

Draft Code of Practice for Meeting Procedures

Tuesday, 19 September 2023
City Finance and Governance
Committee

Strategic Alignment - Enabling Priorities

Program Contact:
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Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The draft Code of Practice for Meeting Procedures (the Code) was endorsed by Council on 22 August 2023. Since then, it has been identified that some further edits are required to provide clarity for Council Members, and Members of the Public. Council is asked to approve those changes

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. Notes the Council's decision at its Meeting on 22 August 2023 to include the following pledge in the Ordinary Council Agenda:

'May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.'
 2. Approves the deletion of the reference to a prayer from the Ordinary Council Agenda and amends the Code of Practice for meeting Procedures accordingly.
 3. Approves the following changes to the Code of Practice for Meeting Procedures, as identified in Attachment A to Item 4.14 on the Agenda for the meeting of the City Finance and Governance Committee held on 19 September 2023:
 - 3.1. Conflict of Interest to be included as an agenda item at all meetings (sections 3.3 and 4.6)
 - 3.2. Special meeting agenda structure (section 3.3)
 - 3.3. Removal of the title "your worship" (section 4.11)
 - 3.4. Clarification of procedures for Meeting Interruption (4.24)
 - 3.5. Clarification of discretionary provisions (section 6.1)
 - 3.6. Minor typographical and syntactical revisions (as highlighted)
 4. Authorises the Chief Executive Officer to make any necessary typographical or syntactical revisions in order to finalise the Code of Practice for Meeting Procedures.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Seeks to updated the adopted Code of Practice for Meeting Procedures
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<p>The <i>Local Government (Procedures at Meetings) Regulations 2013</i> allows Council to adopt a Code of Practice that establishes procedures for Council and Committee (where the Act or Regulations allow).</p> <p>Under the Meeting Regulations, the obligation to obtain a two-thirds majority for votes to adopt, alter, substitute or revoke a code of practice for the purposes of Regulation 6(1) of the Meeting Regulations applies only to those matters that fall within the scope of a variable provision for the purposes of Part 2 of the Meeting Regulations.</p> <p>Council is entitled in accordance with Section 86(8)(b) of the <i>Local Government Act 1999</i> (the Act) to determine its own procedures, provided such procedures are not already dealt with in either the LG Act or the Meeting Regulations. The Act does not prescribe a mechanism for the determination of such procedures, and so Section 86(4) of the LG Act prevails such that a determination in respect of such a matter is to be determined by a simple majority vote.</p>
Opportunities	The Code of Practice for Meeting Procedures are 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 *Local Government (Procedures at Meetings) Regulations 2013* allows Council to adopt a Code of Practice that establishes procedures for Council and Committee meetings.
2. At the City Finance and Governance (CFG) meeting of 15 August 2023 the Committee discussed the inclusion of a prayer or pledge as part of the Ordinary Council Agenda ([see Report](#))
 - 2.1. At the meeting, the Committee was presented with a recommendation as follows
 - 2.1.1. *“Supports the inclusion of a multifaith prayer **OR** non-denominational pledge into the Council agenda”*
3. The Committee resolved to support a non-denominational pledge.
4. Council adopted the Code of Practice for Meeting Procedures at its meeting 22 August 2023. Since then, it has been identified that some further edits are required to provide clarity for Council Members, and Members of the Public.

Proposed Changes

5. The proposed edits are presented in the table below and highlighted in the document at Attachment A.
6. At its meeting of 22 August 2023 Council resolved to adopt a pledge. Attachment A includes the deletion of the reference to a prayer as a heading in the Ordinary Council Agenda and the inclusion of the pledge.
7. There are no changes to the discretionary provisions, so only a majority vote is required.
8. The *Local Government (Procedures at Meetings) Regulations 2013* allows the Council to adopt a Code of Practice that establishes procedures for Council and Committee (where the Act or Regulations allow).
9. Under the Meeting Regulations, the obligation to obtain a two-thirds majority for votes to adopt, alter, substitute or revoke a code of practice for the purposes of Regulation 6(1) of the Meeting Regulations applies only to those matters that fall within the scope of a variable provision for the purposes of Part 2 of the Meeting Regulations.
10. Council is entitled in accordance with Section 86(8)(b) of the *Local Government Act 1999* (the Act) to determine its own procedures, provided such procedures are not already dealt with in either the LG Act or the Meeting Regulations. The Act does not prescribe a mechanism for the determination of such procedures, and so Section 86(4) of the LG Act prevails such that a determination in respect of such a matter is to be determined by a simple majority vote.

Section	Proposed Change
Conflict of Interest	<ul style="list-style-type: none"> • Conflict of Interest to be included as an agenda item at all meetings (sections 3.3 and 4.6)
Agenda Structure	<ul style="list-style-type: none"> • Removal of reference to prayer as a heading in the Ordinary Council Agenda (section 3.3) • Inclusion of pledge as a heading in the Ordinary Council Agenda (section 3.3) • Addition of a special meeting agenda structure (section 3.3)
Speaking at the Meeting and Motions	<ul style="list-style-type: none"> • Removal of the title “your worship” (section 4.11)
Meeting Interruption	<ul style="list-style-type: none"> • Clarification of procedures for Meeting Interruption (section 4.24)
Administration	<ul style="list-style-type: none"> • Clarification of discretionary provisions that require a two-third vote (section 6.3)
Miscellaneous	<ul style="list-style-type: none"> • Minor typographical and syntactical revisions (as highlighted)

ATTACHMENTS

Attachment A – Code of Practice for Meeting Procedures.

- END OF REPORT -