

Council Member
Councillor Davis

Public

Contact Officer:
Amanda McIlroy, Chief
Operating Officer

MOTION ON NOTICE

Councillor Davis will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

‘That **parts 5 to 26 of the decision** of Council on 17/1/2023 in relation to the Governance Structure, namely

That Council:

1.
2.
3.
4.

Option Three-Four Functional Committees

5. Establishes the following committees in accordance with section 41 of the Local Government Act 1999 (SA):
 - 5.1. City Planning, Development and Business Affairs Committee
 - 5.2. Infrastructure and Public Works Committee
 - 5.3. City Finance and Governance Committee
 - 5.4. City Community Services and Culture Committee
6. Adopts a Committee Meeting Schedule as follows (noting that meeting cycles may vary at the discretion of the Chief Executive Officer in consultation with the Committee Chair), with all meetings being held in the Colonel Light Room, Adelaide Town Hall:
 - 6.1. City Finance and Governance Committee first Tuesday of the month (except January and December) at 5.30pm
 - 6.2. City Planning, Development and Business Affairs Committee the first Tuesday of the month (except January and December) not later than 7.00pm
 - 6.3. City Community Services and Culture Committee third Tuesday of the month (except January and December) at 5.30pm
 - 6.4. Infrastructure and Public Works Committee third Tuesday of the month (except January and December) not later than 7.00pm
7. Applies the provisions of Parts 1, 3 and 4 of the Local Government (Procedures at Meetings) Regulations 2013 (SA) to all meetings of the committees established in part 4.
8. Notes that there will be a key liaison at Director level assigned to each Committee to assist Committee in discharging its responsibilities under its the Terms of Reference.
9. Approves the Chair and Deputy Chair of each Committee to attend training on Meeting Procedures and Chairing Skills (if deemed necessary).

City Planning, Development and Business Affairs Committee

Council – Agenda – Tuesday, 31 January 2023

10. That the City Planning, Development and Business Affairs Committee Terms of Reference be updated to delete the following
 “To monitor and report on the performance of Council owned subsidiaries, against their respective charters with which they have been established”
11. Appoints the following Council Members to the City Planning, Development and Business Affairs Committee from 17 January 2023 until the last Council meeting in January 2025, those being:
 Lord Mayor
 Deputy Lord Mayor Martin
 Cr Abrahimzadeh OAM
 Cr Giles
 Cr Martin
 Cr Couros
 Cr Noon
 Cr Hou
 Cr Elliott
 Cr Li
 Cr Snape
 Cr Davis
 Cr Dr Siebentritt
12. Appoints Cr Noon as the Chair of the City Planning, Development and Business Affairs Committee from 17 January 2023 for a period of a year.
13. Appoints DLM Cr Martin as the Deputy Chair of the City Planning, Development and Business Affairs Committee from 17 January 2023 for a period of a year.

Infrastructure and Public Works Committee

14. Appoints the following Council Members to the Infrastructure and Public Works Committee from 17 January 2023 until the last Council meeting in January 2025, those being:
 Lord Mayor
 Deputy Lord Mayor Martin
 Cr Abrahimzadeh OAM
 Cr Giles
 Cr Martin
 Cr Couros
 Cr Noon
 Cr Hou
 Cr Elliott
 Cr Li
 Cr Snape
 Cr Davis
 Cr Dr Siebentritt
15. Appoints Cr Couros as the Chair of the Infrastructure and Public Works Committee from 17 January 2023 for a period of a year.
16. Appoints Cr Elliott as the Deputy Chair of the Infrastructure and Public Works Committee from 17 January 2023 for a period of a year.

City Finance and Governance Committee

17. That the Finance and Governance Committee Terms of Reference be updated to include the following
 “ monitor the City of Adelaide’s performance through the receipt of assurance reports on programs, projects and services” .
18. That the Finance and Governance Committee Terms of Reference be updated to include the following
 “To monitor and report on the performance of Council owned subsidiaries, against their respective charters with which they have been established”.
19. Appoints the following Council Members to the City Finance and Governance Committee from 17 January 2023 until the last Council meeting in January 2025, those being:
 Lord Mayor
 Deputy Lord Mayor Martin
 Cr Abrahimzadeh OAM

Cr Giles
Cr Martin
Cr Couros
Cr Noon
Cr Hou
Cr Elliott
Cr Li
Cr Snape
Cr Davis
Cr Dr Siebentritt

20. Appoints Cr Siebentritt as the Chair of the City Finance and Governance Committee from 17 January 2023 for a period of a year.
21. Appoints Cr Li as the Deputy Chair of the City Finance and Governance Committee from 17 January 2023 for a period of a year.

City Community Services and Culture Committee

22. Appoints the following Council Members to the City Community Services and Culture Committee from 17 January 2023 until the last Council meeting in January 2025, those being:

Lord Mayor
Deputy Lord Mayor Martin
Cr Abrahimzadeh OAM
Cr Giles
Cr Martin
Cr Couros
Cr Noon
Cr Hou
Cr Elliott
Cr Li
Cr Snape
Cr Davis
Cr Dr Siebentritt
23. Appoints Cr Giles as the Chair of the City Community Services and Culture Committee from 17 January 2023 for a period of a year.
24. Appoints Cr Davis as the Deputy Chair of the City Community Services and Culture Committee from 17 January 2023 for a period of a year.
25. Adopts the Terms of Reference (as contained as Attachment C to Item 4.1 on the Agenda of the Special Council meeting held on 17 January 2023), and authorises the amendment of these documents to reflect the resolution of Council.
26. Authorise the CEO to make any necessary or desirable typographical or syntactical revisions to the Terms of Reference for the adopted committee structure.

be revoked.'

Contingent upon **parts 5 to 26 of the decision of** decision of the Council **31/01/2023** being revoked, I Councillor Davis, having complied with the Regulations will then move:

'That Council:

1. Establish four regular information and briefing sessions (IBS) for the purposes of Section 90A of the Local Government Act 1999 (SA) called:
 - 1.1. City Planning, Development and Business Affairs
 - 1.2. Infrastructure and Public Works
 - 1.3. City Finance and Governance
 - 1.4. City Community Services and Culture
2. Adopts an IBS Schedule as follows (noting that IBS cycles may vary at the discretion of the Chief Executive Officer) in consultation with the IBS Chair), with all sessions being held in the Colonel Light Room, Adelaide Town Hall:
 - 2.1. City Planning, Development and Business Affairs IBS first Tuesday of the month (except January and December) at 5.30pm

- 2.2. Infrastructure and Public Works IBS first Tuesday of the month (except January and December) at 7.00pm
- 2.3. City Finance and Governance IBS third Tuesday of the month (except January and December) at 5.30 pm
- 2.4. City Community Services and Culture IBS third Tuesday of the month (except January and December) at 7.00 pm
3. Request that the Administration prepare a draft guiding procedure document for each of the four IBS, in a manner consistent with Section 90A of the Local Government Act 1999 (SA), setting out relevant procedural and resourcing matters governing the operation of the IBS, for adoption by Council.
4. That in respect of each IBS:
 - 4.1. it be recorded;
 - 4.2. it be live Streamed; and
 - 4.3. prescribed information be recorded and given to the public about the IBS, consistent with Section 90A(7) of the Local Government Act 1999 (SA) and Regulation 8AB of the Local Government (General) Regulations 2013.
5. Approves the delivering of training sessions for the Chair and Deputy Chair of each IBS regarding the provisions of Section 90A of the Local Government Act 1999 (SA) and the terms of the IBS procedures to be adopted by Council.
6. Appoints Cr Noon as the Chair and DLM Cr Martin as the Deputy Chair of the City Planning, Development and Business Affairs IBS from 17 January 2023 for a period of a year.
7. Appoints Cr Couros as the Chair and Cr Elliott as the Deputy Chair of the Infrastructure and Public Works IBS from 17 January 2023 for a period of a year.
8. Appoints Cr Dr Siebentritt and Cr Li as the Deputy Chair as the Chair of the City Finance and Governance IBS from 17 January 2023 for a period of a year.
9. Appoints Cr Giles as the Chair and Cr Davis as the Deputy Chair of the City Community Services and Culture IBS from 17 January 2023 for a period of a year.

ADMINISTRATION COMMENT

1. The Motion on Notice seeks to revoke the Council Committee structure and replace it with a series of Informal Briefing Sessions.

Revocation

2. The Local Government (Procedures at Meetings) Regulations 2013 prescribes that a motion to revoke a Council Decision (made since the last general election) must happen through a notice of motion.
3. If the motion is lost, a motion to the same effect cannot be brought to Council for the next 12 months.
4. This means, if the motion to revoke is lost, the Council Committee Structure, as a whole, cannot be changed for the next 12 months. This would not affect the ability to update the Terms of References that apply.
5. Those members appointed as Presiding Members to Council Committees will have a Material Conflict of Interest in the revoking of the Council Committee Structures. This is because the result of the revocation would mean the cessation of the extra allowance paid.
6. Part 4 of the decision of Council on 17 January 2023, noted the Governance Structure (including any terms of reference) will be reviewed in consultation with Council Members in July 2023 for effectiveness.

Establishing Information and Briefing Sessions

7. The Motion on Notice seeks to establish a series of information and briefing sessions (IBS) consistent with Section 90A of the *Local Government Act 1999* (SA). The provisions applicable to Council Committees cannot be applied, as these IBS are not established under Section 41 of the *Local Government Act 1999* (SA).
8. Such sessions would be entirely informal, not subject to substantive meeting procedural rules, and would not constitute decision-making bodies.

9. While these sessions could be chaired by Council members, given that the sessions would be largely informal, there would be limited work for a chairperson to do. These roles would not attract any additional remuneration

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable.
External consultant advice	Not applicable.
Legal advice / litigation (eg contract breach)	Council has sought legal advice (approximately \$600 + GST) in relation to the constitution of the Information Briefings Sessions as well as the Conflict-of-Interest Provisions which has been incorporated into this response.
Impacts on existing projects	Not applicable.
Budget reallocation	If successful, the alternative motion will mean that Council will not have any committees, nor any committee chairs. As such, an additional allowance to presiding members of committees will no longer be payable. The Remuneration Tribunal has determined that the Presiding Members of core Council Committees shall be paid \$7,173 in addition to their allowance.
Capital investment	Not applicable.
Staff time in preparing the workshop / report requested in the motion	Not applicable.
Other	Not applicable.
Staff time in receiving and preparing this administration comment	5.5 hours.

- END OF REPORT -