

Kadaltilla

Adelaide Park Lands Authority

Updated Kadaltilla Code of Practice

Thursday, 22 June 2023
Board Meeting

Author:
Manager Governance

Public

Purpose

The Kadaltilla Code of Practice forms a key part of the governance framework to support Kadaltilla / Adelaide Park Lands Authority (Kadaltilla) Board Members with the fulfilment of Board Member and staff obligations to Kadaltilla. The Kadaltilla Code of Practice observes and is to be read in conjunction with the *Adelaide Park Lands Act 2005 (SA)*, *Local Government Act 1999 (SA)*, and Kadaltilla Charter as adopted by the City of Adelaide and the Minister for Local Government. Specifically, the Code of Practice contains key procedural and operational matters to be observed.

This report seeks approval to amend the Kadaltilla Code of Practice following the rebranding of Kadaltilla and in order to amend procedures to support governance arrangements for Board proceedings.

Recommendation

THAT THE KADALTILLA / ADELAIDE PARK LANDS AUTHORITY ADVISES THE STATE GOVERNMENT AND COUNCIL:

That the Kadaltilla / Adelaide Park Lands Authority:

1. Approves the updated Kadaltilla Code of Practice as included as Attachments A & B to Item 6.3 on the Agenda for the meeting of the Board of Kadaltilla / Adelaide Park Lands Authority held on 22 June 2023.
-

Implications

Adelaide Park Lands Management Strategy 2015-2025	Adelaide Park Lands Management Strategy 2015-2025 The Kadaltilla Code of Practice is consistent with the Adelaide Park Lands Management Strategy and the <i>Adelaide Park Lands Act 2005 (SA)</i> .
2020-2025 Strategic Plan	Adelaide Park Lands Authority 2020-2025 Strategic Plan Strategic Plan Alignment – Advice 4 - Function as the peak advisory body for policy, development, heritage & management of the Park Lands
Policy	The Kadaltilla Code of Practice is to be reviewed every four years by Kadaltilla in consultation with Council.
Consultation	Kadaltilla's advice on its Code of Practice will be tabled at the Council meeting on 27 June 2023 to fulfil the requirements to consult with the Council every four years on the review of the Code of Practice.
Resource	Not as a result of this report
Risk / Legal / Legislative	The Code of Practice contributes to the effective governance of Kadaltilla.
Opportunities	Not as a result of this report
City of Adelaide Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Kadaltilla Code of Practice is subject to review every four years in consultation with Council.
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

.....

Discussion

Background

1. The Kadaltilla / Adelaide Park Lands Authority (Kadaltilla) is established by the *Adelaide Park Lands Act 2005 (SA)* (the Act) as a subsidiary of the City of Adelaide under the provisions of the *Local Government Act 1999 (SA)* (the LG Act).
2. The Kadaltilla Code of Practice forms a key part of the governance framework to support Kadaltilla Board Members with the fulfilment of Board Member and staff obligations to Kadaltilla.
3. The Kadaltilla Code of Practice observes and is to be read in conjunction with the Act, LG Act, and Kadaltilla Charter (the Charter) as adopted by the City of Adelaide and the Minister for Local Government. Specifically, the Code of Practice contains key procedural and operational matters to be observed.
4. Nothing in the Kadaltilla Code of Practice overrides, prevails or amends the provisions of the relevant legislation or the Charter.
5. Clause 4.5.9 of the Charter requires the adoption of a Code of Conduct to be observed by Kadaltilla Board Members and requires that the Kadaltilla Code of Practice be reviewed every four years by Kadaltilla in consultation with Council.

Amendments

6. The amendments to the Kadaltilla Code of Practice have been summarised in the below table:

SECTION	CURRENT CODE OF PRACTICE	UPDATED CODE OF PRACTICE
Throughout	"Adelaide Park Lands Authority (APLA)"	"Kadaltilla / Adelaide Park Lands Authority (Kadaltilla)"
Throughout	" <i>Adelaide Park Lands Act 2005 (SA)</i> (Park Lands Act)"	" <i>Adelaide Park Lands Act 2005 (SA)</i> (the Act)"
Throughout	"Adelaide Park Lands Authority Charter (the Charter)"	"Kadaltilla Charter (the Charter)"
Throughout	"the Authority"	"Kadaltilla"
Throughout	"Authority's Executive Officer"	"Kadaltilla Advisor"
Throughout	"Authority members"	"Board Members"
Throughout	"him or her" and "himself or herself"	Changed to gender-neutral "their" or "themselves"
Throughout	A number of sentences begin with references to a section or a clause in an Act or the Charter, or the reference is close to the beginning of the sentence.	Sentences that begin with reference to a section or a clause in an Act or the Charter have been restructured to move the reference to the end of the sentence, where possible, to make the sentence more readable.
Table of Contents	No contents page currently exists	Contents page added for readability
Introduction	Paragraph mentions there are three components to the Code of Practice	Paragraph removed as Code of Practice is no longer separated into three components
Conflicts of Interest	A table containing a verbatim excerpt from the LG Act and Local Government (General) Regulations 2013	The table has been removed, and the information summarised in line with the other sections of the Code of Practice
Breaches of the Code of Conduct	Heading updated: "Breaches of Code of Conduct"	Heading updated: "Breaches of the Code of Conduct"
Meetings	Sub-heading updated: "Presiding"	Sub-heading updated: "Presiding Member"
Scheduling and Notice of Meetings	"Executive Officer"	Clarification of certain responsibilities to "Governance"

Meeting Documents	NA	“All meeting content, including external presentations, must be submitted to the Kadaltilla Advisor at least four days in advance of the meeting, unless with the express approval of the Presiding Member.”
Meeting Documents	Agenda structure listed	The agenda structure has been updated as per the current Board proceedings
Meeting Commencement and Quorum	“Executive Officer”	Clarification of certain responsibilities to “Governance”
Voting	<p>Sentence rewritten for clarity:</p> <p>“A proposed resolution of the Board becomes a valid decision of the Board despite the fact it is not voted on at a meeting if notice is given to all Board Members in accordance with procedures determined by the Board and a majority of Board Members express their concurrence by letter, telex, facsimile, or other written or electronic communication to the Kadaltilla Advisor APLA Executive Officer - Schedule 2, Part 1, section 5(6) LG Act and clause 4.8.4 of the Charter”</p>	<p>“The Board, in accordance with operating procedures, may determine that a proposed resolution becomes a valid decision of the Board outside of a Board Meeting. This is known as an Out of Session Decision and can only be accessed if the matter is determined to be urgent, and the decision is unable to wait until the next scheduled Board Meeting. The majority of Board Members must respond in writing expressing their agreement to the proposed resolution, and subsequently the Out of Session Decision must be included on the agenda of the next Board Meeting to enable the Board to ratify the Out of Session Decisions - Schedule 2, Part 1, section 5(6) LG Act and clause 4.8.4 of the Charter”</p>
Deputations / Requests to Speak to the Board	<p>“All persons wishing to speak to the Board will need to submit a request in writing via email to the Executive Officer or via the City of Adelaide website at least by noon the last working day prior to the meeting.</p> <p>The Executive Officer must provide a request to speak received by a member of the public to the Presiding Member.”</p>	<p>“All persons wishing to speak to the Board will need to submit a request in writing via email to the Kadaltilla Advisor at kadaltilla@cityofadelaide.com.au by 12:00 pm six working days prior to the meeting.</p> <p>The Kadaltilla Advisor must provide a request to speak received by a member of the public to the Director, City Shaping and Associate Director, Park Lands, Policy & Sustainability for pre-review.</p> <p>Following pre-review, the received request to speak must be provided to the Presiding Member.”</p>
Deputations / Requests to Speak to the Board	N/A	“If a speaker has a presentation they wish to present to the Board during the meeting, the presentation must be submitted to the Kadaltilla Advisor by 9:00 am at least four working days in advance of the meeting to be eligible, unless with the express approval of the Presiding Member.”

Catering	N/A	"A light dinner should be provided to Kadaltilla Board Members only for those Board Meetings with long agendas."
Business	N/A	"The Kadaltilla Advisor will maintain a register of Kadaltilla's decisions."
Meetings in Public and Arrangements for Managing Confidential Items	Heading updated: "Meetings in Public and Confidentiality"	"Meetings in Public and Arrangements for Managing Confidential Items"
Meetings in Public and Arrangements for Managing Confidential Items	A table containing a verbatim exert from the LG Act	The table has been removed, and the information summarised in line with the other sections of the Code of Practice
Informal Gatherings, Information Sessions or Briefing Sessions	Heading updated: "Informal Gatherings"	"Informal Gatherings, Information Sessions or Briefing Sessions"
Informal Gatherings, Information Sessions or Briefing Sessions	A table containing a verbatim exert from the LG Act and Local Government (General) Regulations 2013	The table has been removed, and the information summarised in line with the other sections of the Code of Practice.
Informal Gatherings, Information Sessions or Briefing Sessions	"Procedure for Informal Gatherings"	Subheading removed
Annual Community Forum	"Community Forum"	"Annual Community Forum"
Annual Community Forum	"In determining the place and time, consideration should be given to public access and the suitability of the place for the convening of a forum which will consider the following as determined by clause 4.10.5 of the Charter: Presiding Member report Officer report Audited financial statements for the previous financial year Any other general business as determined by the Board."	Updated to reflect revised Charter requirements (clause 4.10.5 of the Charter removed) "In determining the place and time, consideration should be given to public access and the suitability of the place for the convening of a forum which will consider the business of a general nature aimed at reviewing the progress and direction of the Board required in clause 4.10.4 of the Charter"
Annual Community Forum	"Minutes of the Annual Community Forum will contain a summary of the matters raised and be available to the public (via the City of Adelaide website) and Board Members within 5 days of the forum being held (clause 4.10.6 of the Charter)."	Updated to reflect revised Charter requirements (clause 4.10.6 of the Charter removed)
APPENDIX A	<i>Adelaide Park Lands Act 2005</i> <i>Local Government Act 1999</i> Adelaide Park Lands Authority Charter <i>Local Government (General) Regulations 2013</i> Adelaide Park Lands – City of Adelaide website	<i>Adelaide Park Lands Act 2005 (SA)</i> Local Government Act 1999 (SA) Kadaltilla Charter <i>Local Government (General) Regulations 2013</i> Adelaide Park Lands – City of Adelaide website Kadaltilla / Park Lands Authority – City of Adelaide website

Next Steps

7. Kadaltilla's advice on its Code of Practice will be tabled at the Council meeting on 27 June 2023 to fulfil the requirements to consult with the Council every four years on the review of the Code of Practice.
 8. A copy of the revised Code of Practice will be sent to the Minister for Planning, Hon Nick Champion MP, for noting.
-

Attachments

Attachment A – Updated Kadaltilla Code of Practice (with track changes)

Attachment B – Updated Kadaltilla Code of Practice (clean version)