

Terms of Reference Review

Strategic Alignment - Our Corporation

Public

Tuesday, 17 September 2024
City Finance and Governance
Committee

Program Contact:
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Approving Officer:
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EXECUTIVE SUMMARY

At its meeting on 26 March 2024, Council adopted the Committee Structure for 2024 and committed to a review of the Terms of Reference (ToR) for each of the Council's core committees (committees to which all Council Members are appointed). The core committees are the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee.

A full review of the ToR for each core committee has been undertaken, with several points of improvement identified. The previously separate ToR for each Committee have been consolidated into a single document (Attachment A), which now incorporates detailed meeting procedures taken from the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). The revised ToR better reflect current Committee structure and practices, and provide clarity in the operation and purpose of the core committees for all stakeholders (Council Members, Administration and members of the public).

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the *Terms of Reference and Meeting Procedures* for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024.
2. Authorises the Chief Executive Officer to make any typographical or syntactical updates as required to finalise the *Terms of Reference and Meeting Procedures* for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation <i>“Enable effective governance, risk management, accountability and transparency at all times in decision making”</i>
Policy	Code of Practice for Meeting Procedures (Link 1) Terms of Reference for the City Community Services and Culture Committee (Link 2) Terms of Reference for the City Planning, Development and Business Affairs Committee (Link 3) Terms of Reference for the City Finance and Governance Committee (Link 4) Terms of Reference for the Infrastructure and Public Works Committee (Link 5)
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Local Government Act 1999 (SA) Local Government (Procedures at Meetings) Regulations 2013
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 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
24/25 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

1. At its 26 March 2024 meeting Council resolved in part that Council:

“Notes that the Terms of Reference for the City Community Services and Culture Committee, City Finance and Governance Committee, City Planning, Development and Business Affairs Committee and Infrastructure and Public Works Committee will be reviewed and presented to the relevant committee meeting by June 2024.”
2. The in-depth review of the Terms of Reference (ToR) began in May 2024 including meeting procedures for each core committee (the committees) and has now been completed. This work is aligned with the Governance actions arising from the City of Adelaide Strategic Plan 2024-2028.
3. The committees are established under Section 41 of the *Local Government Act 1999 (SA)* (the Act) and are currently subject to the meeting procedures set out under Parts 1, 2 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations).
4. The draft document contained in **Attachment A** is a largely new document which sets out revised ToR for all the core committees in a single document, and includes comprehensive meeting procedures taken directly from Parts 1, 3 and 4 of the Regulations and several procedures observed for a meeting of Council.
5. The draft document outlines the preamble and purpose for each Committee (adopted largely unchanged from each Committee’s previous individual ToR), and additionally details all relevant meeting procedures and process as they apply to the committees (adopted from the Regulations). Relevant sections of the Regulations are noted in the document.
6. Part 3 of the Regulations has been substituted for Part 2 for the committees. Part 2 essentially requires meetings to be run in a formal manner akin to a meeting of Council, while Part 3 enables the committees to engage in robust and informal discussion prior to making recommendations to Council.
7. This change is intended to better align the committees’ ToR with the purpose, operation and current practice of the committees, whilst incorporating discretionary processes to enable formal procedures as necessary.
8. The proposed document is structured to enhance Council Member, Administration and public accessibility by incorporating directly in the ToR each Committee’s purpose and relevant procedures from the Regulations.
9. The proposed document incorporates a structure that guides the user through the full ToR and meeting procedures process, including:
 - 9.1. Purpose of the Core Committees
 - 9.2. Before the Meeting
 - 9.3. During the Meeting
 - 9.4. After the Meeting
10. Alongside the ToR review, Administration will separately present a revised draft Code of Practice for Meeting Procedures in which the specific Council Meeting procedures under Part 2 of the Regulations are likewise prescribed.
11. Together the two reports, revised ToR and revised Code of Practise will delineate the formal regulatory requirements of a Council meeting under Part 2 of the Regulations and the practices of the committees under Part 3 of the Regulations.
12. The updates made in the revised consolidated ToR are summarised below and a marked example of the previous ToR format is available here for comparison ([Link 6](#)):

Committee	Current ToR	Updates
General Update	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Inclusion of provision that where practicable, special meetings of Committees will not be held prior to 5:00pm.
City Community Services and Culture Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations

		<ul style="list-style-type: none"> • Inclusion of several procedures observed for a meeting of Council • Removal of requirements under Part 2 of the Regulations
City Planning, Development and Business Affairs Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council
City Finance and Governance Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council
Infrastructure and Public Works Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council

Next Steps

13. The Terms of Reference and Meeting Procedures for the City of Adelaide Reconciliation Committee has been updated and aligned with the proposed document and has been endorsed by the Reconciliation Committee for adoption by Council at its meeting on 24 September 2024. Administration will continue to assist City of Adelaide Committees to review and update their Terms of Reference documents for consistency and best practice governance.
14. Should Council adopt the draft Terms of Reference for each core committee, the updated Terms of Reference will be in effect for core committee meetings after 24 September 2024.

DATA AND SUPPORTING INFORMATION

Link 1 - Code of Practice for Meeting Procedures

Link 2 - Current Terms of Reference for the City Community Services and Culture Committee

Link 3 - Current Terms of Reference for the City Planning, Development and Business Affairs Committee

Link 4 - Current Terms of Reference for the City Finance and Governance Committee

Link 5 - Current Terms of Reference for the Infrastructure and Public Works Committee

Link 6 – Marked up example of the previous ToR format

ATTACHMENTS

Attachment A – Draft Core Committee Terms of Reference and Meeting Procedures for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and Infrastructure and Public Works Committee.

- END OF REPORT -