



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 24 October 2023

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

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Members: The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)
 Deputy Lord Mayor, Councillor Martin
 Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Li, Noon, Dr Siebentritt and
 Snape

Agenda

Item	Pages
1. Acknowledgement of Country The Lord Mayor will state: ‘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 recognize 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 will state: ‘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 will state: ‘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 will state: ‘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 will ask all present to 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 Nil	
7. Confirmation of Minutes - 10/10/2023 That the Minutes of the meeting of the Council held on 10 October 2023, be taken as read and be confirmed as an accurate record of proceedings. View public 10 October 2023 Minutes here .	

8.	Declaration of Conflict of Interest	
9.	Deputations	
	Granted at time of Agenda Publication – 20/10/2023	
	Nil	
10.	Petitions	
	Nil	
	Recommendation/Advice from Committee/s and Kadaltilla / Adelaide Park Lands Authority	
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	In accordance with sections 90(2),(3) and (7) of the <i>Local Government Act 1999 (SA)</i> Council will consider whether to discuss in confidence the reports contained within section 22 of this Agenda.	
	Confidential Recommendation/Advice from Committee/s and Kadaltilla / Adelaide Park Lands Authority	
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Audit and Risk Committee Report - 6 October 2023

Tuesday, 24 October 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman – Chief
Operating Officer

EXECUTIVE SUMMARY

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate informed decision making in relation to discharging its legislative responsibilities and duties.

The Audit and Risk Committee is required to report to Council after every meeting. This report presents the outcomes of the Audit and Risk Committee following their meeting on 6 October 2023 (view the public component of the meeting documents at [Agenda for Audit and Risk Committee on Friday, 6th October, 2023, 8.30 am - City of Adelaide](#)).

The Audit and Risk Committee resolved to present a recommendation on the following matter to Council for Council determination:

Item 7.3 - Audited Financial Statements & Report on Financial Results

RECOMMENDATION

THAT COUNCIL

1. **Recommendation 1 – Item 7.3 - Audited Financial Statements & Report on Financial Results**

THAT COUNCIL

1. Considers that the Consolidated Financial Statements present fairly the financial position of the City of Adelaide, having reviewed the Consolidated Financial Statements for 2022/23, contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
2. Receives the City of Adelaide's Consolidated Financial Statements for 2022/23, contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, subject to minor administrative changes and subsequent balance date event adjustments, to be certified by the Chief Executive Officer and the Lord Mayor.
3. Considers it is appropriate that the representation letter requested by the external auditor, contained in Attachment B to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
4. Notes the Certification of Auditor Independence contained in Attachment C to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
5. Authorises the Chief Executive Officer and the Lord Mayor to certify the Annual Financial Statements in their final form.
6. Notes the Adelaide Economic Development Agency Financial Statements for 2022/23, contained in Attachment D to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, have been reviewed by the Adelaide Economic Development Agency Board at its

meeting on 26 September 2023. These financial results are included in the Consolidated Financial Statements of the City of Adelaide, and

- 6.1. Considers the Financial Statements for 2022/23 present fairly the financial position of the Adelaide Economic Development Agency.
- 6.2. Notes the Certification of Auditor Independence in relation to Adelaide Economic Development Agency, contained in Attachment E to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 is signed by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
- 6.3. Notes the representation letter requested by the external auditor of the Adelaide Economic Development Agency, contained in Attachment F to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
7. Notes the Adelaide Park Lands Authority Financial Statements for 2022/23, contained in Attachment G to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, are included in the Consolidated Financial Statements of the City of Adelaide, and
 - 7.1. Considers the Financial Statements for 2022/23 present fairly the financial position of the Adelaide Park Lands Authority and can be certified by the Lord Mayor as Chair of Adelaide Park Lands Authority.
 - 7.2. Considers it is appropriate that the representation letter requested by the external auditor of the Adelaide Park Lands Authority, contained in Attachment H to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
 - 7.3. Notes the Certification of Auditor Independence in relation to the Adelaide Park Lands Authority, contained in Attachment I to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, and considers it is appropriate to be signed by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
8. Notes the Brown Hill and Keswick Creeks Storm Water Board's Financial Statements for 2022/23 as contained in Attachment J to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023. Council's equity interest of 8% is included in the Consolidated Financial Statements of the City of Adelaide.
9. Recommends the 2022/23 Consolidated Financial Statements of the City of Adelaide, and the Financial Statements of the Adelaide Park Lands Authority, Adelaide Central Market Authority and Brown Hill and Keswick Creeks Stormwater Board be presented to Council for noting on 24 October 2023 and included in the adopted Annual Report.
10. Notes the 2022/23 Report on the financial results for the City of Adelaide and its subsidiaries, contained in Attachments K, L, M and N to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.

DISCUSSION

1. The Audit and Risk Committee met on 6 October 2023 and considered the following items:
 - 1.1. Item 6.1 – Confidential Meeting with Internal Auditors, considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 199 (SA)*
 - 1.2. Item 7.1 – City of Adelaide Annual Report 2022/23
 - 1.3. Item 7.2 – Audit and Risk Committee Self-Assessment Results
 - 1.4. Item 7.3 – Audited Financial Statements & Report on Financial Results
 - 1.5. Item 7.4 – Matters arising from External Audit Finance Audit
 - 1.6. Item 12.1 – Confidential Meeting with External Auditors, considered in confidence pursuant to Section 90(3) (b) of the *Local Government Act 199 (SA)*

Resolution of the Committee

2. Item 6.1 – Confidential Meeting with Internal Auditors

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the verbal report, in confidence from Council's Internal Auditors, KPMG.
2. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 6.1 [Confidential Meeting with Internal Auditors] listed on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 was received, discussed and considered in confidence pursuant to Section 90 (3) (b) of the *Local Government Act 1999 (SA)*, this meeting of the Audit and Risk Committee, do order that:
 - 2.1. The resolution and report become public information and included in the Minutes of the meeting.
 - 2.2. The discussion and the Minutes of the meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
 - 2.3. The confidentiality of the matter be reviewed in December 2024.
 - 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 received.
3. Item 7.1 – City of Adelaide Annual Report 2022/23

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the draft City of Adelaide Annual Report 2022/23 as provided in Attachment A to Item 7.1 on the Agenda for the meeting of Audit and Risk Committee held on 6 October 2023.
2. Notes the Adelaide Central Market Authority Annual Report 2022/23 as provided in Attachment B to Item 7.1 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
3. Notes the draft Adelaide Economic Development Agency Annual Report 2022/23 as provided in Attachment C to Item 7.1 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
4. Notes the draft Kadaltilla / Adelaide Park Lands Authority Annual Report 2022/23 as provided in Attachment D to Item 7.1 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
5. Notes the draft Brown Hill and Keswick Creeks Stormwater Board Annual Report 2022/23 as provided in Attachment E to Item 7.1 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
6. Notes that the Chief Executive Officer will make any editorial amendments resulting as a recommendation of Council and any formatting changes to the 2022/23 Annual Report.
4. Item 7.2 – Audit and Risk Committee Self-Assessment Results

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the results of the Audit and Risk Committee Self-Assessment outlined in Attachment A to Item 7.2 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.

5. Item 7.3 – Audited Financial Statements & Report on Financial Results

THAT THE AUDIT AND RISK COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Considers that the Consolidated Financial Statements present fairly the financial position of the City of Adelaide, having reviewed the Consolidated Financial Statements for 2022/23, contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.
2. Receives the City of Adelaide's Consolidated Financial Statements for 2022/23, contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, subject to minor administrative changes and subsequent balance date event adjustments, to be certified by the Chief Executive Officer and the Lord Mayor.
3. Considers it is appropriate that the representation letter requested by the external auditor, contained in Attachment B to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
4. Notes the Certification of Auditor Independence contained in Attachment C to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
5. Authorises the Chief Executive Officer and the Lord Mayor to certify the Annual Financial Statements in their final form.
6. Notes the Adelaide Economic Development Agency Financial Statements for 2022/23, contained in Attachment D to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, have been reviewed by the Adelaide Economic Development Agency Board at its meeting on 26 September 2023. These financial results are included in the Consolidated Financial Statements of the City of Adelaide, and
 - 6.1. Considers the Financial Statements for 2022/23 present fairly the financial position of the Adelaide Economic Development Agency.
 - 6.2. Notes the Certification of Auditor Independence in relation to Adelaide Economic Development Agency, contained in Attachment E to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 is signed by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
 - 6.3. Notes the representation letter requested by the external auditor of the Adelaide Economic Development Agency, contained in Attachment F to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
7. Notes the Adelaide Park Lands Authority Financial Statements for 2022/23, contained in Attachment G to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, are included in the Consolidated Financial Statements of the City of Adelaide, and
 - 7.1. Considers the Financial Statements for 2022/23 present fairly the financial position of the Adelaide Park Lands Authority and can be certified by the Lord Mayor as Chair of Adelaide Park Lands Authority.
 - 7.2. Considers it is appropriate that the representation letter requested by the external auditor of the Adelaide Park Lands Authority, contained in Attachment H to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, is signed by management.
 - 7.3. Notes the Certification of Auditor Independence in relation to the Adelaide Park Lands Authority, contained in Attachment I to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023, and considers it is appropriate to be signed by the Chief Executive Officer and the Presiding Member of the Audit and Risk Committee.
8. Notes the Brown Hill and Keswick Creeks Storm Water Board's Financial Statements for 2022/23 as contained in Attachment J to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023. Council's equity interest of 8% is included in the Consolidated Financial Statements of the City of Adelaide.
9. Recommends the 2022/23 Consolidated Financial Statements of the City of Adelaide, and the Financial Statements of the Adelaide Park Lands Authority, Adelaide Central Market Authority and Brown Hill and Keswick Creeks Stormwater Board be presented to Council for noting on 24 October 2023 and included in the adopted Annual Report.

10. Notes the 2022/23 Report on the financial results for the City of Adelaide and its subsidiaries, contained in Attachments K, L, M and N to Item 7.3 on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023.

6. Item 7.4 – Matters arising from External Audit Finance Audit

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the 'City of Adelaide Annual Completion Report for the year ended 30 June 2023' from Council's external auditors, BDO, contained in Attachment A to Item 7.4 on the Agenda for the meeting of the Audit and Risk Committee held 6 October 2023.

7. Item 12.1 – Confidential Meeting with External Auditors

THAT THE AUDIT AND RISK COMMITTEE

1. Receives a verbal report from Council's external auditors, BDO at the Audit and Risk Committee Meeting on 6 October 2023.

2. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* (the Act) and because Item 6.1 [Confidential Meeting with External Auditors] listed on the Agenda for the meeting of the Audit and Risk Committee held on 6 October 2023 was received, discussed and considered in confidence pursuant to Section 90(3)(b) of the Act, this meeting of the Audit and Risk Committee do order that:

- 2.1. The resolution and report become public information and included in the Minutes of the meeting.
- 2.2. 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 2029.
- 2.3. The confidentiality of the matter be reviewed in December 2024.
- 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.

DATA AND SUPPORTING INFORMATION

Link 1 – Public component of the Audit and Risk Committee Agenda – 6 October 2023

ATTACHMENTS

Nil

- END OF REPORT -

Recommendations of the City Finance and Governance Committee – 17 October 2023

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Michael Sedgman, Chief
Operating Officer

EXECUTIVE SUMMARY

The City Finance and Governance Committee considered the following Items at its meeting held on 19 September 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 7.1 – Implementation Plan for AEDA Reviews
- Item 7.2 - Future Fund and Investment Policy and related policies
- Item 7.3 - Delegation to Award Contract
- Item 7.4 - Park Lands Event Site Fees
- Item 7.5 - Kadaltilla Strategic Plan Annual Review of Progress
- Item 7.6 - Council Member Complaints Policy
- Item 7.7 – Council Member Behavioural Support Policy and Council Member Staff Interaction Policy
- Item 7.8 – Committee Review
- Item 7.9 – Draft Strategic Plan 2024-2028 for Consultation
- Item 7.10 - City of Adelaide Annual Report 2022/23

RECOMMENDATION

1. **Recommendation 1** – Item 7.1 - Implementation Plan for AEDA Reviews

THAT COUNCIL:

1. Endorses attachment A, AEDA Review Implementation Plan, as outlined in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Notes the AEDA Review Action Implementation Schedule as provided in Attachment B to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Notes the BDO workshop output document, Attachment C to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
4. Notes the intent to provide implementation update reports to the City Finance and Governance Committee in March 2024 and July 2024.
5. Notes that AEDA be invited to brief the City Finance and Governance Committee on the strategic matters identified in Attachments A & B to Item 7.1 on the agenda for the meeting of the City Finance Governance Committee held on 17 October 2023 and invites Administration to also submit to Committee those items in the AEDA Charter which would benefit from updating or amendment.

2. **Recommendation 2** – Item 7.2 - Future Fund and Investment Policy and related policies
- THAT COUNCIL:
1. Notes the Future Fund and Investment Policy, Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 2. Notes the Treasury Policy, Attachment B to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 3. Notes the Acquisition & Disposal of Land & Assets Policy, Attachment C to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. **Recommendation 3** – Item 7.3 – Delegation to Award Contract
- THAT COUNCIL:
1. Approves the Award of Contract to the preferred tenderer as identified by the Evaluation Panel for the following services:
 - 1.1 Adelaide Town Hall Audio Visual Services
 2. Authorises the Chief Executive Officer or delegate to execute the relevant contract including the approval of any variation (financial and non-financial) to the contract based on the procurement process conducted.
4. **Recommendation 4** – Item 7.4 – Park Lands Event Site Fees
- THAT COUNCIL:
1. Approves a discounted fee model for events occupying a Park Lands location for greater than 28 consecutive days.
5. **Recommendation 5** – Item 7.5 – Kadaltilla Strategic Plan Annual Review of Progress
- THAT COUNCIL:
1. Notes the progress updates provided for financial year 2022/2023 of the Kadaltilla 2020-2025 Strategic Plan as Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
6. **Recommendation 6** – Item 7.6 – Council Member Complaints Policy
- THAT COUNCIL:
1. Notes the review of the mandatory Behavioural Management Policy and requests Administration to provide further advice at an upcoming meeting of the City Finance and Governance Committee meeting.
7. **Recommendation 7** – Item 7.7 – Council Member Behavioural Support Policy and Council Member Staff Interaction Policy
- THAT COUNCIL:
1. Endorses the Council Member Behavioural Support Policy as contained in Attachment A to Item 7.7 on the agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 2. Notes the Council Member Staff Interaction Policy prepared by the Chief Executive Officer as contained in Attachment B to Item 7.7 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
 3. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Council Member Behavioural Support Policy and Council Member Staff Interaction Policy.
8. **Recommendation 8** – Item 7.8 – Committee Review
- THAT COUNCIL:
1. Notes that a review of the current Committee Structure will take place after the finalisation of the Strategic Plan 2024-2028, noting that no changes to the current Committee Structure can take place before 31 January 2024.
 2. Notes the proposed changes to the Committee Recommendation Reports from the core committees as outlined in paragraph 7 of the Discussion section of Agenda Item 7.8 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.

9. **Recommendation 9** – Item 7.9 – Draft Strategic Plan 2024-2028 for Consultation

THAT COUNCIL:

1. Endorses the draft Strategic Plan 2024-2028, Attachment A to Item 7.9 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023, for public consultation, commencing 9.00am Friday 27 October to 9.00am Monday 20 November 2023.
2. Notes that the public consultation for the draft Strategic Plan 2024-2028 meets the minimum 21 day public consultation requirements of Section 50 of the Local Government Act 1999.

10. **Recommendation 10** – Item 7.10 – City of Adelaide Annual Report 2022/23

THAT COUNCIL:

1. Adopts the draft City of Adelaide Annual Report 2022/23 as provided in Attachment A to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Adopts the Adelaide Central Market Authority Annual Report 2022/23 as provided in Attachment B to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Adopts the draft Adelaide Economic Development Agency Annual Report 2022/23 as provided in Attachment C to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
4. Adopts the draft Kadaltilla / Adelaide Park Lands Authority Annual Report 2022/23 as provided in Attachment D to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
5. Adopts the draft Brown Hill and Keswick Creeks Stormwater Board Annual Report 2022/23 as provided in Attachment E to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
6. Notes that the Chief Executive Officer will make any editorial amendments resulting from a recommendation of Council and any formatting changes to the 2022/23 Annual Report.

DISCUSSION

1. The City Finance and Governance Committee met at a meeting of the Committee on Tuesday 17 October 2023. The Agenda with public reports for the meeting can be viewed [here](#).
2. The following matters were the subject of deliberation. Where recommendations differ to what was originally published in the Committee agenda, the original recommendation along with what was resolved by the Committee is included below:

2.1. Item 7.1 – Implementation Plan for AEDA Reviews

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Endorses attachment A, AEDA Review Implementation Plan, as outlined in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Notes the AEDA Review Action Implementation Schedule as provided in Attachment B to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Notes the BDO workshop output document, Attachment C to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
4. Notes the intent to provide implementation update reports to the City Finance and Governance Committee in March 2024 and July 2024.
5. Notes that AEDA be invited to brief the City Finance and Governance Committee on the strategic matters identified in Attachments A & B to Item 7.1 on the agenda for the meeting of the City Finance Governance Committee held on 17 October 2023 and invites Administration to also submit to Committee those items in the AEDA Charter which would benefit from updating or amendment.

Part 5 of the recommendation above was an additional Part added by the Committee.

2.2. Item 7.2 – Future Fund and Investment Policy and related policies

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Notes the Future Fund and Investment Policy, Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Notes the Treasury Policy, Attachment B to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Notes the Acquisition & Disposal of Land & Assets Policy, Attachment C to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.

2.3. Item 7.3 – Delegation to Award Contract

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Approves the Award of Contract to the preferred tenderer as identified by the Evaluation Panel for the following services:
 - 1.1 Adelaide Town Hall Audio Visual Services
2. Authorises the Chief Executive Officer or delegate to execute the relevant contract including the approval of any variation (financial and non-financial) to the contract based on the procurement process conducted.

2.4. Item 7.4 – Park Lands Event Site Fees

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Approves a discounted fee model for events occupying a Park Lands location for greater than 28 consecutive days.

2.5. Item 7.5 – Kadaltilla Strategic Plan Annual Review of Progress

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Notes the progress updates provided for financial year 2022/2023 of the Kadaltilla 2020-2025 Strategic Plan as Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.

2.6. Item 7.6 – Council Member Complaints Policy

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Notes the review of the mandatory Behavioural Management Policy and requests Administration to provide further advice at an upcoming meeting of the City Finance and Governance Committee meeting.

The recommendation above was an alternative motion to the recommendation published in the agenda, which was as follows:

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Approves the Council Member Complaints Policy in Attachment A to Item 7.6 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Approves the removal of Chapter Three from the City of Adelaide Standing Orders.
3. Appoints the Chief Executive Officer as the Behavioural Standards Panel Contact Officer.
4. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Council Member Complaints Policy.

2.7. Item 7.7 – Council Member Behavioural Support Policy and Council Member Staff Interaction Policy

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Endorses the Council Member Behavioural Support Policy as contained in Attachment A to Item 7.7 on the agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Notes the Council Member Staff Interaction Policy prepared by the Chief Executive Officer as contained in Attachment B to Item 7.7 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Council Member Behavioural Support Policy and Council Member Staff Interaction Policy.

2.8. Item 7.8 – Committee Review

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Notes that a review of the current Committee Structure will take place after the finalisation of the Strategic Plan 2024-2028, noting that no changes to the current Committee Structure can take place before 31 January 2024.
2. Notes the proposed changes to the Committee Recommendation Reports from the core committees as outlined in paragraph 7 of the Discussion section of Agenda Item 7.8 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.

2.9. Item 7.9 – Draft Strategic Plan 2024-2028 for Consultation

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Endorses the draft Strategic Plan 2024-2028, Attachment A to Item 7.9 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023, for public consultation, commencing 9.00am Friday 27 October to 9.00am Monday 20 November 2023.
2. Notes that the public consultation for the draft Strategic Plan 2024-2028 meets the minimum 21 day public consultation requirements of Section 50 of the Local Government Act 1999.

2.10. Item 7.10 – City of Adelaide Annual Report 2022/23

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL:

1. Adopts the draft City of Adelaide Annual Report 2022/23 as provided in Attachment A to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
2. Adopts the Adelaide Central Market Authority Annual Report 2022/23 as provided in Attachment B to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
3. Adopts the draft Adelaide Economic Development Agency Annual Report 2022/23 as provided in Attachment C to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
4. Adopts the draft Kadaltilla / Adelaide Park Lands Authority Annual Report 2022/23 as provided in Attachment D to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
5. Adopts the draft Brown Hill and Keswick Creeks Stormwater Board Annual Report 2022/23 as provided in Attachment E to Item 7.10 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 October 2023.
6. Notes that the Chief Executive Officer will make any editorial amendments resulting from a recommendation of Council and any formatting changes to the 2022/23 Annual Report.

DATA AND SUPPORTING INFORMATION

Link 1 – City Finance and Governance Committee Agenda

ATTACHMENTS

Nil

- END OF REPORT -

Recommendations of the Infrastructure and Public Works Committee – 17 October 2023

Tuesday, 24 October 2023
Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Alana Martin, Governance

EXECUTIVE SUMMARY

The Infrastructure and Public Works Committee considered the following Items at its meeting held on 17 October 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 7.1 – Recommended Levels of Service for Public Lighting & Electrical Asset Management Plan
- Item 7.2 - O-Bahn City Access Project - Land Tenure arrangements
- Item 7.3 - Electric Vehicle (EV) Transition Roadmap
- Item 8.1 - Capital Project Update – September 2023

RECOMMENDATION

1. **Recommendation 1** – Item 7.2 - O-Bahn City Access Project - Land Tenure arrangements

THAT COUNCIL

1. Notes that the O-Bahn City Access Project was completed in 2018 and that it is now necessary to change the land tenure in the vicinity of the new O-Bahn track so that it is consistent with the terms (and intent) of the Project Deed that was entered into between the City of Adelaide and the Minister for Transport and Infrastructure in 2016.
2. Notes that the Surveyor-General has written to Council (Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023), requesting that it approve and execute the documents shown as Appendices A-D in the letter to give effect to the required changes in land tenure, the documents being:
 - 2.1 Instrument for the Minister for Planning to vary GRO Plan 01/2014 pursuant to the Adelaide Park Lands Act (SA) 2005 – which is shown as Appendix A to the letter.
 - 2.2 Instrument to change the status of land and vest easement rights – which is shown as Appendix B to the letter.
 - 2.3 Application on behalf of the Minister for Climate, Environment and Water for deposit of a plan of division and issue of new certificates of title (Form RTD) – which is shown as Appendix C to the letter.
 - 2.4 Application for the variation of easement between the Minister for Climate, Environment and Water and Distribution Lessor Corporation (to vary existing easement rights) (Form VE) – which is shown as Appendix D to the letter.
3. Approves the documents listed as Appendices A-D in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023 (or documents substantially in accordance with those documents) and any other documents to give effect to the land tenure changes requested by the Surveyor-General.

4. Approves providing the necessary concurrences (pursuant to the Adelaide Park Lands Act 2005 (SA)) in order to give effect to the land tenure changes requested by the Surveyor-General.
5. Notes that the 'long-form' easements proposed to be granted (Easements B, C, D, E, F, G, H, J, K and R) and 'varied' (Easement P) are summarised in Attachment B to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023.
6. Authorises the Lord Mayor and Chief Executive Officer to execute and affix the Common Seal of the Council to the documents listed as Appendices A-D in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023 and any other documents that may be required in order to give effect to the changes in land tenure that have been requested by the Surveyor-General.

2. Recommendation 2 – Item 7.1 - Recommended Levels of Service for Public Lighting & Electrical Asset Management Plan

THAT COUNCIL

1. Notes the results of the community consultation undertaken to benchmark current user satisfaction for Public Lighting and Electrical assets.
2. Approves the development of an interim Public Lighting and Electrical Asset Management Plan based on the planning principles and recommended management strategies presented within this report.

3. Recommendation 3 – Item 7.3 - Electric Vehicle (EV) Transition Roadmap

THAT COUNCIL

1. Approves the Electric Vehicle (EV) Transition Roadmap contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023.
2. Notes the directions from the Electric Vehicle (EV) Transition Roadmap will be incorporated into a consolidated Climate and Sustainability Strategy to be presented to the Audit and Risk Committee by December 2023.
3. Notes the Electric Vehicle (EV) Transition Roadmap will inform budget proposals for 2024/25 to be considered by Council through the annual business plan and budget process.
4. Notes the following actions from the Electric Vehicle (EV) Transition Roadmap will commence in 2023/24:
 - 4.1. Facilitate the deployment of EV charging infrastructure with the City of Adelaide by establishing a clear framework for the rollout of EV chargers at strategic locations.
 - 4.2. Enable the market-led provision of on-street EV chargers in select locations which support the transition to EVs and minimise impacts on the public realm.
 - 4.3. Work with private sector providers to trial on-street charging in residential areas with limited private off-street charging and constrained charging options.

4. Recommendation 4 – Item 8.1 - Capital Project Update – September 2023

THAT COUNCIL

1. Notes the Capital Works Program Update for September 2023 as contained within this report and Attachment A to Item 8.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 17 October 2023.

DISCUSSION

1. The Infrastructure and Public Works Committee met on Tuesday 17 October 2023. The Agenda with reports for the meeting can be viewed [here](#).
2. The following matters were the subject of deliberation:

2.1. Item 7.1 - Recommended Levels of Service for Public Lighting & Electrical Asset Management Plan
THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Notes the results of the community consultation undertaken to benchmark current user satisfaction for Public Lighting and Electrical assets.
2. Approves the development of an interim Public Lighting and Electrical Asset Management Plan based on the planning principles and recommended management strategies presented within this report.

2.2. Item 7.2 - O-Bahn City Access Project - Land Tenure arrangements
THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Notes that the O-Bahn City Access Project was completed in 2018 and that it is now necessary to change the land tenure in the vicinity of the new O-Bahn track so that it is consistent with the terms (and intent) of the Project Deed that was entered into between the City of Adelaide and the Minister for Transport and Infrastructure in 2016.
2. Notes that the Surveyor-General has written to Council (Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023), requesting that it approve and execute the documents shown as Appendices A-D in the letter to give effect to the required changes in land tenure, the documents being:
 - 2.1 Instrument for the Minister for Planning to vary GRO Plan 01/2014 pursuant to the Adelaide Park Lands Act (SA) 2005 – which is shown as Appendix A to the letter.
 - 2.2 Instrument to change the status of land and vest easement rights – which is shown as Appendix B to the letter.
 - 2.3 Application on behalf of the Minister for Climate, Environment and Water for deposit of a plan of division and issue of new certificates of title (Form RTD) – which is shown as Appendix C to the letter.
 - 2.4 Application for the variation of easement between the Minister for Climate, Environment and Water and Distribution Lessor Corporation (to vary existing easement rights) (Form VE) – which is shown as Appendix D to the letter.
3. Approves the documents listed as Appendices A-D in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023 (or documents substantially in accordance with those documents) and any other documents to give effect to the land tenure changes requested by the Surveyor-General.
4. Approves providing the necessary concurrences (pursuant to the Adelaide Park Lands Act 2005 (SA)) in order to give effect to the land tenure changes requested by the Surveyor-General.
5. Notes that the 'long-form' easements proposed to be granted (Easements B, C, D, E, F, G, H, J, K and R) and 'varied' (Easement P) are summarised in Attachment B to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023.
6. Authorises the Lord Mayor and Chief Executive Officer to execute and affix the Common Seal of the Council to the documents listed as Appendices A-D in Attachment A to Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023 and any other documents that may be required in order to give effect to the changes in land tenure that have been requested by the Surveyor-General.

Item 7.2 was brought forward to be discussed before Item 7.1.

2.3. Item 7.3 - Electric Vehicle (EV) Transition Roadmap

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Approves the Electric Vehicle (EV) Transition Roadmap contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 17 October 2023.
2. Notes the directions from the Electric Vehicle (EV) Transition Roadmap will be incorporated into a consolidated Climate and Sustainability Strategy to be presented to the Audit and Risk Committee by December 2023.
3. Notes the Electric Vehicle (EV) Transition Roadmap will inform budget proposals for 2024/25 to be considered by Council through the annual business plan and budget process.
4. Notes the following actions from the Electric Vehicle (EV) Transition Roadmap will commence in 2023/24:
 - 4.1. Facilitate the deployment of EV charging infrastructure with the City of Adelaide by establishing a clear framework for the rollout of EV chargers at strategic locations.
 - 4.2. Enable the market-led provision of on-street EV chargers in select locations which support the transition to EVs and minimise impacts on the public realm.
 - 4.3. Work with private sector providers to trial on-street charging in residential areas with limited private off-street charging and constrained charging options.

2.4. Item 8.1 - Capital Project Update – September 2023

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL
THAT COUNCIL

1. Notes the Capital Works Program Update for September 2023 as contained within this report and Attachment A to Item 8.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 17 October 2023.

DATA AND SUPPORTING INFORMATION

Link 1 – Infrastructure and Public Works Committee Public Agenda

ATTACHMENTS

Nil

- END OF REPORT -

LGA AGM Voting Delegate

Tuesday, 24 October 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Chief Executive Officer

Public

Approving Officer:
Clare Mockler, Chief Executive Officer

EXECUTIVE SUMMARY

The Local Government Association (LGA) of South Australia annually holds an Ordinary General Meeting (OGM) in April and an Annual General Meeting (AGM) in October or November.

To participate in these meetings, Council must appoint a voting delegate. On 28 February 2023, Council appointed the Lord Mayor as delegate and Councillor Noon as deputy delegate.

The next AGM is scheduled for Thursday, 26 October 2023, as part of the 2023 LGA Conference.

As both the Lord Mayor and Councillor Noon are unavailable to attend the AGM, this report seeks appointment of a second deputy voting delegate.

This delegate should be available to attend the LGA AGM on Thursday, 26 October 2023, and will be invited to the LGA Conference & AGM Welcome Reception on Wednesday, 25 October 2023.

RECOMMENDATION

THAT COUNCIL

1. Appoints _____ as a City of Adelaide deputy delegate at the Local Government Association SA general meetings for the 2022-2026 council term, in the absence of the Lord Mayor or Councillor Noon being able to attend.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Administrative support will be provided to the Council Member attending the general meeting There is no extra remuneration attached with this appointment
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Attendance at the LGA general meetings provides opportunity for Council to participate in decision making on LGA policy and local government matters. The delegate attends these meetings to act in the best interests of the City of Adelaide.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 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. The Local Government Association (LGA) of South Australia holds an Ordinary General Meeting (OGM) annually in April and an Annual General Meeting (AGM) yearly in October or November.
2. The purpose of both the AGM and the OGM is to consider items of strategic importance to local government and the LGA, as recommended by the South Australian Region Organisation of Councils (SAROC), the Greater Adelaide Region Organisation of Council (GAROC) or the LGA Board of Directors.
3. The LGA allows Council to appoint a voting delegate and deputy voting delegate (in the event the delegate cannot attend) to vote on Council's behalf at its general meetings.
4. Past terms of Council have appointed the Lord Mayor as Council's delegate.
5. The LGA Constitution provides that the appointment of a delegate is a standing appointment which means that the voting delegate remains appointed in the absence of advice to the contrary.
6. The OGM is held annually in April, and the AGM is held annually in October or November.
7. The next AGM is scheduled for Thursday, 26 October 2023, as part of the 2023 LGA Conference.
8. At its meeting, 28 February 2023, Council appointed the Lord Mayor as the City of Adelaide delegate, and Councillor Noon as the deputy delegate, at the LGA SA general meetings for the 2022-2026 Council term.
9. Both the Lord Mayor and Councillor Noon are unavailable to attend the scheduled AGM.
10. Council appointment of a second deputy voting delegate is sought.
11. This delegate should be available to attend the LGA AGM on Thursday, 26 October 2023.
12. The delegate will also be invited to the LGA Conference & AGM Welcome Reception on Wednesday, 25 October 2023.
13. Further information about the LGA AGM and conference can be found here: <https://www.lga.sa.gov.au/news-and-events/events/conference>

ATTACHMENTS

Nil

- END OF REPORT -

Audit and Risk Committee Chair Report

Tuesday, 24 October 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman – Chief
Operating Officer

EXECUTIVE SUMMARY

The Presiding Member's Report summarises the activities of the Audit and Risk Committee during the 2022-23 financial year.

RECOMMENDATION

THAT COUNCIL:

1. Receives the Presiding Member's Annual Report for the 2022-23 financial year as included in Attachment A to Item 14.2 on the Agenda for the meeting of Council held on 24 October 2023.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The role of the City of Adelaide is to uphold the values of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate and facilitator by maintaining a transparent decision-making process.
Policy	Pursuant to the Audit and Risk Committee Terms of Reference, the Presiding member shall report annually to the Audit and Risk Committee and Council summarising the activities of the Committee during the previous financial year.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Open, transparent and informed decision making.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 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. Pursuant to the Audit and Risk Committee Terms of Reference, the Presiding member shall report annually to the Audit and Risk Committee and Council summarising the activities of the Committee during the previous financial year (**Attachment A**).
2. During the 2022-23 financial year, 7 ordinary meetings of the Audit and Risk Committee were held.
3. Council Member representation on the Audit and Risk Committee was updated following the Council election in November 2022.
4. Substantive issues dealt with by the Audit and Risk Committee during the 2022-23 financial year included (but were not limited to):
 - 4.1. 2021-22 Audited Financial Statements
 - 4.2. 2022-23 Business Plan and Budget
 - 4.3. Internal Audit Program
 - 4.4. Climate Change Risk Adaptation Action Plan
 - 4.5. Cybersecurity Four Year Plan
 - 4.6. Service Planning and Performance

ATTACHMENTS

Attachment A – Presiding Member’s Annual Report for the 2022-23 financial year

- END OF REPORT -

City of Adelaide Audit and Risk Committee

Presiding Member's Report

I am pleased to present the Presiding Member Report for the City of Adelaide Audit and Risk Committee for the year ended 30 June 2023.

The Audit and Risk Committee met 7 times for the 2022/2023 year with meeting attendance as follows:

• David Powell (Presiding Member)	7/7
• Paula Davies (Independent Member)	7/7
• John Oliver (Independent Member)	5/7
• Simon Rodger (Independent Member)	6/7
• Former Lord Mayor Sandy Verschoor (until November 2022)	3/3
• Lord Mayor Dr Jane Lomax-Smith (from December 2022)	4/4
• Former Councillor Franz Knoll (until November 2022)	3/3
• Councillor Jing Li (from December 2022)	3/4
• Councillor Mary Couros (proxy until November 2022)	0/0
• Councillor Henry Davis (proxy from December 2022)	0/0
• Councillor Phillip Martin (proxy from December 2022)	0/0

The substantive issues that were dealt with during the year were:

- A review of the Valuation Methodology Report Assessment
- Receipt of quarterly business updates, including City of Adelaide subsidiary updates
- Approval of the Risk Statement for the City of Adelaide Annual Report
- Approval of the Strategic Internal Audit Plans
- A review of the scope and methodology of the external audit undertaken and review of the implementation of recommendations proposed
- A review of the 2021-22 Audited Financial Statements
- A review of Council's Annual Report
- Continuous review of the Climate Change Risk Adaptation Action Plan
- A review of the Cybersecurity Four Year Plan
- A review and update of the Terms of Reference of the Audit and Risk Committee
- A review of the Council's Strategic Risk and Internal Audit Group
- A review of Audit and Risk Committee meeting schedule and work plan
- A review of the end of year financial reporting process and proposed timetable to ensure compliance with the legislative requirements
- A review of the City of Adelaide Risk Management Operating Guidelines
- A review of the Procurement and Contract Management System
- A review of the progress of the internal audit program, detailed internal audit reports and implementation of the recommendations on a regular basis:
 - Record Keeping
 - Management of Procurement Practices
 - Payroll Operations

- Legislative Compliance
- Payment Card Industry (PCI) Compliance
- Asset Inspection Review
- Volunteer Management
- Review of the Adelaide Central Market Authority (ACMA) Financial Processes
- Continuous review of the risk management procedures of Council and the administration

Presentations to the Audit and Risk Committee during the year have included:

- Service Planning and Performance
- 2023/24 Annual Business Plan and Budget

The Audit and Risk Committee has worked closely with the Administration in the area of Financial Management including the following:

- Review of Valuation Methodology
- Review and approval of the 2021-22 financial position
- Review of Quarterly Budget Reviews and updates to the Long Term Financial Plan
- Review of 2023-2024 budget process
- Review and approval of the External Audit Plan for 2022-23
- Note the Interim Report on the 2023 External Audit

The Audit and Risk Committee considered 6 matters in confidence and applied 6 confidential orders. I am satisfied that these were an appropriate use of the provisions of Section 90 and 91 of the *Local Government Act 1999 (SA)*.

I would like to express my appreciation to the members of the Audit and Risk Committee for their participation, and to management and staff of the Council for their assistance and clarifications where required.



David Powell

Presiding Member

Date: 16 July 2023

Reports from Council Members

Tuesday, 24 October 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The purpose of this report is to:

1. Inform Council of Council Member activities and functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members' attendance at meetings.

Council Members can also table reports on activities undertaken on Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

RECOMMENDATION

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 24 October 2023).
2. Notes the summary of Council members' meeting attendance (Attachment B to Item 16.1 on the Agenda for the meeting of the Council held on 24 October 2023).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 24 October 2023 be included in the Minutes of the meeting.

ATTACHMENTS

Attachment A – Council Member activities and functions attended on behalf of the Lord Mayor

Attachment B – Summary of Council Member meeting attendance

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 20 September - 19 October			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Phillip Martin (Deputy Lord Mayor)	21/09/23	Annual General Meeting for the Royal Adelaide Hospital Auxiliary	Royal Adelaide Hospital
Councillor Kevin Snape	24/09/23	Kidical Mass Bike Ride ADL 2023	Gladys Elphick Park/Narnugga (Park 25) ADELAIDE
Councillor Phillip Martin (Deputy Lord Mayor)	27/09/23	SA Press Club Cocktail Evening	Hotel Grand Chanecelor
Councillor Phillip Martin (Deputy Lord Mayor)	28/09/23	Community Housing Art Awards SA Awards Ceremony & Exhibition Opening	The Mill Adelaide
Councillor David Elliot	05/10/23	Through the Lens Launch	Adelaide City Library
Councillor Phillip Martin (Deputy Lord Mayor)	10/10/23	Multicultural Business and Entrepreneur Conference	Hilton Adelaide
Councillor Carmel Noon	11/10/23	Present Awards National Live Music Awards	Jive Hindley Street Adelaide
Councillor Phillip Martin (Deputy Lord Mayor)	12/10/23	North Adelaide Precinct Annual General Meeting	The Cathedral Hotel
Councillor Phillip Martin (Deputy Lord Mayor)	13/10/23	Australian Institute of Business Graduation Ceremony	Adelaide Convention Centre
Councillor Phillip Martin (Deputy Lord Mayor)	18/10/23	State Reception to Honour His Excellency Ryuta Ibaragi Governor of Akayama Prefecture 30 Year sister city relationship	Adelaide Convention Centre
COUNCIL MEMBER MEETINGS ATTENDED: 20 September - 19 October			
COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Carmel Noon	21/09/23	Adelaide Central Market Authority Board Meeting	Attended as Representative
Councillor Jing Li	27/09/23	Australia Day Council of South Australia	Attended as Representative
Councillor Mary Couros	28/09/23	Adelaide Festival Board Meeting	Attended as Representative

Council Member Meeting Attendance

	Council - Special 18 September 2023	City Community Services and Culture Committee Special 19 September 2023	City Finance and Governance Committee 19 September 2023	Infrastructure and Public Works Committee 19 September 2023	Adelaide Central Market Authority Board Meeting 21 September 2023	Adelaide Economic Development Agency Board Meeting - Special 26 September 2023	CEO Performance Review Panel 26 September 2023	Council 26 September 2023	City Planning, Development and Business Affairs Committee - Special 26 September 2023	Kadaltilla / Adelaide Park Lands Authority 28 September 2023	City Community Services and Culture Committee 3 October 2023	City Planning, Development and Business Affairs Committee 3 October 2023	Audit and Risk Committee 6 October 2023	Council 10 October 2023	Total meetings held	Total meetings attended
Lord Mayor Dr Jane Lomax-Smith	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	13	13
Councillor Phillip Martin (Deputy Lord Mayor)	✓		✓	✓			✓	✓			✓	✓	✓	✓	10	9
Councillor Arman Abrahamzadeh	✓		✓	✓			✓	✓			✓	✓	✓	✓	10	7
Councillor Mary Couros	✓	✓	✓	✓							✓	✓	✓	✓	9	9
Councillor Henry Davis	✓		✓								✓	✓	✓	✓	9	8
Councillor David Elliott	✓	✓	✓	✓				✓	✓		✓	✓	✓	✓	9	9
Councillor Janet Giles		✓	✓	✓			✓	✓		✓	✓	✓	✓	✓	9	0
Councillor Simon Hou	✓		✓	✓			✓	✓			✓	✓	✓	✓	9	6
Councillor Jing Li		✓	✓	✓			✓	✓			✓	✓	✓	✓	10	6
Councillor Carmel Noon	✓	✓	✓	✓	✓			✓			✓	✓	✓	✓	10	10
Councillor Mark Siebentritt	✓	✓	✓	✓			✓	✓			✓	✓	✓	✓	9	8
Councillor Keiran Snape	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	10	10
Total number	10	7	10	10	1	1	2	11	11	2	10	10	1	9		

Key:

- Apology
- Apology - meeting commenced prior to 5pm
- Leave
- Not a Member
- Proxy Member

Councillor Couros - MoN - Outdoor Dining Fees

Tuesday, 24 October 2023
Council

Council Member
Councillor Mary Couros

Public

Contact Officer:
Iliia Houridis - Director City Shaping

MOTION ON NOTICE

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

That Council requests for administration to:

- 1) conduct a survey for all hospitality businesses in the city and north Adelaide to assess the impact of the introduction of outdoor dining fees on their operations.
- 2) bring a report back for consideration, no later than 3months, with the results of survey and benchmarking Adelaide outdoor fees and policy against other capital cities and larger councils in Australia.

ADMINISTRATION COMMENT

1. As part of the 2023/24 Annual Business Plan and Budget, outdoor dining fees were reinstated from 1 October 2023.
2. Outdoor dining fees had been waived in some format since 2016/17 for a range of reasons which pre-date COVID-19, but continued throughout the pandemic to support the hospitality industry.
3. Benchmark data regarding outdoor dining fees in South Australian Metropolitan and Capital City Councils was presented to Council during workshops and reports in the leadup to the draft 2023/24 Annual Business Plan and Budget.
4. When presented to Council in May 2023, the data showed City of Adelaide's rates for outdoor dining were some of the lowest amongst all Capital City Councils, and lower or competitive against other SA Metropolitan Councils. The link to this information is available here: [Attachment A for 202324 Business Plan Budget - Fees and Charges 202324.pdf \(modern.gov.com.au\)](#).
5. Following endorsement of the 2023/24 Annual Business Plan and Budget, Administration have been engaging with all outdoor dining permit holders to provide notice of fees being reinstated, and conducting an audit to ensure appropriate fees are invoiced.
6. Invoices were sent out in September 2023, with further engagement occurring with many business owners seeking alterations to their outdoor dining space. These reviews of their outdoor areas have resulted to changes in their fees. This work is currently ongoing.
7. Should the motion be successful, it is recommended that any surveying of permit holders is scheduled to allow sufficient time for the impacts of fees to be assessed.
8. If supported, it is suggested that sufficient time is allowed to understand the impact of the reintroduction of these fees, noting typically a review of this nature would occur approximately 12 months following implementation, through a 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	If supported, engagement and consultation will occur with outdoor dining permit holders.
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	\$510k was the forecast budget for outdoor dining fees in the 2023/24 budget. If supported, it is anticipated the engagement and report can be delivered within existing resources.
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	3 months to allow for engagement, assessment of results and development of report.
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 5.5 hours.

- END OF REPORT -

Councillor Abrahamzadeh - MoN - Leigh St Thoroughfare

Tuesday, 24 October 2023
Council

Council Member
Councillor Arman Abrahamzadeh

Public

Contact Officer:
Ilia Houridis - Director City Shaping

MOTION ON NOTICE

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

That Council:

- Notes Leigh Street is part of the Market to Riverbank Link Project;
- Requests administration to review relevant Council policies in order to streamline pedestrian thoroughfare and give Leigh Street traders a degree of flexibility with setting up their outdoor dining furniture.

ADMINISTRATION COMMENT

1. Placement of outdoor dining furniture and other items in Leigh Street was last reviewed in June 2022. This review followed temporary changes to permit and liquor license areas during COVID-19, to allow flexibility during the pandemic.
2. At that time some businesses in the area requested to set their outdoor dining furniture directly against the building line, similar to nearby Peel Street.
3. The June 2022 review included assessing the area in line with the *Disability Discrimination Act 1992*, Council's Access & Inclusion Plan, and noting Leigh Street as a high pedestrian area which forms part of the Market to Riverbank link.
4. The 2022 review did not support a change from Council's preference of keeping the building line free of furniture and other items.
5. The review also noted differences between Leigh Street and Peel Street in terms of:
 - 5.1. Higher volume of pedestrian numbers in Leigh Street, also being a designated link in Market to Riverbank project
 - 5.2. Vehicle access at both end of Leigh Street
 - 5.3. The width of both streets.
6. Following the June 2022 review, communication was issued to all businesses in the area advising of the outcome and requirements moving forward. This included the following:
 - 6.1. Maintaining an unobstructed 1.5 metre pedestrian access from a business's building line (e.g. no advertising or furniture in this area).
 - 6.2. Provision of 2.5 metres in the centre of the car-free zone to meet the width required for a shared zone by Austroads standards, due to the level of foot traffic experienced in Leigh Street.
7. Administration are aware that at least one business would prefer these conditions to change, having cited safety concerns in managing queues and outdoor dining patrons within the current set up.

8. Should this motion be successful, a further review will be undertaken.
9. It is noted that any review will need to consider a balance between the various stakeholders in the area, and its use as a high pedestrian thoroughfare.
10. It is also noted it is considered best practice to ensure all businesses in an area follow the same approach in terms of positioning of items on the footpath, providing consistency in how pedestrians move through the area.
11. Council's current position is to maintain a building line which is clear and unobstructed from outdoor dining furniture and signage where possible, to support city users with accessibility needs (e.g. vision impairment).
12. There are instances where the alignment of outdoor dining furniture is tailored to meet specific location needs, however this is usually in shared use areas or low pedestrian areas as outlined in Council's Outdoor Dining Operating Guidelines ([Outdoor-Dining-Guidelines_May-2022.pdf \(d31atr86jnqrq2.cloudfront.net\)](#)).
13. It is anticipated that a review will involve engagement with businesses on Leigh Street, relevant agencies including CBS (liquor licencing), emergency services (access to the area), and stakeholder groups representing pedestrian movement and accessibility matters.
14. Outcomes of the review will be shared with Council via eNews.

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	Targeted engagement will be undertaken with identified stakeholders including businesses on Leigh Street, CBS, emergency services and accessibility groups.
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	Not applicable
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 5.5 hours.

- END OF REPORT -

Deputy Lord Mayor (Councillor Martin) - MoN - Strategic Property Review

Tuesday, 24 October 2023
Council

Council Member

Deputy Lord Mayor (Councillor
Phillip Martin)

Public

Contact Officer:

Tom McCready - Director City
Services

MOTION ON NOTICE

Deputy Lord Mayor (Councillor Martin) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

That Council:

Asks the Administration to suspend the actions approved by the previous Council of the Strategic Property Review pending further consideration by the current Council of the measures proposed.

ADMINISTRATION COMMENT

1. On 14 April 2020 Council received the Strategic Property Action Plan in confidence and approved asset and city shaping opportunities for further investigation. This detail was considered by Council in confidence and remains confidential.
2. The Strategic Property Action Plan provides a roadmap for the further investigation into Council's property assets and does not provide an approval to transact on these properties. Any transactions relating to disposal, repurposing or acquisition of property assets still requires the resolution of Council on a case-by-case basis.
3. Property assets have been actioned based on consideration and subsequent resolutions of Council.
4. The Strategic Property Action Plan is being reviewed with the future strategy and approach to the management of \$345 million of property being informed by Council Members through briefing sessions which commenced on 17 October 2023.

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	The forward property strategy will be the subject of external property consultant advice.
Legal advice / litigation (eg contract breach)	Not applicable

Impacts on existing projects	Not applicable on the basis that this does not impact Council approvals associated with existing projects such as the Former Bus Station site.
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	To be determined
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 4.5 hours.

- END OF REPORT -

Deputy Lord Mayor (Councillor Martin) - MoN - Future Fund Name

Tuesday, 24 October 2023
Council

Council Member

Deputy Lord Mayor (Councillor
Phillip Martin)

Public

Contact Officer:

Michael Sedgman - Chief
Operating Officer

MOTION ON NOTICE

Deputy Lord Mayor (Councillor Martin) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

That Council:

Noting that there are no cash funds and never can be cash funds in the so called "Future Fund" identified in the Long Term Financial Plan, asks the Administration to seek advice on an alternative descriptor that could accurately and transparently record the value of City of Adelaide property assets sold and acquired since 2018 and whether such records should be recorded in the Long Term Financial Plan or an alternative document.

ADMINISTRATION COMMENT

1. An "alternative descriptor" for the Future Fund should clearly reflect for the community the intent and use of the funds generated. For example the term *Strategic Investment Reserve* would reflect the strategic nature of investment-related activities, and the technical accounting treatment of the item as a Reserve (which can quarantine amounts set aside for specific purposes without having to physically represent the cash).
2. The Future Fund's transactions (timing and amount of funds received, and payments made) are accurately and transparently recorded within our accounting system, and then reflected in our Balance Sheet (refer Annual Financial Statements). All transactions are auditable. Any proceeds from the sale of assets are used to offset Council's borrowings to minimise the interest Council pays. If the funds were sitting in a bank account, it would earn less than the interest Council pays on its borrowings (currently 5.35%). It is therefore a better financial outcome to offset borrowings rather than hold cash in the bank.
3. The Long Term Financial Plan is the tool used to project out borrowings using known transactions, including those related to strategic property divestment and investment. It is not used to record actual financial transactions. This occurs through the accounting system and standard accounting instruments such as the Balance Sheet, Profit and Loss Statement etc.
4. From Quarter 1 2023/24, the intention is to report regularly on actual transactions and balances related to the Future Fund (Strategic Investment Reserve), including what our borrowings would be without the offset.
5. In summary, the intent and use of the fund, and the communication of this, is paramount. No matter what Council adopts as a name, the vehicle's intent and use needs to be consistent across this and future Council terms. A draft policy addressing the nature of the fund, its purpose, how it will be created, maintained and accessed and report to the public will be presented to City Finance and Governance Committee at its meeting on 17 October 2023.

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	Not applicable
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 4.5 hours.

- END OF REPORT -

Deputy Lord Mayor (Councillor Martin) - MoN - Micro Mobility Insurance

Tuesday, 24 October 2023
Council

Council Member
Deputy Lord Mayor (Councillor
Phillip Martin)

Contact Officer:
Iliia Houridis - Director City
Shaping

Public

MOTION ON NOTICE

Deputy Lord Mayor (Councillor Martin) will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

That Council;

Requests the Administration:

1. Review permit conditions for commercial operators of micro mobility devices for hire in the City of Adelaide, including eScooters and e-bikes, to make it a requirement that insurance covers third parties involved in a collision (pedestrians, vehicles and property) where the hirer is found to be at fault, regardless of whether the hirer is following the Terms & Conditions of the device/operator.

ADMINISTRATION COMMENT

1. There are currently 2 commercial eScooter operators with permits for the City of Adelaide, participating in the eScooter trial initiated by the State Government.
2. Both operators are required to hold public liability insurance for accidents or incidents, which are outlined in the permits issued to each operator by the City of Adelaide.
3. As outlined in the permit, matters regarding any claim or liability in relation to the devices are between the claimant, the rider and the eScooter operator (or their insurance company), not Council.
4. Mandating insurance coverage in situations where the parties involved are not following laws or agreed terms and conditions is difficult as it becomes a civil matter. This is not unique to micro-mobility devices, with insurance coverage for many activities (e.g. car accidents) differing if the rider/driver is at fault and found not to be following laws/conditions of use.
5. Administration are aware that in May 2023, certain eScooter operators amended insurance coverage across Australia to cover riders involved in an incident in relation to which they were in breach of local traffic laws, riding rules or permit restrictions. Previous terms had limited elements of insurance cover if a rider was found not to be abiding by the agreed terms and conditions.
6. It is expected this change will assist in facilitating recoveries by third parties injured (or whose property is damaged) in such an incident, where the rider themselves fails to meet their own liabilities arising from their acts or omissions in relation to the incident.
7. Should this Motion be successful, a review will be conducted to deliver on the intent of the Motion and standardise an approach across all micro-mobility operators issued permits in the City of Adelaide.
8. It is expected this may require legal review to ensure any altered permit conditions and insurance requirements are appropriate.
9. The outcomes of any changes will be shared with Council via eNews.

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)	Administration will conduct the appropriate due diligence to ensure any changes to permit conditions and insurance requirements are legally appropriate and enforceable.
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	Not applicable
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 4.5 hours.

- END OF REPORT -

Expenditure Nov 2022 – Oct 2023

Tuesday, 24 October 2023
Council

Council Member
Councillor Couros

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Couros will ask the following Question on Notice:

'Can the administration please provide expenditure for the following items between November 2022 – October 23

1. Expenditure on External Facilitators for the Council Member Induction, Training and Workshops
2. Expenditure on Independent External Consultants
3. Legal Advice on Governance Issues
4. The Cost of the Revised Committee Structure'

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

- END OF REPORT -

Round Table Discussions

Tuesday, 24 October 2023
Council

Council Member
Councillor Couros

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Couros will ask the following Question on Notice:

'Can administration please advise the following:-

1. The total number of round table discussions held during the last term of the council?
2. The primary topics or issues addressed in each of these discussions?
3. A list of community members, organisations or stakeholders or participated in these discussions?
4. Can the reports generated from these discussions be made available to elected members as soon as possible?'

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

- END OF REPORT -

GIG Worker Hub

Tuesday, 24 October 2023
Council

Council Member
Councillor Abrahamzadeh

Public

Contact Officer:
Clare Mockler, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Abrahamzadeh will ask the following Question on Notice:

'Could Administration advise what working spaces and services (and amenity) are currently available in the City of Adelaide for GIG Economy Workers, as this is a growing part of our city's economy.'

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

- END OF REPORT -

Exclusion of the Public

Tuesday, 24 October 2023
Council

Program Contact:
Alana Martin, Manager
Governance

2018/04291
Public

Approving Officer:
Clare Mockler, Chief
Executive Officer

EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the Agenda.

For the following Committee Recommendations Report seeking consideration in confidence

- 22** Recommendations of the City Finance and Governance Committee – 17 October 2023
[section 90(3) (a) of the Act]

The Order to Exclude for Item 22:

1. Identifies the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 22

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 24 October 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Recommendations of the City Finance and Governance Committee – 17 October 2023] 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 confidential information that must be considered in confidence in order to protect the personal affairs of the nominee.

Public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the nominee's reputation in the business community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 24 October 2023 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 [Recommendations of the City Finance and Governance Committee – 17 October 2023] 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) (a) of the Act.
-

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
 - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
 - (b) *cause a loss of confidence in the council or council committee; or*
 - (c) *involve discussion of a matter that is controversial within the council area; or*
 - (d) *make the council susceptible to adverse criticism.*
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 22 – Recommendations of the City Finance and Governance Committee – 17 October 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 17/10/2023.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act
 - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

ATTACHMENTS

Nil

- END OF REPORT -

Document is Restricted