

Code of Practice for Meeting Procedures Review

Tuesday, 13 May 2025
Council

Strategic Alignment - Our Corporation

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Public

Approving Officer:
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EXECUTIVE SUMMARY

At its meeting on 24 September 2024, Council resolved to adopt its current Code of Practice for Meeting Procedures (Code). The Code is supported by regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and is to be reviewed annually.

The Code has been reviewed in accordance with Council's annual review obligations and following consideration of recent difficulties the Council has experienced in maintaining quorum in the appointment of a Deputy Lord Mayor.

Proposed modifications to the appointment process provide for a more fair, rigorous and accountable process that aligns with the Local Government Association's '*Guidelines for Choosing a Chairperson (or Deputy Mayor, Deputy Chairperson)*'.

A minor modification to the Code has also been identified and included in the proposed amendments.

RECOMMENDATION

THAT COUNCIL

1. Adopts the modifications to the Code of Practice for Meeting Procedures as contained in Attachment A to Item 15.1 on the Agenda of the Council Meeting held on 13 May 2025.
 2. Authorises the Chief Executive Officer to make any typographical or syntactical updates as required to finalise the Code of Practice for Meeting Procedures as contained in Attachment A to Item 15.1 on the Agenda for the Council Meeting held on 13 May 2025.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	<u>Code of Practice for Meeting Procedures (Link 1)</u>
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<u>Local Government Act 1999 (SA)</u> <u>Local Government (Procedures at Meetings) Regulations 2013,</u> In particular sections 86(8) and 89(1) of the Act and the guiding principles set out in regulation 4 of the Regulations.
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

Background

1. At its meeting on 24 September 2024 Council resolved (in part) that Council:
'Adopts the Code of Practice for Meeting Procedures, as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024'
2. Under section 6(2) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) any adopted Code of Practice of Meeting Procedures (Code) is to be reviewed on an annual basis.
3. Meetings of Council must adhere to the formal provisions under Part 2 of the Regulations, specifically: discretionary procedures, commencement time of meetings, quorum, minutes, questions, motions (including amendments and variations) petitions, deputations, voting, divisions, tabling of information, adjourned business, suspensions of proceedings and tabling of information.
4. Where the Act and Regulations are silent, Council can determine its own procedures in accordance with sections 86(8) and 89(1) of the *Local Government Act 1999* (SA) (the Act).

Review

5. An annual review of the current Code has been undertaken, and areas of improvement have been identified.
6. In particular, the review has considered recent difficulties the Council has experienced in maintaining quorum in the appointment of a Deputy Lord Mayor. Several modifications are recommended to provide a more robust and fair process.
7. Various minor modifications to the Code have also been identified and included in the proposed amendments. The material amendments to the Code include modifications to the appointment provisions for the appointment of Deputy Lord Mayor, the Presiding Member, Committee Chair, or Council nominee to a board or committee.

Special Meeting of Council

- 7.1. Under section 83 (3) of the Act, the Chief Executive Officer (CEO) must give notice of a meeting of council, including a special meeting, that sets out the date, time and **place** of the meeting.
- 7.2. Paragraph 33 of the Code, states:
All special meetings of Council and Council Committee will take place in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless determined otherwise by the Council, or the Chief Executive Officer (subject to any prevailing decision of the Council).
- 7.3. It is recommended that Council amend the Code to hold special meetings of Council in the Council Chamber, Town Hall, King William Street, Adelaide.

The Council Chamber offers a more appropriate and dignified setting for the formal proceedings, critical discussions, and key decisions that define a special meeting of Council.

Appointments to Office

- 7.4. The process for appointing a Deputy Lord Mayor, Presiding Member, Committee Chair, or Council nominee to a board or committee are set out in paragraphs 138-156 of the Code, noting all paragraphs are interlinked.
- 7.5. The most fair, rigorous and accountable process for making appointments to office is by a contested election undertaken in the form of a secret ballot with a returning officer who is authorised to declare the outcome. In this way, all elected members can actively participate equally in the entirety of the election process.
- 7.6. It is recommended that the Council modify the approach presently taken in the Code to reflect Option C of the Local Government Association's (LGA) *'Guidelines for Choosing a Chairperson (or Deputy Mayor, Deputy Chairperson)'*.
- 7.7. The proposed modification eliminates the need for a second resolution to confirm the outcome of the election. This has the benefit of avoiding a situation in which a tight election outcome may be affected by the loss of the vote of the successful member (due to them having material conflict of interest in the outcome), or by an amendment moved after the outcome of the election is known.
- 7.8. Further, it avoids any prospect of the need for a member of the Council who is considering nominating as a candidate for election to the position to declare any interest in the matter, in accordance with the conflict-of-interest provisions for council members in the Act.

- 7.9. The restrictions provided for by the conflict-of-interest provisions of the Act do not apply to participating in secret ballots, as the ballot is not a 'matter' to be discussed by the Council at the meeting. Under the proposed amendments, the returning officer declares the outcome of the ballot, and the successful candidate assumes office thereafter.

Next Steps

11. Should Council adopt the draft Code, the updated Code will be in effect immediately.
12. The modifications to the Code set out in this report can be adopted by simple majority as none of the modifications fall within the scope of matters to which regulation 6(1) of the Regulations applies as they are 'Council own' procedures for the purposes of sections 86(8) and 89(1) of the Act.

DATA AND SUPPORTING INFORMATION

[Link 1 - Code of Practice for Meeting Procedures](#) (Current)

[Link 2 – Code of Practice for Meeting Procedures](#) (Marked-Up)

ATTACHMENTS

Attachment A – Draft modifications to the Code of Practice for Meeting Procedures

- END OF REPORT -