

Draft Code of Practice for Access to Council and Committee Meetings and Documents

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023
City Finance and Governance Committee

Program Contact:
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Approving Officer:
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Operating Officer

EXECUTIVE SUMMARY

This report provides the opportunity for Council Members to consider the draft Code of Practice for Access to Council and Committee Meetings and Documents (the Code) following the conclusion of public consultation, conducted from 3 October to 25 October 2023.

This report will seek the adoption of the Code and if adopted, relevant sections no longer required in the City of Adelaide Standings Orders will be deleted.

RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Code of Practice for Access to Council and Committee Meetings and Documents as set out in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023.
2. Approves the deletion of the following section of City of Adelaide Standing Orders:
 - 2.1. Chapter 7 – Meeting Procedures and Access to Meetings and Documents
 - 2.1.1 Part 4 – Items Closed to the Public
 - 2.1.2 Part 5 – Meeting Documents
3. Authorises the Chief Executive Officer to make any necessary minor editorial and formatting changes as required to the Code of Practice for Access to Council and Committee Meetings and Documents in order to finalise the document.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan) Strategic Alignment – Enabling Priorities
Policy	This Code replaces 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>In addition to this community consultation was undertaken between 3 October 2023 and concluded on 25 October 2023 during that period we received no submissions.</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 from 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 <i>Local Government Act 1999</i> 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 and Committee 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, 21 March and 20 June 2023 at which feedback was provided to commence to phase out the Standing Orders and for Administration to develop stand-alone policy documents.
5. Council/Committee agenda papers are currently provided for members of the community to view in the customer service centre. A member of the public can purchase a copy of an agenda if they wish to as per Council's fees and charges (if applicable).

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6. The City of Adelaide is committed to open and transparent decision-making.
7. From time to time in certain circumstances, it may be necessary, to restrict public access to discussions and documentation. Section 92 of the *Local Government Act 1999* (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.
8. The objectives of the Code are to:
 - Provide information to the community regarding access to Council Meetings and documentation;
 - Summarise the legal position relating to public access to the Council Meetings and documents; and
 - 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.
9. 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;
Undertake public consultation on the proposed code, alterations or substitute code (as the case may be)
10. At the Council meeting held on 26 September 2023, it was resolved 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.*
11. Consultation commenced on 3 October 2023 and concluded on 25 October 2023. Members of the public were notified of the consultation through a public notice in the Advertiser, social media posts and the Council's Your say page, which included the consultation being prompted through the Your Say Newsletter.
12. The consultation sought feedback in an open format and asked participants to provide any feedback they had in relation to the draft Code.
13. At the close of the consultation period no submissions had been received.

14. During the consultation period, Council's Your Say page received 18 aware visitors, 5 informed visitors and 1 engaged visitors. The one engaged visitor did not provide any feedback in relation to the draft Code.
15. The final draft Code is provided in **Attachment A** for Council's consideration.
16. The Code will be available to the public to assist with their understanding of the procedures associated with access to both Council and Council Committee meetings and documents.
17. In accordance with section 132 (1) of the Act, councils must ensure that the Code is available on the council's website and if requested, provide a person with a printed copy on payment of a fee (if applicable).

ATTACHMENTS

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

- END OF REPORT -