

Code of Practice - Access to Council and Committee Meetings and Documents

Tuesday, 19 September 2023
City Finance and Governance
Committee

Strategic Alignment - Enabling Priorities

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Public

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EXECUTIVE SUMMARY

Pursuant to Section 92 of the *Local Government Act 1999* (the Act), the Council is required to have a Code of Practice for Access to Council Meetings and Documents (the Code). The objective of the Code is to clearly document how the Council will deal with public access to its meetings and associated documents and in what circumstances the public access will be restricted.

The purpose of this report is to present the draft Code of Practice, Access to Meetings and Document and seek feedback from Council prior to commencing public consultation.

RECOMMENDATION

The following recommendation will be presented to Council on 26 September 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Endorses the draft Code of Practice – Access to Council and Committee Meetings and Documents as contained in Attachment A to Item 4.9 on the Agenda for the meeting of the City Finance and Governance Committee held on 19 September 2023, for the purposes of public consultation.
2. Notes public consultation commences on 3 October 2023 and concludes on 25 October 2023, in accordance with Council's Community Consultation Policy and the legislative requirement of a minimum 21 days public consultation.
3. Notes a report will be presented to the City Finance and Governance Committee meeting to be held on 21 November 2023 that includes;
 - 3.1. details of any submissions received during the public consultation period regarding the Code of Practice – Access to Meetings and Documents; and
 - 3.2. a final proposed Code of Practice – Access to Council and Committee Meetings and Documents for Council to consider and adopt.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	The Code will replace sections of the existing City of Adelaide Standing Orders, 2019
Consultation	<p>A workshop was held with Council Members on 24 January, 21 March and 20 June 2023 to seek their views on the direction of the Standing Orders.</p> <p>Community Consultation will be held for a minimum of 21 days to gain feedback from the community on this Code.</p> <p>The City of Adelaide Community Consultation Policy outlines that the following eight (8) consultation steps that are required to be taken, this includes legislative provisions:</p> <ul style="list-style-type: none"> • A public notice of the options for consideration will be provided; • Information will be provided on the City of Adelaide corporate website; • Ensure that any documents that are legislatively required to be freely available for inspection are on public display and printed versions available for viewing and/or purchase in the City’s libraries and community centres as required; • Notice published in a local newspaper circulating in the City of Adelaide; • Provide a minimum of 21 days for people to make submissions to Council ; • Receipt of submissions by City of Adelaide; • Submissions to be considered by Council in decision-making; and • Inform the public of the outcome.
Resource	Not as a result of this Code.
Risk / Legal / Legislative	The Code is required to be reviewed by Council within 12 months of a periodic election. Section 92 of the Act stipulates that Council is required to have a Code and that community consultation is required.
Opportunities	The Code is presented in a format that is accessible to Council Members as well as members of the public.
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

Background

1. The Council is required to have a Code of Practice for Access to Council Meetings and Documents (the Code)
2. The Code should be reviewed within 12 months of each periodic election.
3. The Code provides guidelines as to how the Council will manage public access to its meetings and associated documents. The Code articulates the provisions for when the Council may decide to move into confidence and how this will be achieved. The Code is a statutory requirement and has been drafted on the principles of open and transparent decision-making.
4. The current Code is incorporated into the City of Adelaide's Standing Orders. A workshop was held with Council Members on 24 January 2023 at which feedback was provided to commence to phase out the Standing Orders and for Administration to develop stand-alone policy documents.

Draft Code of Practice for Access to Council Meetings and Documents

5. The City of Adelaide is committed to open and transparent decision-making.
6. From time to time in certain circumstances, it may be necessary, to restrict public access to discussions and documentation. Section 92 of the Act requires Council to prepare and adopt a Code to address how the Council will deal with public access to its meetings and associated documents.
7. The objectives of the Code are to:
 - 7.1. Provide information to the community regarding access to Council Meetings and documentation;
 - 7.2. Summarise the legal position relating to public access to the Council Meetings and documents; and
 - 7.3. Outline to the community for what purpose and on what basis the Council may apply the provisions of Sections 90 and 91 of the Act.
8. Section 92(5) of the Act states "before a Council adopts, alters or substitutes a Code of Practice relating to access to meetings and documents, it must;
 - 8.1. *Undertake public consultation on the proposed code, alterations or substitute code (as the case may be)*
9. The following timetable is proposed to accommodate the requirements within the Act and the consultation process;
 - 9.1. 26 September 2023 - General Council – Council to consider and endorse the Code for the purposes of Community consultation;
 - 9.2. 3 October 2023 – 25 October 2023 Community consultation period;
 - 9.3. 3 October 2023 (week commencing) – Notice to appear in newspaper;
 - 9.4. 21 November 2023 – submissions and community consultation outcomes presented to City Finance and Governance Committee for consideration; and
 - 9.5. 28 November 2023 – final Code to be presented to Council for adoption.
10. As an update on the confidentiality audit. It is noted that an audit into the use of confidentiality provisions has been finalised. The final report and a draft pro-disclosure policy is expected to be presented to the City Finance and Governance Committee at the October meeting. If Council chooses to adopt this policy, it will be referenced within the Code before a final draft is presented to Council.

Proposed Changes

11. The current Code is also captured in several various sections of Council's Standing Orders.
 12. It is proposed Council adopt a standalone code based on the LGA Model Code of Practice. This will ensure compliance with the *Local Government Act 1999*.
 13. As such, the changes relate to structure, layout, formatting, and presentation to make it easier to read and understand. There are no changes to the core procedures.
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ATTACHMENTS

Attachment A – Draft Code of Practice – Access to Council and Committee Meetings and Documents

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