

Kadaltilla

Code of Practice

June 2023

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INTRODUCTION

This Code of Practice forms a key part of the governance framework to support ~~Adelaide Kadaltilla / Adelaide~~ Park Lands Authority (~~Kadaltilla~~) Board Members with the fulfilment of Board Member and staff obligations to ~~the Adelaide Kadaltilla, Park Lands Authority, City of Adelaide and the South Australian State Government.~~

~~There are three components to this Code of Practice:~~

- ~~1.1. Code of Conduct for Board Members – required by clause 4.5.9 of the Charter~~
- ~~1.2. Board Proceedings (in addition to those prescribed by Division 3 and 4 of the Park Lands Act, Chapter 6, Part 3 and Schedule 2, Part 1 of the LG Act and in support of clause 4.8.2 of the Charter)~~
- ~~1.3. Amendments to the Code of Practice~~

The critical documents are linked above and at the end of this document.

The definitions as stated in clause 2 of the Charter apply to this Code of Conduct.

1. Legislative Framework

- 1.1. ~~The Adelaide Park Lands Authority (APLA or the Authority or Board)~~~~Kadaltilla~~ is established by the ~~Adelaide Park Lands Act 2005 (SA)~~ (~~Park Lands~~~~the Act~~), an act to establish a legislative framework that promotes the special status, attributes and character of the Adelaide Park Lands to provide for the protection of those park lands and for their management as a world-class asset to be preserved as an urban park for the benefit of present and future generations.
- 1.2. ~~Kadaltilla~~ ~~APLA~~ is taken to be a subsidiary of the City of Adelaide pursuant to section 42 of the ~~Local Government Act 1999 (SA)~~ (LG Act).
- 1.3. The affairs of ~~Kadaltilla~~ ~~the Authority~~ are conducted in accordance with Schedule 2, Part 1 of the LG Act unless the matter is dealt with by the ~~Park Lands~~ Act or as modified by the Charter.
- 1.4. This Code of Practice observes and is to be read in conjunction with the ~~Park Lands~~ Act, LG Act and ~~Adelaide Park Lands Authority 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.
- 1.5. Nothing in this Code of Practice overrides, prevails or amends the provisions of the relevant legislation or the Charter.
- 1.6. ~~Clause 4.5.9 of the~~~~The~~ Charter requires the adoption of a Code of Conduct to be observed by Board Members. In addition, the Code of Conduct should be reviewed every four years in consultation with Council - ~~c~~~~Clause 4.5.9 of the Charter.~~
- 1.7. The Code of Conduct includes all legislative components and the requirements contained in this section.

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2. Statutory Principles

- 2.1. Section 4(2) of the ~~Park Lands~~ Act requires Board Members to have regard to and apply the following Statutory Principles stated in section 4(1) of the ~~Park Lands~~ Act:

- 2.1.1. The land comprising the Adelaide Park Lands should, as far as is reasonably appropriate, correspond to the general intentions of Colonel William Light in establishing the first Plan of Adelaide in 1837.
- 2.1.2. The Adelaide Park Lands should be held for the public benefit of the people of South Australia, and should be generally available to them for their use and enjoyment (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands).
- 2.1.3. The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational, and social values and activities that should be protected and enhanced.
- 2.1.4. The Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced.
- 2.1.5. The contribution that the Adelaide Park Lands make to the natural heritage of the Adelaide Plains should be recognised, and consideration given to the extent to which initiatives involving the Park Lands can improve the biodiversity and sustainability of the Adelaide Plains.
- 2.1.6. The State Government, State agencies and authorities, and the City of Adelaide, should actively seek to co-operate and collaborate with each other to protect and enhance the Adelaide Park Lands.
- 2.1.7. The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational, and social heritage status of the Park Lands for the benefit of the State.

3. Functions, Powers and Duties

3.1. When fulfilling their role, Board Members need to adhere to the Powers and Duties of ~~Kadaltilla the Authority~~ as prescribed in clause 3.2 of the Charter. Specifically, clause 4.1.4 of the Charter states the Board will be entitled to make decisions in accordance with the Powers of ~~Kadaltilla the Authority~~ set out in the Charter and by or under the ~~Park Lands Act~~.

3-1-3.2. ~~Section 62 of the LG Act detail~~ The General Duties of a Board Member are detailed in section 62 of the LG Act

3-2-3.3. Board Members need to adhere to the Functions of ~~Kadaltilla the Authority~~ as detailed in section 9 of the ~~Park Lands Act~~, and Schedule 2, Part 1, section 6 of the LG Act, and clause 3.1 of the Charter. Board Members also need to adhere to the and Functions of the Board as per clause 4.5 of the Charter.

3-3-3.4. The Powers, duties, and functions of ~~Kadaltilla the Authority~~ are summarised below:

- 3-3-1-3.4.1. To undertake a key policy role with respect to the advocacy and promotion of the values of the Park Lands and their management and protection.

- ~~3.3.2.3.4.2.~~ To prepare and, as appropriate, to revise, the Adelaide Park Lands Management Strategy in accordance with the requirements of the ~~Park Lands~~ Act.
- ~~3.3.3.3.4.3.~~ To provide comments and advice on any management plan prepared by the City of Adelaide or a State Authority under the ~~Park Lands~~ Act or the LG Act that relates to any part of the Adelaide Park Lands, and to monitor and, as appropriate, to provide comments, advice or reports in relation to, the implementation or operation of any such plan.
- ~~3.3.4.3.4.4.~~ To provide comments or advice in relation to the grant or operation of any lease, licence, or other form of grant of occupation of land within the Adelaide Park Lands.
- ~~3.3.5.3.4.5.~~ Based on any request, or on its own initiative, to provide advice to the City of Adelaide or to the Minister on policy, development, heritage, or management issues affecting the Adelaide Park Lands.
- ~~3.3.6.3.4.6.~~ To promote public awareness of the importance of the Adelaide Park Lands and the need to ensure that they are managed and used responsibly.
- ~~3.3.7.3.4.7.~~ To provide a forum for the discussion and consideration of topics related to the management of the Adelaide Park Lands.
- ~~3.3.8.3.4.8.~~ To ensure that the interests of South Australians are considered, and that community engagement and consultation processes are established and undertaken, in relation to the strategic management of the Adelaide Park Lands.
- ~~3.3.9.3.4.9.~~ To promote and administer the Park Lands Fund.
- ~~3.3.10.3.4.10.~~ To undertake or support other activities that will protect or enhance the Adelaide Park Lands, or in any other way promote or advance the objects of the ~~Park Lands~~ Act.
- ~~3.4.3.5.~~ Clause 4.1.3 of the Charter states the Board shall have the responsibility to manage all the activities of ~~Kadaltilla, the Authority~~ ensuring ~~Kadaltilla the Authority~~ acts in accordance with the Charter and the provisions of the ~~Park Lands~~ Act and the LG Act. Clause 4.5 of the Charter states the functions of the Board as follows:
- ~~3.4.1.3.5.1.~~ To ensure that ~~Kadaltilla the Authority~~ acts in accordance with the requirements imposed upon it under the ~~Park Lands~~ Act and this Charter.
- ~~3.4.2.3.5.2.~~ The formulation of strategic plans and strategies aimed at achieving the Functions of ~~Kadaltilla the Authority~~.
- ~~3.4.3.3.5.3.~~ To provide professional input and policy direction to ~~Kadaltilla the Authority~~.
- ~~3.4.4.3.5.4.~~ Monitoring, overseeing, and evaluating the performance of ~~Kadaltilla the Authority~~.
- ~~3.4.5.3.5.5.~~ Ensuring that ethical behaviour and integrity is established and maintained by the Board Members in all activities undertaken by ~~Kadaltilla the Authority~~.

~~3.4.6-3.5.6.~~ Subject to clause 4.8.21 of the Charter, ensuring that the activities of ~~Kadaltilla the Authority~~ are undertaken in an open and transparent manner.

~~3.4.7-3.5.7.~~ The development of Business Plans.

~~3.4.8-3.5.8.~~ Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

~~3.4.9-3.5.9.~~ The preparation and adoption of a code of conduct ('Code of Conduct') to be observed by the Board Members and to undertake a review of the Code of Conduct every four years in consultation with the Council.

~~3.5-3.6.~~ In accordance with clause 7 and 34, Schedule 2, Part 1 of the LG Act, A Board Member must act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties.

~~3.5.1-3.6.1.~~ Board Members must take reasonable steps to be informed about the subsidiary and the relevant operations and activities of the ~~C~~council and Board to support conscientious and informed decision making. In addition, Board Members must exercise an active discretion with respect to all matters to be decided upon.

4. Behaviour of Board Members

4.1. In addition to the requirements above, Board Members must:

- 4.1.1. Act in a reasonable, just, respectful, and non-discriminatory way when dealing with people.
- 4.1.2. Work together constructively as a Board and uphold the values of honesty, integrity, accountability, and transparency, and in turn, foster community confidence and trust.
- 4.1.3. Endeavour to establish and maintain a respectful relationship with all ~~Kadaltilla Board Authority~~ members, regardless of differences of views and opinions.
- 4.1.4. Seek and consider all relevant information, community opinion and the future needs of the local community.
- 4.1.5. Show respect for others if making comments publicly and ensure that personal comments to the media or other public comments, on ~~Authority Kadaltilla~~ decisions and other matters, clearly indicate that it is a private view, and not that of ~~Kadaltilla the Authority~~.
- 4.1.6. Direct all requests for information, work, or actions to the ~~Authority's Executive Officer~~ ~~Kadaltilla Advisor~~.
- 4.1.7. Endeavour to provide accurate advice to the Council and State Government.
- 4.1.8. Apply due diligence in attendance at and preparation for meetings of the Board and accordingly advise the ~~Kadaltilla Advisor~~ ~~Executive Officer~~ if they will be an apology for a meeting. Non-attendance at three or more consecutive ordinary meetings of the Board will result in a meeting with

the Presiding Member to discuss the matter. From there a decision of the Board may be sought to consider what, if any, action will be taken.

4.2. Board Members must not:

- 4.2.1. Bully or harass other ~~Board M~~Authority members or City of Adelaide, State Government staff, or any persons making deputations or providing information or reports to ~~Kadaltilla~~the Authority.
- 4.2.2. Direct or influence Council or State Government staff with respect to the way in which these employees perform their duties.

~~5. Conflicts of Interest~~

~~In accordance with section 75B of the LG Act and clause 4.7.1 of the Charter, the conflict of interest provisions prescribed in Chapter 5, Part 4, Division 3 of the LG Act apply to all Board Members in the same manner as if they were elected members of council. Refer to Part 2 – Board Proceedings for detail.~~

~~6.5. Confidentiality and Fiduciary Duties~~

~~6.1.5.1. As per clause 4.7.3 of the Charter, Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties, including honesty and the exercise of reasonable care and diligence, with respect to the performance and discharge of their official functions and duties as Board Members including as required by the LG Act in Chapter 5, Part 4, Division 1 and Clause 7 of Part 1 of Schedule 2.~~

~~6.2.5.2. A Board Mmember of the board of management of the Authority does not commit a breach of a duty of confidence by reporting a matter relating to the affairs of Kadaltilla to the Minister of Planning. Section 12 of the Park Lands Act ensures that a Board Member does not commit a breach of a duty of confidence by reporting a matter relating to the affairs of Kadaltilla the Authority to the Minister. Section 12 of the Act.~~

~~6.3.5.3. Board Members must not disclose information or a document:~~

~~6.3.1-5.3.1. Provided on a confidential basis except in those circumstances provided in section 12 of the Park Lands Act.~~

~~6.3.2-5.3.2. To which there is an order of Kadaltilla the Authority or a committee of Kadaltilla the Authority in effect under section 90 of the LG Act requiring the information or document to be treated confidentially.~~

~~6.3.3-5.3.3. That the Board Member should reasonably know is information that is confidential.~~

~~5.4. The above applies beyond the Board Member's term of appointment to Kadaltilla the Board.~~

~~6.4.~~

~~7.6. Gifts and Benefits~~

~~7.1-6.1. Board Members must discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.~~

~~7.2-6.2. Board Members must not:~~

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~~7.2.1.6.2.1.~~ Make improper use of his or her position as a member of ~~Kadaltilla the Authority~~, including information acquired by virtue of this position, to gain, directly or indirectly, an advantage for ~~himself or herself themselves~~ or for another person or to cause detriment to ~~Kadaltilla the Authority~~.

~~7.2.2.6.2.2.~~ Seek gifts or benefits of any kind.

~~7.2.3.6.2.3.~~ Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their functions, powers, or duties.

~~7.2.4.6.2.4.~~ Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council or the State Government.

~~7.3.6.3.~~ Notwithstanding the above, Board Members may accept hospitality provided in the context of performing their duties, including:

~~7.3.1.6.3.1.~~ Free or subsidised meals, beverages, or refreshments of reasonable value provided in conjunction with Council or State Government Board related events such as training, education sessions workshops, conferences, and meetings.

~~7.3.2.6.3.2.~~ Council functions or events.

~~7.3.3.6.3.3.~~ Social functions organised by groups such as Council or State Government committees and community organisations.

~~7.4.6.4.~~ Sitting fees:

~~7.4.1.6.4.1.~~ ~~Kadaltilla's The Authority's~~ Charter provides for the payment of remuneration fees as determined by Council. Council has determined that sitting fees are to be paid for time spent at Board ~~M~~meetings and up to three hours of preparation time per Board ~~M~~meeting. Sitting fees can reasonably be extended to planning sessions but without the three hours preparation time. Council has not, however, determined that such payments may be made for field trips, social gatherings, and events and so attendance on these occasions is voluntary and un-paid.

~~7.4.2.6.4.2.~~ Sitting fees have been determined by Council to be in line with the *State Government Remuneration Framework for Boards and Committees* at Category 2, Level 2.

~~8.7.~~ Breaches of the Code of Conduct

~~8.1.7.1.~~ ~~Clauses 8.11.1 and 8.11.62 of the Charter prescribe the~~The process for the review of conduct of activities of ~~Kadaltilla the Authority~~ and Board Members including remedial actions, notifications, and communications required ~~is in~~ ~~o~~~~Clauses 78.11.1 and 8.11.62 of the Charter.~~

~~8.2.7.2.~~ Any complaint about the conduct of a member of ~~Kadaltilla the Authority~~ must be reported in writing to the Presiding Member of the Board, who is then responsible for investigation of the complaint. The Presiding Member must also advise the Minister responsible for the administration of the ~~Adelaide Park Lands Act 2005~~ of the complaint, investigation, and outcome.

~~8.3.7.3.~~ Any complaint about the Presiding Member must be reported in writing to the Chief Executive Officer of the Council, who is then responsible for investigation of the complaint. The Chief Executive Officer must also advise the Minister responsible for the administration of the ~~Adelaide Park Lands Act 2005~~ of the complaint, investigation, and outcome.

~~8.4.7.4.~~ The complaint must include the name and contact details of the person complaining and the member(s) of ~~Kadaltilla the Authority~~ against whom the complaint is being made.

~~8.5.7.5.~~ The complaint must specify the conduct complained about and the provision(s) of this Code of Conduct (and where relevant the section of the ~~Park Lands Act, LG Act, or Charter~~) which it is alleged to have been breached. A complaint must be substantiated by supporting evidence.

~~8.6.7.6.~~ ~~Section 7(3) of the Park Lands Act and clause 4.2.2(b) of the Charter state that Board Members may be removed from the Board for breach of, or non-compliance with, a condition of appointment, for neglect or duty, or for dishonourable conduct.~~ ~~Section 7(3) of the Act and clause 4.2.2(b) of the Charter.~~

9.8. Board Proceedings

~~9.1.8.1.~~ All proceedings of the Board should be in accordance with the functions, powers, and duties summarised in Part 1 Code of Conduct and the specific provisions of the legislation and Charter provided.

~~9.2.8.2.~~ Specific reference to the proceedings of the Board are provided in the following:

~~9.2.1.8.2.1.~~ Section 10 and 11 of the ~~Park Lands Act.~~

~~9.2.2.8.2.2.~~ Schedule 2, Part 1, section 5 (these do not overrule the above) and Chapter 6, Part 3 of the LG Act.

~~9.2.3.8.2.3.~~ Clauses 3.4, 4.1, 4.8, and 4.9 and ~~8.10~~ of the Charter.

~~9.3.8.3.~~ In addition to those specific provisions, the below provides a guide to all Board proceedings to assist Board Members in the fulfillment of their role, the Presiding Member of the Board to manage meetings, and the ~~Kadaltilla Advisor Executive Officer~~ to provide support and undertake key administrative functions of ~~Kadaltilla the Authority.~~

~~9.4.8.4.~~ Throughout ~~this document,~~ reference to the Presiding Member will also be taken as the Deputy Presiding Member or member presiding, if either is unavailable.

10.9. Committees and Delegations

~~10.1.9.1.~~ ~~Refers~~ Section 11(1)-(3) of the ~~Park Lands Act~~ and clause 3.4 of the Charter ~~relating to committees and delegations are~~ summarised below.

~~10.2.9.2.~~ The Board may establish committees as needed and ~~membership~~ does not need to include all Board Members. ~~The~~ Presiding Member will be ~~an~~ ex-officio ~~a~~ member of each committee.

~~10.3.9.3.~~ The payment of sitting fees to committee members will be decided by Council.

~~10.4.9.4.~~ The procedures to be observed in relation to the conduct of the business of a committee ~~will be~~ determined by the Board or (insofar as not determined by the Board) by the committee itself.

~~10.5.9.5.~~ Subject to the conditions and limitations determined by the Board and those specified under the ~~Park Lands~~ Act or LG Act, the Board may resolve to delegate any of its powers to a committee established by the Board but may not delegate the power to:

~~10.5.1.9.5.1.~~ Approve expenditure of money not included in the Budget.

~~10.5.2.9.5.2.~~ Approve reimbursement of expenses.

~~10.5.3.9.5.3.~~ Adopt financial estimates and reports.

~~10.5.4.9.5.4.~~ Any application or recommendation to the Council or the Minister.

11.10. Conflicts of Interest

~~11.1. Section 75B(2) of the LG Act and clause 4.7.1 of the Charter state that the conflict of interest provisions contained in Chapter 5, Part 4, Division 3 of the LG Act applies to Board Members of APLA. These provisions have been extracted from the legislation as below:~~

Local Government Act 1999

Division 3—Conflicts of interest

Subdivision 1—Material conflicts of interest

73—Material conflicts of interest

~~(1) Subject to this section, for the purposes of this Subdivision, a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:~~

~~(a) the member;~~

~~(b) a relative of the member;~~

~~(c) a body corporate of which the member is a director or a member of the governing body;~~

~~(d) a proprietary company in which the member is a shareholder;~~

~~(e) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;~~

~~(f) a partner of the member;~~

~~(g) the employer or an employee of the member;~~

~~(h) a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;~~

~~(i) a person of a prescribed class.~~

~~(2) A member of a council will not be taken to have a material conflict of interest in a matter to be discussed at a meeting of the council—~~

~~(a) if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area; or~~

~~(b) on account of an interest under subsection (1) of a relative of the member, other than the member's spouse or domestic partner, if the member does not know, and could not reasonably be expected to know, of the interest.~~

~~(3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a material conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.~~

~~(4) In this section —~~

~~**agency or instrumentality of the Crown includes—**~~

~~(a) an administrative unit of the Public Service;~~

~~(b) a body corporate comprised of, or including or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown.~~

~~**74—Dealing with material conflicts of interest**~~

~~(1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—~~

~~(a) inform the meeting of the member's material conflict of interest in the matter; and~~

~~(b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.~~

~~Maximum penalty:~~

~~(a) if the member votes on the matter with an intention to gain a benefit, or avoid a loss, for the member or another person—\$15 000 or 4 years imprisonment; or~~

~~(b) in any other case—\$5 000.~~

~~(2) However, a member of the council does not contravene subsection (1) by taking part in the meeting, or being in the chamber where the meeting is being conducted, if the member—~~

~~(a) has been granted an approval under subsection (3); and~~

~~(b) is complying with the conditions of the approval.~~

~~(3) The Minister may grant an approval in writing to a member of the council to take part in the meeting, or to be in the chamber where the meeting is being conducted, if—~~

~~(a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; or~~

~~(b) it appears to the Minister to be in the interests of the council's community and area.~~

~~(4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.~~

~~(5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:~~

~~(a) the member's name;~~

~~(b) the nature of the interest, as described by the member;~~

~~(c) if the member took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).~~

~~(6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.~~

~~**Subdivision 2—Actual and perceived conflicts of interest**~~

~~75—Actual and perceived conflicts of interest~~

~~(1) In this Subdivision—~~

~~**actual conflict of interest**—see section 75A(1)(a);~~

~~**conflict of interest**—see subsections (2) and (3);~~

~~**perceived conflict of interest**—see section 75A(1)(b).~~

~~(2) For the purposes of this Subdivision but subject to this section, a conflict of interest is a conflict between—~~

~~(a) a member of a council's interests (whether direct or indirect personal or pecuniary); and~~

~~(b) the public interest, that might lead to a decision that is contrary to the public interest.~~

~~(3) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—~~

~~(a) by reason only of—~~

~~(i) an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or~~

~~(ii) membership of a political party; or~~

~~(iii) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or~~

~~(iv) the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school; or~~

~~(v) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council; or~~

~~(b) in prescribed circumstances.~~

~~(4) A member of a council will not be taken, for the purposes of this Subdivision, to have a conflict of interest in a matter to be discussed at a meeting of the council if the relevant member's interest in the matter is held in common with all or a substantial proportion of the ratepayers, electors or residents of the council area.~~

~~75A—Dealing with actual and perceived conflicts of interest~~

~~(1) If, in relation to a matter to be discussed at a meeting of a council, a member of the council—~~

~~(a) has a conflict of interest in the matter (an actual conflict of interest); or~~

~~(b) could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter (a perceived conflict of interest), the member must deal with the actual or perceived conflict of interest in a transparent and accountable way.~~

~~(2) Without limiting subsection (1), the member must inform the meeting of—~~

~~(a) the member's interest in the matter; and~~

~~(b) if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.~~

~~(3) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.~~

~~(4) If a member of a council discloses an actual or perceived conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:~~

- ~~(a) the member's name;~~
- ~~(b) the nature of the interest, as described by the member;~~
- ~~(c) the manner in which the member dealt with the actual or perceived conflict of interest;~~
- ~~(d) if the member voted on the matter, the manner in which he or she voted;~~
- ~~(e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.~~
- ~~(5) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with an actual or perceived conflict of interest of the member in a matter to be discussed at the meeting.~~
- ~~(6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.~~

Local Government (General) Regulations 2013

8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees

~~For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:~~

- ~~(a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—~~
 - ~~(i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and~~
 - ~~(ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;~~
- ~~(b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—~~
 - ~~(i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and~~
 - ~~(ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and~~
 - ~~(iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;~~
- ~~(c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—~~
 - ~~(i) the discussion or recommendation relates to the purpose for which the committee is established; and~~
 - ~~(ii) the relevant interest in the matter is the interest of the council that established the committee.~~

~~12.-~~

~~12.1.—~~

12.2.10.1. The conflict of interest provisions contained in Chapter 5, Part 4, Division 3 of the LG Act apply to Board Members of Kadaltilla in the same manner as if they were elected members of council.

10.2. The LG Act addresses material and general conflicts of interest and disclosure. It is the responsibility of all members to familiarise themselves with these sections.

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10.3. ~~A Board Member has a general conflict of interest in a matter to be discussed at a meeting of the council if an impartial, fair-minded person might consider that the member's private interests might result in the member acting in a manner that is contrary to their public duty.~~

10.4. A Board Member must deal with the **general conflict of interest** in a transparent and accountable way and must inform the meeting of:

10.4.1. ~~The member's interest in the matter, and; and~~

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10.4.2. ~~Whether or not the member proposes to participate in the meeting in relation to the matter; and~~

10.5. ~~if thea Board M-member proposes to participate in the meeting in relation to the mattermatter, they must inform the meeting of:~~

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10.5.1. ~~How the member intends to deal with the general conflict of interest, including whether the member intends to vote on the matter; and~~

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10.5.2. ~~The member's reasons for participating (and, if relevant, voting) in relation to the matter.~~

10.6. If a quorum cannot be formed because a member proposes to exclude themselves from the meeting, member may nonetheless participate (including by voting) in the meeting to ensure a quorum for the meeting.

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10.7. A Board Mmember has a material conflict of interest in a matter to be discussed at a Board Mmeeting-of-the-council if any of the specified persons (as detailed in section 73—75D of the LG Act) ~~would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.~~

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~~would gain a benefit or suffer a loss,~~

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~~depending on the outcome of the consideration of the matter at the meeting,~~

~~whether directly or indirectly; and~~

~~whether of a personal or pecuniary nature~~

10.8. If a Board Mmember has a material conflict of interest the member must:

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10.8.1. ~~inform the meeting of the member's material conflict of interest in the matter; and~~

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10.8.2. ~~Leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting and stay out of the meeting room while the matter is being discussed and voted on.~~

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~~12.3.—~~

~~A conflict of interest is a conflict between a member of a Board's interests (whether direct or indirect personal or pecuniary); and the public interest, that might lead to a decision that is contrary to the public interest~~

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~~1.1.—~~

~~12.4.~~ Board Members should review the agenda and supporting papers and reports prior to attending a meeting and should have considered his or her potential interest in the matters to be discussed at the meeting.

~~10.9.~~

~~12.5.~~ A Board Member who has an interest in a matter before the meeting must verbally disclose the interest to the appropriate meeting and on each occasion that the items are discussed.

~~10.10.~~

~~12.6.~~ A disclosure made at a meeting will be recorded in the minutes, including the details of whether the Board Member remained in the meeting, and the way all Board Members voted.

~~10.11.~~

~~1.2.10.12.~~ If a Board Member wishes to seek advice about a possible conflict of interest before a meeting, they should contact the Kadaltilla Adviser. If necessary, staff will refer the matter to the Council's lawyers for advice.

~~1.3.~~ Section 75B of the LG Act describes the actions that should be taken by a Board Member who has a conflict of interest in a matter to be discussed at a Kadaltilla Board Meeting. The Board Member should:

~~1.3.1.~~ Inform the meeting of the Board Member's material conflict of interest, and

~~1.3.2.~~ Leave the meeting room (including any area set aside for the public) such that the Board Member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.

~~1.4.~~ There are special provisions that relate to the management of conflicts of interest relating to subsidiaries. The special provisions under which a Board Member can participate in a meeting if they have declared a conflict of interest are described in section 75C of the LG Act.

~~2.11.~~ Meetings

Subject to the ~~Park Lands~~ Act and the provisions of the Charter, the Board may determine its own procedures for meetings, which must be fair and contribute to free and open decision making and achieve the Functions of ~~Kadaltilla the Authority~~ within its Powers and Duties.

~~2.1.11.1.~~ Presiding Member

~~2.1.1.11.1.1.~~ Section 10(1) of the ~~Park Lands Act~~ states ~~the~~ The Lord Mayor will be the ~~P~~residing ~~M~~ember of the Board. If the Lord Mayor is not a member of the Board then a member nominated by Council will be the ~~P~~residing ~~M~~ember - ~~s~~Section 10(1) of the Act.

~~2.1.2.11.1.2.~~ A Board member nominated by the Minister will be the ~~D~~eputy ~~P~~residing ~~M~~ember of the Board.

~~2.1.3.11.1.3.~~ If the ~~P~~residing ~~M~~ember is absent for a meeting, the ~~D~~eputy ~~P~~residing ~~M~~ember will preside. If both are absent, then a member of the Board chosen by the members present will preside.

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~~2.1.4.11.1.4.~~ ~~As per Schedule 2, Part 1, section 4(4) LG Act a~~ Board Member must be appointed to chair meetings of the Board ~~— Schedule 2, Part 1, section 4(4) LG Act.~~

2.2.11.2. Scheduling and Notice of Meetings

~~2.2.1.11.2.1.~~ One ordinary meeting of the Board per calendar month except December and January ~~—~~ clause 4.8.5 of the Charter.

~~2.2.2.11.2.2.~~ The Board will determine its preferred meeting time which will support the attendance of all Board Members wherever possible.

~~2.2.3.11.2.3.~~ ~~Executive Officer~~ ~~The Kadaltilla Advisor~~ must ~~give at least not give less than three~~ 3 clear business days' notice of meetings to Board Members ~~—~~ 4.8.6 of the Charter.

~~2.2.4.11.2.4.~~ Notice of meetings to Board Members must be in writing, set out the date, time, and place of the meeting, and contain (or be accompanied by), the agenda for the meeting and, as far as practicable, the documents/reports for consideration at the meeting – clause 4.8.7 and 4.8.11-4.8.12 of the Charter.

~~2.2.5.11.2.5.~~ ~~As per clause 4.8.8 of the Charter~~ – Notices of Board meeting times and places must be given to the public in the same manner of public notification of Council meetings in accordance with ~~clause 4.8.8 of the Charter and~~ section ~~—~~ 84 of the LG Act.

~~2.2.6.11.2.6.~~ ~~Executive Officer~~ ~~Governance to keep will ensure~~ a record of all notices of meetings ~~are maintained~~ – clause 4.8.10 of the Charter.

~~2.2.7.11.2.7.~~ If a meeting is adjourned for want of quorum ~~as per the section below, the Executive Officer~~ ~~Governance~~ must provide notice of the reconvened date, time, and place of the meeting to Board Members and the public via the City of Adelaide website ~~—~~

2.3.11.3. Location of Meetings

~~2.3.1.11.3.1.~~ Ordinary meetings of the Board will be held in the Colonel Light Room, Adelaide Town Hall unless determined otherwise by the Presiding Member in consultation with the ~~Kadaltilla Advisor~~ ~~Executive Officer~~.

~~2.3.2.11.3.2.~~ When considering alternate locations, consideration must be given to safety, security, and public access to observe proceedings or in the case of electronic meetings, the ability to record and publish or live stream the meeting.

2.4.11.4. Meeting Documents

~~11.4.1.~~ Meeting documents ~~M~~ must be available to the public ~~noting with the exception for of confidential matters as per~~ – clauses ~~—~~ 4.8.9 and 4.8.23-4.8.25 ~~4 of the Charter noting exception for confidential matters as per clause 4.8.25 of the Charter.~~

~~2.4.1.11.4.2.~~ ~~All meeting content, including external presentations, must be submitted to the Kadaltilla Advisor at least four days in advance of the meeting, unless with express approval of the Presiding Member.~~

~~2.4.2.11.4.3.~~ Agenda structure:

1. ~~1~~ Welcome and Opening

- 1.1 Acknowledgement of Country
- 1.2 Apologies
- 1.3 Confirm ~~M~~inutes of ~~P~~revious ~~M~~meeting
- ~~Business Arising (refer to actions arising from previous meeting)~~

- 2. ~~Conflicts of Interest~~
- 3. ~~Presiding Member R~~eport
- 4. ~~Representations – topic and speaker listed~~
- 5. ~~Items for Board Discussion – topics identified~~
~~Requests to Speak to Board – topic and speaker listed~~
- 6. ~~Items for Board Decision – topics identified~~

~~Items for Board Discussion – topics identified~~

- 7. ~~Items for Noting – topics identified~~
- 8. ~~Other Business~~
 - ~~8.1 Items Requested to be considered in confidence – items listed and removed if not necessary~~
 - ~~8.2 Items for the Board in confidence – items listed and removed if not necessary~~
- 9. ~~Items Requested to be Considered in Confidence – items listed and removed if not necessary~~
- 10. ~~Items for the Board in Confidence – items listed and removed if not necessary~~
- 9.or 11. ~~Meeting Close and N~~ext ~~M~~meeting

2.4.3-11.4.4. ~~Where a presentation is to be immediately followed by a report this should be represented as a single agenda item.~~

2.5-11.5. Special Meetings

2.5.1-11.5.1. Can be convened at the request of the Presiding Member, the Council, the Minister, or ~~three~~3 Board Members in writing to the Board via the ~~Executive Officer~~Kadaltilla Advisor. There must be at least 24 hours' notice provided to Board Members and the proposed agenda should be attached to this notice – clause 4.8.13 of the Charter.

2.6-11.6. Meeting Commencement and Quorum

2.6.1-11.6.1. A meeting of the Board will commence as soon as possible after the time specified in the notice of meeting and quorum present.

2.6.2-11.6.2. Quorum is ~~six~~6 members of the Board - section 10(4) of the ~~Park Lands~~ Act and clause 4.8.14 of the Charter.

2.6.3-11.6.3. If the number of apologies received by the ~~Executive Officer~~Kadaltilla Advisor indicates that a quorum will not be present at a

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meeting, the Board Member presiding may adjourn the meeting to a specified day and time.

~~2.6.4-11.6.4.~~ If at the expiration of 30 minutes from the commencement time specified in the notice of meeting a quorum is not present, the Board Member presiding will adjourn the meeting to a specified day and time.

~~2.6.5-11.6.5.~~ If a meeting is adjourned for want of a quorum, ~~the Governance Executive Officer~~ will publish in the minute book the reason for the adjournment, the names of the members present, and the date and time to which the meeting is adjourned.

~~2.7-11.7.~~ Voting

~~2.7.1-11.7.1.~~ A decision carried by a majority of votes cast by Board Members at the meeting is a decision of ~~Kadaltilla the Authority~~ – section 10(5) of the ~~Park Lands~~ Act and clause 4.8.16 of the Charter.

~~2.7.2-11.7.2.~~ Each Board Member present at a meeting of the Board has a deliberative vote on any question arising for decision – section 10(6) of the ~~Park Lands~~ Act and clause 4.8.15 of the Charter.

~~2.7.3-11.7.3.~~ If the votes are equal, the ~~Board M~~member presiding at the meeting does not have a second or casting vote and the relevant question will lapse – section 10(6) of the ~~Park Lands~~ Act and clause 4.8.15 of the Charter.

~~2.7.4-11.7.4.~~ All Board Members present must vote (except for ~~those who have a conflict of interest provisions~~) – clause 4.8.17 of the Charter.

~~The Board, in accordance with operating procedures, may determine that a proposed resolution becomes a valid decision of the Board outside of a Board Mmeeting. This is known as an Out of Session Decision and can only be accessed if the matter is determined to be urgent and the decisions is unable to wait until the next scheduled Board Mmeeting. 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 Agendaagenda of the next Board Mmeeting to enable the Board to ratify the Out of Session Decisions .~~

~~11.7.5. 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.~~

~~2.7.5-11.7.6.~~ Subject to the Charter and any direction of Council, the Board may determine its own procedures for voting which must be fair and contribute to free and open decision making, as required by clause 4.8.26 of the Charter.

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2.7.6-11.7.7. Prior to voting the Presiding Member may ask for a mover and a seconder for an item for decision. Voting will be by a show of hands for and against.

2.8-11.8. Electronic Meetings / Telecommunications Meetings

2.8.1-11.8.1. ~~Schedule 2, Part 1, section 5(5) LG Act provides that A~~ telephone or video conference between Board Members will be a valid meeting of the Board if notice is given to all Board Members in the manner determined by the Board for that purpose and each participating Board Member is capable of communicating with every other participating Board Member during the conference ~~- Schedule 2, Part 1, section 5(5) LG Act.~~

2.8.2-11.8.2. If a meeting of the Board is determined by the Minister, Council Chief Executive Officer, or Presiding Member to be conducted via video conference then in addition to the requirements of clause 4.8.3 of the Charter:

- Each Board Member must be able to see and hear, and be seen and be heard, by other Board Members.
- If at any time the Board Member cannot be seen or disconnects from the meeting, they are taken to have left the meeting.

2.8.3-11.8.3. A Board Member may only join a Board meeting by telephone with the prior approval of the Presiding Member and can only use telephone meeting participation for a maximum of two meetings of the Board per calendar year.

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2.8.4-11.8.4. In accordance with clause 4.8.3 of the Charter the requirements for attending the meeting by telephone are that:

- Each Board Member must be able to hear and be heard by other Board Members – if this cannot be achieved then the Board Member will be taken as absent from the meeting.
- Each Board Member must announce their presence to all other Board Members taking part in the meeting.

2.8.5-11.8.5. If a Board Member is disconnected from the meeting, they are taken to have left the meeting and ideally will advise the Presiding Member prior.

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2.9-11.9. Adjourning Meeting

2.9.1-11.9.1. Any meeting of the Board may be adjourned by a majority decision of the Board Members - Clause 4.8.18 of the Charter.

2.9.2-11.9.2. Note under 'Commencement and Quorum' the process for adjournment of meeting if no quorum.

2.10-11.10. Deputations / Requests to Speak to the Board

2.10.1-11.10.1. Members of the public may speak to Board Members at an ordinary meeting of the Board on an item on that meeting agenda.

2.10.2-11.10.2. All persons wishing to speak to the Board will need to submit a request in writing via email to the ~~Kadalitilla Advisor Executive Officer or viaat kadalitilla@cityofadelaide.com.au the City of Adelaide website at~~

least by ~~noon-12:00 pm~~ ~~PM~~ ~~six~~ ~~the last~~ working days prior to the meeting.

~~11.10.3.~~ The ~~Kadaltilla Advisor~~ ~~Executive Officer~~ 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.

~~2.10.3-11.10.4.~~ Following pre-review, the received request to speak must be provided to the Presiding Member.

~~2.10.4-11.10.5.~~ The Presiding Member may refuse to allow a person to speak to the Board and the ~~Kadaltilla Advisor~~ ~~Executive Officer~~ must take reasonable steps to ensure the persons who requested to speak to the Board are informed of the outcome of the request.

~~2.10.5-11.10.6.~~ The Presiding Member may consider the following when determining whether to allow the speaker to be heard at the meeting:

- The subject matter that is proposed by the speaker and whether it is within the power of ~~Kadaltilla~~ ~~the Authority~~, whether the person has previously spoken on the matter.
- Relevance to the subject matter and size of the agenda for that meeting.
- Previous experience with the person requesting to speak including the behaviour displayed and the relevance of information to previous meetings.

~~2.10.6-11.10.7.~~ Board Members will be advised prior to the meeting who has been granted approval to speak and their subject matter.

~~11.10.8.~~ A speaker to the Board will be allowed up to ~~five~~5 minutes and there will be no more than ~~three~~5 separate speakers at any one meeting.

~~2.10.7-11.10.9.~~ 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~~AM~~ at least four working days in advance of the meeting to be illegible, unless with the express approval of the Presiding Member.

~~2.10.8-11.10.10.~~ The Presiding Member may rule the speaker ineligible to continue if in their opinion that matter is different to that raised in the request, it relates to expiation notices, summonses or other litigation, or is vague, irrelevant, insulting, or improper.

~~2.10.9-11.10.11.~~ The minutes of the meeting will identify the individual(s) heard and the subject matter raised.

~~2.10.10-11.10.12.~~ Material referenced and distributed by the speaker during their address, will ~~upon the request of the speaker,~~ be attached to the minutes of the meeting, ~~provided unless the subject to an assessment by the Kadaltilla Advisor~~ ~~Executive Officer~~ and Presiding Member agree that the material should not be disallowed on the basis that it is defamatory, offensive, or insulting in content.

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11.11. Catering

11.11.1. A light dinner may be provided to Kadaltilla Board Members and support staff for those Board Meetings with long agendas.

2.44.11.12. Other Business

2.44.1.11.12.1. Matters which Board Members wish to discuss at a meeting should be raised with the Presiding Member. The Presiding Member may ask for Other Business at the beginning of the meeting.

2.41.2.11.12.2. The Presiding Member will manage the discussion relating to the matter raised and the subject matter will be identified in the minutes of the meeting.

2.41.3.11.12.3. Replies to questions raised may be provided at the next meeting of the Board.

2.41.4.11.12.4. The Presiding Member may determine a question is not answered if the Presiding Member considers it vague, irrelevant, insulting, or improper.

2.42.11.13. Minutes

2.42.1.11.13.1. The Board must keep accurate minutes of its proceedings - Schedule 2, Part 1, section 5(11) LG Act and clause 4.9.1 of the Charter.

2.42.2.11.13.2. The following information will be included in the minutes of the meeting:

- The names of each Board Member present at the meeting, and those who are an apology or on leave.
- The Decisions of the Board.
- Any disclosure of interest made by a Board Member in accordance with section 74(5) and 75A(4) of the LG Act.
- Undertakings of the meeting.
- The Subject of any matters raised that were not on the agenda.
- The name and subject matter of speakers to the Board.
- An order to exclude the public in accordance with section 90(7) of the LG Act and clause 4.8.22 of the Charter.
- An order to keep a document, or part of a document confidential in accordance with clause 4.8.25(b) of the Charter.

2.42.3.11.13.3. Minutes are to be distributed to Board Members within five business days of the meeting and presented to the next ordinary meeting of the Board for confirmation and adoption (clauses 4.9.2-4.9.3 of the Charter).

11.13.4. The minutes of the proceedings at a meeting will be submitted for confirmation at the next meeting of the Board.

2.42.4.11.13.5. The Kadaltilla Advisor will maintain a register of Kadaltilla's decisions.

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~~2.13.11.14.~~ Interruptions

~~2.13.1.11.14.1.~~ Board Members will ensure they do not interrupt another Board Member while they are speaking.

~~2.13.2.11.14.2.~~ All mobile phones and devices should be set to silent during a meeting.

~~2.13.3.11.14.3.~~ Recording of meetings (audio, photographs, video) by Board Members or third parties will only be allowed with the prior approval of the Presiding Member.

~~2.13.4.11.14.4.~~ A member of the public or a non-member of ~~Kadaltilla the Authority~~ must not interrupt a meeting or behave in a disorderly or improper manner. Any person doing so will be asked to leave.

~~2.14.11.15.~~ Meetings in ~~Public and Confidentiality~~ **Public and Arrangements for Managing Confidential Items**

~~2.14.1. Section 13(c) of the Park Lands Act and section 5(7) of Schedule 2, Part 1 of the LG Act states that the Charter must not exclude the operation of Chapter 6 Part 3 of the LG Act in relation to the proceedings of the Authority which has been extracted from the legislation below:~~

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~~**Local Government Act 1999**
Part 3 — Public access to council and committee meetings
90 — Meetings to be held in public except in special circumstances
(1) Subject to this section, a meeting of a council or council committee must be conducted in a place open to the public.
(2) A council or council committee may order that the public be excluded from attendance at a meeting to the extent (and only to the extent) that the council or council committee considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence any information or matter listed in subsection (3) (after taking into account any relevant consideration under that subsection).
(3) The following information and matters are listed for the purposes of subsection (2):
(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
(b) information the disclosure of which —
(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
(ii) would, on balance, be contrary to the public interest;
(c) information the disclosure of which would reveal a trade secret;
(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which —
(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
(ii) would, on balance, be contrary to the public interest;
(e) matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;~~

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- ~~— (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;~~
- ~~— (g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;~~
- ~~— (h) legal advice;~~
- ~~— (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;~~
- ~~— (j) information the disclosure of which —~~
 - ~~(i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and~~
 - ~~(ii) would, on balance, be contrary to the public interest;~~
- ~~— (k) tenders for the supply of goods, the provision of services or the carrying out of works;~~
- ~~— (m) information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;~~
- ~~— (n) information relevant to the review of a determination of a council under the Freedom of Information Act 1991.~~
- ~~— (4) In considering whether an order should be made under subsection (2), 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) A person who, knowing that an order is in force under subsection (2), enters or remains in a room in which a meeting of the council or council committee is being held is guilty of an offence and liable to a penalty not exceeding \$500 and if such a person fails to leave the room on request it is lawful for an employee of the council or a member of the police force to use reasonable force to remove him or her from the room.~~
- ~~— (6) Subsection (5) does not apply to —~~
 - ~~(a) a member of the council or the council committee; or~~
 - ~~(b) any other person permitted to be in the room by the council or the council committee.~~
- ~~— (7) If an order is made under subsection (2), a note must be made in the minutes of the making of the order and specifying —~~
 - ~~(a) the grounds on which the order was made; and~~
 - ~~(b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and~~
 - ~~(c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.~~
- ~~— (7a) A council committee meeting will be taken to be conducted in a place open to the public for the purposes of this section even if 1 or more committee members~~

participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by the regulations or determined by the council under section 89 (provided that members of the public can hear the discussion between all committee members and subject to the qualification that a council may direct a committee not to use telephone or other electronic means for the purposes of its meetings).

2.14.2. — In support of the above clause 4.8.19 of the Charter states that all meetings of the Board must be conducted in a place open to the public. From time to time there will be matters discussed and considered by the Board which needs to happen in confidence based on one of the reasons provided in section 90(3) of the LG Act.

2.14.3. — In support of this clauses 4.8.21 and 4.8.22 of the Charter talks to the exclusion of the public.

2.14.4. — As per clause 4.8.20 of the Charter all Board Members must keep confidential all documents and information provided to them on a confidential basis — note the circumstances prescribed by section 12 of the Park Lands Act and Schedule 2, Part 1, section 5(7) of the LG Act.

2.14.5.11.15.1. The Charter must not exclude sSection 13(c) of the Park Lands Act, and section 5(7) of Schedule 2, Part 1 of the LG Act, states that the Charter must not exclude the operation of and Chapter 6 Part 3 of the LG Act in relation to the proceedings of Kadaltilla; the Authority which has been extracted from the legislation below:

2.14.5.4.11.15.1.1. Meetings to be held in public except in special circumstances.

2.14.6.11.15.2. On occasions, Kadaltilla may order that the public be excluded from attendance at a meeting or part of a meeting if confidential items are discussed. This needs to happen in confidence based on one of the reasons provided in section 90(3) of the LG Act.

2.14.7.11.15.3. In support of this, clauses 4.8.21 and 4.8.22 of the The Charter talks addresses to the exclusion of the public in clauses 4.8.21 and 4.8.22.

2.14.8.11.15.4. As per clause 4.8.20 of the Charter, all Board Members must keep confidential all documents and information provided to them on a confidential basis — note the circumstances prescribed by section 12 of the Park Lands Act and Schedule 2, Part 1, section 5(7) of the LG Act.

3.12. Informal Gatherings, Information Sessions or Briefing Sessions

- 3.1. Pursuant to section 90(8) of the LG Act, the Board may hold an informal gathering (not a meeting of the Board) to support informal discussion, training and awareness.*
- 3.2. This section meets the requirements for the Authority to adopt a policy on the holding of informal gatherings pursuant to section 90(8a) of the LG Act. References to the Council or committee equally apply to the Authority.*
- 3.3. The conditions associated with these informal gatherings are as per the extract from the legislation below:*

— Local Government Act 1999
— Chapter 6 — Meetings

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~~Part 3—Public access to council and committee meetings~~

~~90—Meetings to be held in public except in special circumstances~~

~~(8) The duty to hold a meeting of a council or council committee at a place open to the public does not in itself make unlawful informal gatherings or discussion involving—~~

~~(a) members of the council or council committee; or~~

~~(b) members of the council or council committee and staff,~~

~~provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.~~

~~Examples—~~

~~The following are examples of informal gatherings or discussions that might be held under subsection (8):~~

~~(a) planning sessions associated with the development of policies or strategies;~~

~~(b) briefing or training sessions;~~

~~(c) workshops;~~

~~(d) social gatherings to encourage informal communication between members or between members and staff~~

~~(8a) In addition, an informal gathering or discussion under subsection (8) may only be held if—~~

~~(a) the council has adopted a policy on the holding of informal gatherings or discussions; and~~

~~(b) the informal gathering or discussion complies with the policy.~~

~~(8b) A policy adopted under subsection (8a) must comply with any requirements prescribed by the regulations, and the regulations may (for example) include requirements that the policy provide for—~~

~~(a) the imposition of limitations on the holding of informal gatherings or discussions; and~~

~~(b) procedures for approval of informal gatherings or discussions; and~~

~~(c) the capacity of the council to impose conditions on an approval.~~

~~(8c) A council may from time to time alter its policy, or substitute a new policy.~~

~~(8d) The council must ensure that a copy of the policy under subsection (8a) is available for inspection (without charge) at the principal office of the council during ordinary office hours and on a website determined by the chief executive officer.~~

~~(8e) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (8a):~~

3.4. In addition to the above, the policy must comply with the below requirements:

~~Local Government (General) Regulations 2013~~

~~8AB—Informal gatherings and discussions~~

~~(1) For the purposes of section 90(8b) of the Act, a council must ensure that its policy on the holding of informal gatherings or discussions—~~

~~(a) provides that designated informal gatherings or discussions must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has declared may be held in confidence; and~~

~~(b) provides that the council or chief executive officer will only declare that a designated informal gathering or discussion may be held in confidence—~~

~~(i) on a case by case basis; and~~

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~~(ii) if the designated informal gathering or discussion—~~
~~(A) is a planning session of a general or strategic nature; or~~
~~(B) is a briefing relating to—~~
~~• information; or~~
~~• a matter,~~
~~of a confidential nature within the ambit of section 90(3) of the Act; and~~
~~(c) provides for procedures relating to the holding of designated informal gatherings or discussions; and~~
~~(d) provides for publication on the council's website of details relating to designated informal gatherings or discussions, including—~~
~~(i) in all cases—~~
~~(A) the place, date and time at which the designated informal gathering or discussion will be held; and~~
~~(B) the matter that is to be discussed at the designated informal gathering or discussion; and~~
~~(C) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and~~
~~(ii) in the case of a designated informal gathering or discussion that will be held in confidence—the reason for the designated informal gathering or discussion being held in confidence.~~
~~(2) In this regulation—~~
~~designated informal gathering or discussion means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.~~

12.1. Pursuant to section 90A(8) of the LG Act the Board may hold an informal gathering information or briefing session (not a meeting of the Board) to support informal discussion, provide information or a briefing to attendees, training, and awareness.

12.2. Pursuant to section 90A(8a), il Informal gatherings cannot be used to obtain or effectively obtain a decision outside of formal meetings of the Board – sSection 90A of the LG Act.

14. Procedure for Informal Gatherings

3-5-12.3. An informal gathering, or discussion information or briefing session may be convened to facilitate discussion and support a non-decision-making forum that enables all Kadaltilla Board Authority Members, Council, and State Government officers to participate in an open and transparent discussion in relation to, but not limited to:

3-5-1-12.3.1. Planning and workshop sessions associated with the development of policies or strategies linked to the functions of Kadaltilla the Authority and the Board (as per section 9 of the Park Lands Act, and Schedule 2, Part 1, section 6 of the LG Act, and clause 3.1 and 4.5 of the Charter).

3-5-2-12.3.2. Briefing or training sessions.

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~~3.5.3-12.3.3.~~ Social gatherings or events to encourage informal communication between members or between members and staff.

~~3.5.4-12.3.4.~~ Briefings with or by State Government agencies or other bodies.

12.4. A designated informal gathering of the Board can be convened by the Chief Executive Officer or the Presiding Member.

~~3.6-12.5.~~ A designated informal gathering or discussion will be held in a place open to the public, except where the designated informal gathering or discussion has been declared by the Chief Executive Officer or the Presiding Member ~~the Authority or the Executive Officer~~ to be held in confidence.

~~3.7-12.6.~~ A confidentiality declaration can apply to:

~~3.7.1-12.6.1.~~ A planning session of a general or strategic nature.

~~3.7.2-12.6.2.~~ A request from Council, State Government, or other Agency.

~~3.7.3-12.6.3.~~ A briefing relating to information or a matter of a confidential nature within the ambit of section 90(3) of the LG Act.

12.7. For the purposes of section 90A(7)(b) of the LG Act, the following information must be published on the City of Adelaide website as soon as practical after Kadaltilla Board Members have been advised or as soon as practicable after the informal gathering:

~~12.7.1. When a designated informal gathering or discussion is convened, the Executive Officer must have a notice of the designated informal gathering or discussion posted to www.cityofadelaide.com.au as soon as practical after Authority Members have been advised, and not less than 4 hours before the designated informal gathering or discussion is due to start. The place, date, and time of the session,~~

12.7.2. The matter discussed at the session, and

12.7.3. Whether or not the session was open to the public- section 90A(7)(b) of the LG Act.

~~3.8-~~

~~3.9-12.8.~~ The notice of the designated informal gathering or discussion will contain the following details in all cases:

~~3.9.1-12.8.1.~~ The place, date, and time at which the designated informal gathering or discussion will be held.

~~3.9.2-12.8.2.~~ The matter that is to be discussed at the designated informal gathering or discussion.

~~3.9.3-12.8.3.~~ Whether or not the designated informal gathering or discussion is to be held at a place open to the public.

~~3.9.4-12.8.4.~~ In the case of a designated informal gathering or discussion that will be held in confidence – the reason for the designated informal gathering or discussion being held in confidence.

~~3.10-12.9.~~ Both the Kadaltilla Advisor, Governance, Executive Officer and Kadaltilla the Authority are responsible for ensuring designated informal gatherings are conducted in accordance with the LG Act.

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~~3-11-12.10.~~ Designated informal gatherings will be facilitated by the Presiding Member or a senior Council Officer. The Chair is responsible for ensuring that the purpose, intent, and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the LG Act.

~~3-12-12.11.~~ There will be no formal minutes recorded from a designated informal gathering or discussion. Notes of a designated informal gathering may be tabled at the next available Kadaltilla Authority meeting.

~~3-13-12.12.~~ Attendance of Kadaltilla Board Authority Members at a designated informal gathering or discussion will be recorded via a sign-in sheet.

~~3-14-12.13.~~ An informal gathering or discussion that is not a designated informal gathering or discussion, will generally be conducted in a manner consistent with designated informal gatherings or discussions, with the exception that:

~~3-14.1-12.13.1.~~ They will not be held in a place open to the public.

~~3-14.2-12.13.2.~~ They will not be publicised.

~~3-14.3-12.13.3.~~ Attendance will not be recorded.

4.13. Annual Community Forum

~~4.1-13.1.~~ Clause 4.10 of the Charter requires an Annual Community Forum to be held each year with the overall aim to review the progress and direction of Kadaltilla the Authority over the immediately preceding financial year.

~~13.2.~~ The Board will determine the place and time of the Annual Community Forum noting that as per clause 4.10.1 of the Charter it needs to be convened by the end of October each year and public notice must be provided ~~42~~14 days prior to the Forum (in the same manner that notice of Board meetings is provided).

~~4.1-4-13.2.1.~~ The general business to be considered at the Annual Community Forum will need to be determined by Kadaltilla at the Board Meeting in the month prior or at least 21 days before the Annual Community Forum to meet the notice period required in clause 4.10.3 of the Charter.

~~13.3.~~ In determining the place and time, consideration should be given to public access and the suitability of the place for the convening ~~of a the~~ forum which will consider business of a general nature aimed at reviewing the progress and direction of the Board, required in clause 4.10.4 of the Charter.

~~4.2.~~ the following as determined by clause 4.10.5 of the Charter:

~~4.2.1.~~ Presiding Member report

~~4.2.2.~~ Officer report

~~4.2.3.~~ Audited financial statements for the previous financial year

~~4.2.4.~~ Any other general business as determined by the Board.

~~Note the general business to be considered at the Annual Community Forum will need to be determined by the Board at the Board meeting in the month prior or at least 14 days before the Forum to meet the notice period required in clause 4.10.3 of the Charter.~~

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~~4.3. 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).~~

5.14. Amendments to the Code of Practice

~~5.1.14.1.~~ To the extent that the Code of Practice consists of statutory provisions enacted by the Parliament of the State of South Australia, then such references in the Code of Practice shall automatically stand amended upon the statutory provisions being amended without further resolution of the Board. In that circumstance, the Code of Practice will be amended accordingly and recorded in the Revision History table.

~~5.2.14.2.~~ If any Charter provisions are approved by Council, the Minister, and gazetted then such references in the Code of Practice will be amended accordingly. In that circumstance the Code of Practice will be amended accordingly and recorded in the Revision History table.

~~5.3.14.3.~~ Any proposal to remove or add to the Code of Practice will be determined by the Board unless it is related to a change in the Charter which must be approved by Council and the Minister.

~~5.4.14.4.~~ In response to Kadaltilla's ~~the Authority's~~ resolution, the Code of Practice may be amended to include ~~and/or~~ amend procedures to support governance arrangements for Board proceedings.

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APPENDIX A - Related Documents / Information

- [Adelaide Park Lands Act 2005 \(SA\)](#)
- [Local Government Act 1999](#)
- ~~Kadaltilla~~[Adelaide Park Lands Authority Charter](#)
- [Local Government \(General Regulations\) 2013](#)
- [Adelaide Park Lands – City of Adelaide website](#)
- [Kadaltilla / Adelaide Park Lands Authority – City of Adelaide website](#)

REVISION HISTORY

DATE	DESCRIPTION	APPROVED BY
25 February 2021	Approved	Kadaltilla / Adelaide Park Lands Authority
4 May 2023	Amendment to various sections	

