Public Engagement (Stage 2)**

#### THAT COUNCIL

1. Notes the Draft Integrated Transport Strategy Attachment A and supporting Draft Integrated Transport Network Report Attachment B to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 15 April 2025.
2. Endorses the Draft Integrated Transport Strategy as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 15 April 2025 for the purpose of public consultation.
3. Authorises the Chief Executive Officer or delegate to make typographical, syntactical and technical amendments to Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 15 April 2025, for the purposes of finalising the documents for public consultation.
4. Notes that the Stage 2 engagement report and the final draft of the Integrated Transport Strategy will be presented back to Council for adoption in mid-2025.

**12.3 Recommendation 3 - Item 7.3 - Capital Works Monthly Project Update - March 2025**THAT COUNCIL

1. Notes the Capital Works Program Update for March 2025 as contained within this report and Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 15 April 2025.

Discussion ensued

The motion was then put and carried

**13 Recommendations of the City Finance and Governance Committee - 15 April 2025**

Moved by Councillor Siebentritt,  
Seconded by Councillor Snape -

**13.1 Recommendation 1 - Item 7.2 - 2025/2026 Business Plan and Budget - Review of Fees and Charges**THAT COUNCIL:

1. Adopts the schedule of fees and charges set by Council for the 2025/26 Business Plan and Budget as included in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
2. Notes the schedule of fees and charges set by Council under delegation for the 2025/26 Business Plan and Budget as included in Attachment B to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
3. Adopts the schedule of fees and charges set by Council for the Adelaide Economic Development Agency for the 2025/26 Business Plan and Budget as included in Attachment C to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
4. Notes the schedule of General fees and charges set by Statute included in Attachment D to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025. These fees will be updated in June/July 2025 once gazetted by State Government.
5. Notes the schedule of Commercial Business fees and charges set by Council under delegation for the 2025/26 Business Plan and Budget as included in Attachment E to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
6. Notes the base level increase of 3% being applied to most fees and charges reflecting the most recent 2025/26 CPI forecast from the South Australian Centre for Economic Studies (SACES).

**13.2 Recommendation 2 - Item 7.3 - 2025/26 Business Plan & Budget - Budget Update**THAT COUNCIL:

1. Endorses the final list of Strategic Projects, Capital Projects (including Renewals), Service changes and operational savings/opportunities for inclusion in the Draft 2025/26 Business Plan and Budget for the purpose of public consultation, as outlined in Attachment A, to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
2. Endorses the final operating budgets (inclusive of service changes) for inclusion in the Draft 2025/26 Business Plan and Budget for the purpose of public consultation, as outlined within the 'Our Programs and Projects' in Attachment B, to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.

**13.3 Recommendation 3 - Item 7.4 - Amendment By-law Implementation Report**THAT COUNCIL:

1. Notes the public consultation submissions and recommendations received on the draft Miscellaneous Amendment By-law, City of Adelaide By-law No.10 as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
2. Notes the requirements of the National Competition Policy and the Reports prepared on the National Competition Policy with respect to the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10, as contained in Attachment B to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
3. Makes the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10, as contained in Attachment C to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025, pursuant to Section 246 of the *Local Government Act 1999* and in exercise of the powers and taking into account the requirement contained in the Legislation Interpretation Act 2021, City of Adelaide Act 1998, and *Local Government Act 1999* (SA) and regulations.
4. Authorises the Chief Executive Officer to sign the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 as made by Council.
5. Authorises the Chief Executive Officer to publish notice of the making of the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 in the Advertiser newspaper.
6. Authorises the Chief Executive Officer to arrange for the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 as made by Council to be published in the Government Gazette.
7. Adopts the report to the Legislative Review Committee on the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 as contained in Attachment D to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
8. Authorises the Chief Executive Officer to sign the Legislative Review Committee Report on the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 as contained in Attachment D to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025, on behalf of Council.
9. Authorises the Chief Executive Officer to arrange for the Miscellaneous Amendment By-law 2025, City of Adelaide By-law No.10 and all other necessary documentation to be provided to the Legislative Review Committee.

Discussion ensued

The motion was then put and carried

**13.4 Recommendation 4 - Item 7.5 - Council Members Training and Development Plan**

Moved by Councillor Martin,  
Seconded by Councillor Snape -

THAT COUNCIL

1. Notes the draft 2025/26 Council Member Training Plan as contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025.
2. Requests Administration arrange Social Media training for Council Members with Wallmans Lawyers prior to 30 June 2025, to be funded from the remaining 2024/25 Council Member Training and Development budget.
3. Notes that finalisation of the draft 2025/26 Council Member Training Plan as contained in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 April 2025, is dependent on the adoption of the 2025/26 Business Plan and Budget.

Discussion ensued

The motion was then put and carried

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

Division

For (4):

Councillors Giles, Martin, Siebentritt and Snape

Against (1):

Councillor Davis

The division was declared in favour of the motion

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

### **14.1 Appointment of Deputy Lord Mayor**

The Lord Mayor called for nominations to the position of Deputy Lord Mayor.

Councillor Snape nominated Councillor Martin, who accepted the nomination.

Councillor Davis declared a general conflict of interest in the election of Councillor Martin as Deputy Lord Mayor, pursuant to Section 74 of the *Local Government Act 1999* (SA), and that he would withdraw from the meeting for the vote and left the Council Chamber at 7.36 pm.

With the withdrawal of Councillor Davis, the item was adjourned, due to Councillor Martin, the nominee, having to declare a material conflict of interest in the appointment, which would result in a loss of quorum.

Councillor Davis was advised he could return to the meeting at 7.37 pm.

### **14.2 Appointment of Proxy Council Member to Audit and Risk Committee**

The Lord Mayor called for nominations to the position of proxy member to the Audit and Risk Committee.

Councillor Giles nominated Councillor Martin, who accepted the nomination.

It was then –

Moved by Councillor Giles,  
Seconded by Councillor Snape -

#### THAT COUNCIL

1. Approves Councillor Martin to be appointed as a proxy member to the Audit and Risk Committee for the period of 23 April 2025 until the first meeting attended by newly sworn in Central Ward Councillors.

Carried

### **14.3 Appointment of Council Member to Reconciliation Committee**

The Lord Mayor called for nominations to the position of the City of Adelaide Reconciliation Committee.

Councillor Giles nominated Councillor Snape, who accepted the nomination.

It was then –

Moved by Councillor Giles,  
Seconded by Councillor Siebentritt -

#### THAT COUNCIL:

1. Approves Councillor Snape be appointed to the City of Adelaide Reconciliation Committee from 23 April 2025 until the first meeting attended by newly sworn in Central Ward Councillors.

Carried

**15 Lord Mayor's Reports**

The Lord Mayor addressed the meeting on the following activities:

- Gather Round
- Chihuly exhibition
- New business openings – Reno's Bistro and Emma Sadie Thomson
- Local Government Association Metropolitan Mayor's forum

During the discussion, Councillor Davis re-entered the Council Chamber at 7.41 pm.

It was then –

Moved by Councillor Giles,  
Seconded by Councillor Snape –

That the report be received and noted.

Carried

**16 Councillors' Reports****16.1 Reports from Council Members**

Moved by Councillor Snape,  
Seconded by Councillor Siebentritt -

**THAT COUNCIL**

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 16.1 on the Agenda for the meeting of the Council held on 22 April 2025).
2. Notes the summary of meeting attendance by Council Members (Attachment B to Item 16.1 on the Agenda for the meeting of the Council held on 22 April 2025).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 22 April 2025 will be included in the Minutes of the meeting.

Carried

**17 Motions on Notice****17.1 Councillor Martin - MoN - 2026 UN Conference of the Parties on Climate Change**

Moved by Councillor Martin,  
Seconded by Councillor Siebentritt -

That Council;

Noting Adelaide's improving chances of hosting the COP31 next year and last week's endorsement of our bid by the Prime Minister, asks the Administration;

To prepare a report when data is available that considers;

1. The impact of the estimated 50,000 delegates and visitors on the City of Adelaide resourcing
2. Any recommended new measures to prepare the City for the event
3. The means by which the City could assist the organisers, and
4. Possible impacts to the quarterly budget review and reconsideration process in 25/26 and the 26/27 Annual Budget and Business Plan.

Discussion ensued

The motion was then put and carried

**18 Motions without Notice****18.1 Councillor Davis - MwN - Tree Martin Management and Support Measures**

The Lord Mayor sought leave of the meeting to suspend meeting procedures for a period of 10 minutes, to allow for informal discussion at 7.50 pm

Leave was granted

Discussion ensued, during which leave of the meeting was requested for extra periods of informal discussion at 8.00 pm for 5 minutes, at 8.05 pm for 5 minutes and at 8.10 pm for 20 minutes.

Formal meeting procedures resumed at 8.19 pm.

It was then –

Moved by Councillor Davis,  
Seconded by Councillor Snape -

That Council notes the following actions undertaken by the administration in collaboration with Green Adelaide include:

- Removing netting on four trees on Leigh Street
- Adjusting lighting including around adjacent infrastructure in Rundle Mall
- Supporting Rundle Mall traders and retailers in relation to additional window treatments
- Engaging a wildlife specialist to help inform decision making around this complex and dynamic situation.

And requests administration provide advice in relation to:

1. Installation of temporary educational signage in key locations including Leigh Street and Rundle Mall to:
  - Inform the public about the presence of Tree Martins,
  - Provide guidance on what to do if a dead or injured bird is found, and
  - Raise awareness of the importance of the species and the City's role in wildlife protection;
2. Contact with relevant volunteer groups to determine any out-of-pocket expenses incurred by their members, including but not limited to parking, food for the birds, and incidental costs, and prepare a report for Council's consideration regarding reimbursement of these expenses;
3. Preparation of a report on the feasibility of introducing a dedicated parking permit category or exemption for animal rescue vehicles operating within the City of Adelaide, to ensure timely response during wildlife rescues;
4. Preparation of a public report detailing all advice, consultation, and rationale that informed the decision to install netting on Leigh Street, ensuring transparency and accountability in Council's decision-making processes;
5. Continued liaison with the Department for Environment and Water (DEW) to coordinate efforts regarding native wildlife protection, and ensure Council's approach is consistent with state-level biodiversity and conservation strategies;
6. Inclusion of Tree Martins in the City's Biodiversity and Urban Ecology Strategy, to ensure this species is considered in future planning decisions, including lighting, tree management, and urban development;
7. Ongoing progress of a temporary Tree Martin Response Working Group, comprising relevant staff, community members, wildlife experts, and business representatives to guide Council's immediate and long-term response to the presence of Tree Martins in the city.

Discussion ensued

The motion was then put and carried unanimously

**19 Questions on Notice****19.1 Councillor Couros - QoN - Request for Information on FBT and Advisor Costs****19.2 Councillor Davis - QoN - Council Engagement in Commercial Markets: Risk, Oversight, and Impact on Private Enterprise**

The Questions and Replies having been distributed and published prior to the meeting were taken as read.

The replies for Items 19.1 – 19.2, are attached for reference at the end of the Minutes of the meeting.

**20 Questions without Notice**

Nil

**21 Exclusion of the Public**

Moved by Councillor Giles,  
Seconded by Councillor Martin -

ORDER TO EXCLUDE FOR ITEM 22

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 April 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Audit and Risk Committee Report – 11 April 2025] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is confidential in nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 April 2025 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 22 [Confidential Audit and Risk Committee Report – 11 April 2025] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (i) of the Act.

Carried

Moved by Councillor Martin,  
Seconded by Councillor Davis -

ORDER TO EXCLUDE FOR ITEM 23

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 22 April 2025 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23 [Recommendation of the Infrastructure and Public Works Committee – 15 April 2025] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage

on a person with whom the Council is conducting business, prejudice the commercial position of the council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the Council including its future commercial dealings given that it contains financial information and future direction with regard to Council assets and strategic land holdings.

#### Public Interest

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 prior to a determination of the Council as it may prejudice Council's further commercial dealing regarding these assets. On this basis, the disclosure of such information may severely prejudice Council's ability to influence the proposal for the benefit of the Council and the community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 22 April 2025 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 23 [Recommendation of the Infrastructure and Public Works Committee – 15 April 2025] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

Carried

Members of the public and corporation staff not involved with Items 22 and 23 left the Council Chamber at 8.37 pm.

- 22 Confidential Audit and Risk Committee Report – 11 April 2025 [S90(3) (i)]**
- 23 Confidential Recommendation of the Infrastructure and Public Works Committee - 15 April 2025 [S90(3) (b), (d)]**
- 23.1 Recommendation 1 - Item 10.1 - Assignment of Lease and Sublease [S90(3) (b), (d)]**

The meeting reopened to the public at 8.38 pm.

**Item 22 – Confidential Audit and Risk Committee Report - 11 April 2025 [s 90(3) [(i)]]**

Resolution and Confidentiality Order

THAT COUNCIL

1. Notes the report
2. Authorises that, in accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 22 [Confidential Audit and Risk Report – 11 April 2025] listed on the Agenda for the meeting of the Council held on 22 April 2025 was received, discussed and considered in confidence pursuant to Section 90(3) (i) of the *Local Government Act 1999* (SA), this meeting of the Council do order that
  - 2.1. The resolution become public information and included in the Minutes of the meeting.
  - 2.2. 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 2031.
  - 2.3. The confidentiality of the matter be reviewed in December 2025.
  - 2.4. 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.

**Item 23 – Confidential Recommendation of the Infrastructure and Public Works Committee - 15 April 2025 [s 90(3) [(b), (d)]]**

Confidentiality Order

Authorises that in accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 23 [Confidential Recommendation of the Infrastructure and Public Works Committee – 15 April 2025] listed on the Agenda for the meeting of the Council held on 22 April 2025 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999* (SA), this meeting of the Council do order that:

1. The resolution, report and the discussion and any other associated information submitted to this meeting and the Minutes of the meeting in relation to this matter remain confidential and not available for public inspection until 31 December 2030.
2. The confidentiality of the matter be reviewed in December 2025.
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 8.38 pm

Dr Jane Lomax-Smith  
Lord Mayor

Date of confirmation:

Documents Attached:

Items 19.1 and 19.2 – Question on Notice Replies – Distributed Separately

## Councillor Couros - QoN - Request for Information on FBT and Advisor Costs

Tuesday, 22 April 2025  
**Council**

**Council Member**  
Councillor Mary Couros

Public

**Contact Officer:**  
Anthony Spartalis, Chief Operating Officer

## QUESTION ON NOTICE

**Councillor Mary Couros will ask the following Question on Notice:**

'Can administration advise:-

1. What has been the total FBT incurred for each individual executive, and CEO for the past three financial years?
  2. Can the administration provide a breakdown of the specific benefits for which the FBT was incurred?
  3. How many executives, including the CEO, have advisors?
  4. What is the aggregate total expenditure on advisors for the past two financial years?'
- 

## REPLY

1. The Fringe Benefit Tax year runs from 1 April to 31 March. The following table represents the FBT incurred by Executive for the 2021/22 to 2023/24 years.

<b>Position</b>	<b>FBT Category</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24</b>
Clare Mockler Chief Executive Officer	Parking	\$0	\$2,420	\$2,527
	Gifts and Benefits	\$868	\$653	\$391
	Total	\$868	\$3,073	\$2,918
Ian Hill MD AEDA	Parking	\$951	\$1,942	\$0
	Gifts and Benefits	\$0	\$0	\$0
	Total	\$951	\$1,942	\$0
Tom McCready Director City Services	Parking	\$0	\$2,420	\$2,527
	Gifts and Benefits	\$354	\$117	\$0
	Total	\$354	\$2,537	\$2,527
Illa Houridis Director City Shaping	Parking	\$0	\$2,420	\$2,527
	Gifts and Benefits	\$334	\$3,195	\$8,819
	Total	\$334	\$5,615	\$11,346
Amanda McIlroy Chief Operating Officer	Parking	\$440	\$2,188	\$0
	Gifts and Benefits	\$443	\$335	\$0
	Total	\$883	\$2,523	\$0
Michael Sedgman Chief Operating Officer / Chief Executive Officer	Parking	\$0	\$0	\$2,228
	Gifts and Benefits	\$0	\$0	\$5,719
	Total	\$0	\$0	\$7,947
Anthony Spertalis Chief Operating Officer	Parking	\$0	\$0	\$0
	Gifts and Benefits	\$0	\$0	\$1,653
	Total	\$0	\$0	\$1,653
		<b>\$3,390</b>	<b>\$15,690</b>	<b>\$26,391</b>

2. The total salary expenditure on Executive Advisors in the 2022/23 and 2023/24 financial years is shown in the table below:

<b>Position</b>	<b>22/23</b>	<b>23/24</b>
EA AEDA	\$145,704	\$111,800
EA City Services	\$151,840	\$151,734
EA City Shaping	\$146,542	\$150,286
EA Corporate Services	\$129,309	\$148,368
	<b>\$573,395</b>	<b>\$562,188</b>

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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## Councillor Davis - QoN - Council Engagement in Commercial Markets: Risk, Oversight, and Impact on Private Enterprise

Tuesday, 22 April 2025  
**Council**

**Council Member**  
Councillor Henry Davis

Public

**Contact Officer:**  
Anthony Spartalis, Chief Operating Officer

## QUESTION ON NOTICE

**Councillor Henry Davis will ask the following Question on Notice:**

- ‘1. What is the Council’s policy regarding competition with private sector providers in the delivery of services, including through subsidiaries or associated entities?
  2. If no formal policy exists, what is the administration’s (including the Council, subsidiaries or associated entities) methodology or guiding principles when engaging in activities that may compete with private market operators?
  3. Does the Council, or any of its subsidiaries or associates, engage in pricing strategies that may be considered predatory, with the intent or effect of undercutting private competitors?
  4. Under what circumstances can the Chief Executive Officer or administration waive or reduce council rates, and does this require a formal resolution of Council?
  5. Have any rate concessions, fee waivers, or financial incentives been provided to secure commercial contracts that would otherwise be fulfilled by private market participants? If so, were these decisions approved by Council resolution, and were any impact assessments on market competition undertaken?
  6. What authorisations (e.g., Council resolutions, delegated authorities) exist that permit the administration, or its subsidiaries/associates, to engage in commercial activity in direct competition with private businesses?
  7. What is the Council’s policy on price gouging or unfair pricing practices, and does this apply to its subsidiaries and associates?
  8. Has the Council undertaken any analysis or received legal advice regarding the potential for its subsidiaries or associates to breach competition law through their pricing or contracting practices?
  9. What processes are in place to ensure transparency when Council, subsidiaries or its associates enter into commercial arrangements with private parties?
  10. How does the Council assess the public benefit versus private market impact when engaging in commercial ventures either in its own right or through its subsidiaries and associates?
  11. Are commercial decisions by Council-associated entities subject to public reporting or audit by an external body?’
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## REPLY

1. Council is bound by the principles of competitive neutrality through the *Local Government Act 1999* (SA) Schedule 2, Part 1, clause 15. In addition to the principles of competitive neutrality and National Competition Policy, Council has additional policies and controls in place including prudential reviews and reports, and the Land Acquisition and Disposal Policy, with strategic direction informed by the Property Strategy.
2. Competitive neutrality principles are defined in *Government Business Enterprises (Competition) Act 1996*, Part 4, section 16 - *"If a subsidiary is declared by its charter to be involved in a significant business activity, the charter must also specify the extent to which the principles of competitive neutrality are to be applied to the activities of the subsidiary and, to the extent that may be relevant, the reasons for any non-application of these principles."*
3. This is summarised and noted on page 23 of the City of Adelaide Annual Report 2023/24 - *"Principles of competitive neutrality are designed to neutralise any net competitive advantage that a government or local government agency engaged in significant business activities would otherwise have, by virtue of its control by the government or local government, over private business operating in the same market. The City of Adelaide has a complaints mechanism in place should parties or individuals wish to complain. In 2023–2024, no complaints were received with regard to competitive neutrality."*
4. Land acquisitions are an express decision of Council.
5. What is the Council's policy regarding competition with private sector providers in the delivery of services, including through subsidiaries or associated entities?
  - 5.1. See comment above.
6. If no formal policy exists, what is the administration's (including the Council, subsidiaries or associated entities) methodology or guiding principles when engaging in activities that may compete with private market operators?
  - 6.1. See comment above.
7. Does the Council, or any of its subsidiaries or associates, engage in pricing strategies that may be considered predatory, with the intent or effect of undercutting private competitors?
  - 7.1. No
8. Under what circumstances can the Chief Executive Officer or administration waive or reduce council rates, and does this require a formal resolution of Council?
  - 8.1. Rates cannot be waived by an Officer. This requires formal resolution of Council.
  - 8.2. Criteria for reduction in rates via Mandatory and Discretionary Rebates is defined by Sections 159-166 of the *Local Government Act 1999* (SA). The Chief Executive Officer can apply these rebates under delegation.
  - 8.3. The Chief Executive under delegation can remit rates in the case of hardship (Section 182(4) *Local Government Act 1999* (SA)).
9. Have any rate concessions, fee waivers, or financial incentives been provided to secure commercial contracts that would otherwise be fulfilled by private market participants? If so, were these decisions approved by Council resolution, and were any impact assessments on market competition undertaken?
  - 9.1. No.
  - 9.2. All land disposal and acquisitions follow the Land Acquisition and Disposal Policy, with strategic direction informed by the Property Strategy. These items are presented to Council for consideration and approval and are an express decision of Council.
  - 9.3. Lease Management, pricing is informed by leasing agent appraisal and executed under delegation, in accordance with delegations' policy, new leases that require the Common Seal are presented to Council for consideration and approval.
  - 9.4. Parking Fees - Off-Street, pricing is informed via market research and formally adopted by Council as part of its fees and charges.
10. What authorisations (e.g. Council resolutions, delegated authorities) exist that permit the administration, or its subsidiaries/associates, to engage in commercial activity in direct competition with private businesses?
  - 10.1. Commercial Activity undertaken by Council is subject to Council approval. Flinders Street is a recent example.

11. What is the Council's policy on price gouging or unfair pricing practices, and does this apply to its subsidiaries and associates?
  - 11.1. As outlined above, policies and principles of competitive neutrality (as defined in legislation) guide Council and subsidiary commercial activity, including pricing practices.
  - 11.2. Council does not engage in price gouging or unfair pricing practices. Pricing is developed with reference to the relevant market and all fees and charges are approved by Council annually.
12. Has the Council undertaken any analysis or received legal advice regarding the potential for its subsidiaries or associates to breach competition law through their pricing or contracting practices?
  - 12.1. No analysis has been undertaken recently nor legal advice sought specific to breach of competition law. Neither has there been any trigger to do so (eg complaint from a business or individual).
13. What processes are in place to ensure transparency when Council, subsidiaries or its associates enter into commercial arrangements with private parties?
  - 13.1. From a property perspective, administration follows the Land Acquisition and Disposal Policy, with strategic direction informed by the Property Strategy. Both documents are approved by Council. Land transactions are an express decision of Council.
14. How does the Council assess the public benefit versus private market impact when engaging in commercial ventures either in its own right or through its subsidiaries and associates?
  - 14.1. Transactions are governed by Policies and Guidelines in place and undertaken in accordance Council reports and resolutions. In relation to Capital acquisitions or disposal or a business that require significant capital funding a Prudential Issues Report is prepared which considers benefits, risk, and governance.
15. Are commercial decisions by Council-associated entities subject to public reporting or audit by an external body?
  - 15.1. Yes. All Council finances including those of its subsidiaries are audited annually

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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- END OF REPORT -