

Code of Practice - Meeting Procedures

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 March 2023

City Finance and Governance
Committee

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

The draft Code of Practice for Meeting Procedures (the Code) was developed as a result of the 24 January 2023 Council Workshop, based on feedback from members that they would like clear meeting procedures that are easier to understand and separated from the City of Adelaide Standing Orders. The draft Code of Practice is structured to mirror the timeline for meetings, providing guidelines applicable before, during, and after the meeting, and provides an overarching statement about the behavioural expectation of Council and Committee members.

For the Code of Practice for Meeting Procedures to be adopted, two thirds of the Council Members present must vote in favour of the recommendation. If adopted, relevant sections no longer required in the City of Adelaide Standing Orders are to be deleted.

RECOMMENDATION

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL:

That Council

1. Adopts the Code of Practice for Meeting Procedures, as contained in Attachment A to Item 6.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 March 2023.
2. Approves the deletion of the following sections of the City of Adelaide Standing Orders
 - 2.1. Chapter Six
 - 2.1.1. Part One - Council and its Committees
 - 2.1.2. Part Three - Selection of Council members to Nominated Positions
 - 2.2. Chapter Seven
 - 2.2.1. Part One - Council and its Committees
 - 2.2.2. Part Three - Selection of Council Members to Nominated Positions
 - 2.2.3. Part One - Introduction
 - 2.2.4. Part Two - Calling And Notice Of Meetings
 - 2.2.5. Part Three - Place Of Council And Committee Meetings
 - 2.2.6. Part Five – Meeting Documents section 206 only
 - 2.2.7. Part Six - Business at meetings
 - 2.2.8. Part Seven - Start of Meeting and Quorum
 - 2.2.9. Part Eight - Questions
 - 2.2.10. Part Nine - Public involvement at meetings
 - 2.2.11. Part Ten - Motions and addresses by members.
 - 2.2.12. Part 11 – Voting
 - 2.2.13. Part 12 - Meeting Interruption
3. Authorises the CEO to make any necessary typographical or syntactical revisions to the Code of Practice for Meeting Procedures

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	The policy replaces sections of the existing City of Adelaide Standing Orders, 2019
Consultation	A Workshop was held with Council Members on 24 January 2023 to seek their views on the direction of the Standing Orders.
Resource	Not as a result of this policy
Risk / Legal / Legislative	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). Two thirds of Council members in attendance must vote in favour of for the Code of Practice for Meeting Procedures to be adopted.
Opportunities	The procedures are presented in a format that is accessible to Council Members as well as members of the public.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 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
22/23 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. Currently, these procedures are included in Chapter Seven of the City of Adelaide Standing Orders, Link 1 view [here](#).
3. A workshop was held with Council Members on 24 January 2023 at which feedback was sought on the structure and content of the Standing Orders, Link 2 view [here](#).
4. Feedback provided outlined a preference for separating the document into prescribed codes and policies.
5. The draft Code of Practice has been developed with consideration given to reviewing meeting procedure documentation from other Councils.
6. The aim of the changes is to:
 - 6.1. improve decision-making and efficiency at meetings
 - 6.2. improve transparency and accessibility for the community
 - 6.3. reduce duplication and repetition of legislation
 - 6.4. streamline documentation.

Procedure

7. To accommodate the changes requested at the workshop, the City of Adelaide's Standing Orders will remain in place throughout the transition process, with relevant provisions being deleted as new, separate policies and procedures are adopted.
8. Once Council has adopted the full suite of new policies and procedures, the Standing Orders will cease to operate.
9. As a guide, it is anticipated at least six policies will be presented to Council throughout April to July 2023, including policies for Council Member allowances and benefits, training, and aspects associated with Council Member behaviour.
10. The Code of Practice for Meeting Procedures (the Code) is the first in this series to be presented to Council and adopting the Code will require the deletion of relevant sections of the Standing Orders.
11. For the Code of Practice for Meeting Procedures to be adopted, two thirds of the members attending the Council meeting must vote in favour.

Proposed Changes

12. While there are changes to the intent of the document and meeting procedures, the majority of changes relate to structure and layout. Such structural changes include:
 - 12.1. A table of contents has been added for ease of navigation .
 - 12.2. A statement of the commitment of the City of Adelaide to the Guiding Principles in the *Local Government (Procedures at Meetings) Regulations 2013* and a scope statement is included.
 - 12.3. Reproduction of the legislation has been removed.
 - 12.4. The document has been structured to follow the order of the meetings:
 - 12.4.1. Before the meeting
 - 12.4.2. During the meeting
 - 12.4.3. After the meeting
 - 12.4.4. Other matters
 - 12.5. Formatting and presentation has been changed to make it easier to read and understand.
13. A summary of how relevant sections of the Standing Orders are addressed and incorporated into the draft Code is provided in the table below.
14. The table and information immediately following the table also outline any significant changes to content being proposed, which reflect feedback received.

City of Adelaide Standing Orders	Proposed Meeting Procedures
1. Introduction	<ul style="list-style-type: none"> • Found at Part 1 and 3 • Contains contextual information - a statement of the commitment of the City of Adelaide to the Guiding Principles in the <i>Local Government (Procedures at Meetings) Regulations 2013</i> and a scope statement.
2. Calling And Notice Of Meetings	<ul style="list-style-type: none"> • Found at Part 5 - duplication of legislation is deleted. • Consistent with current provisions
3. Place Of Council And Committee Meetings	<ul style="list-style-type: none"> • Found at Part 5 - duplication of legislation is deleted. • Consistent with current provisions
4. Items Closed To The Public	<ul style="list-style-type: none"> • This section is to remain in the Standing Orders until the Code of Practice for Public Access to Meetings and Documents is approved by Council (estimated presentation to Council June 2023)
5. Meeting Documents	<ul style="list-style-type: none"> • The majority of this section is to remain in the Standing Orders until the Code of Practice for Public Access to Meetings and Documents is approved by Council (estimated presentation to Council June 2023)
6. Business at meetings	<ul style="list-style-type: none"> • The change to the structure of the Council and Committee meeting is found at Part 4.3 • Includes provision for Council to determine if it wishes to have a prayer or other statement at the opening of meetings (this is to be done through a resolution of Council) • Doesn't dictate the order of the agenda under Part 9 by theme areas • Confidential Orders to be heard at the end of the meeting • Duplication of legislation is deleted
7. Start of the meeting and quorum	<ul style="list-style-type: none"> • Part 5.3 deals with notification to the public that the meeting is being live streamed • Part 5.7 deals with quorum • Duplication of legislation is deleted
8. Questions	<ul style="list-style-type: none"> • The process for submitting questions and the way questions are dealt with in the meeting are substantially dealt with in the Parts 4.5 and 5.24 • It is noted that Council prefers that a Council Member first raises the question with the administration, before a Question on Notice is submitted • Duplication of legislation is deleted
9. Public involvement at meetings	<ul style="list-style-type: none"> • Found at Parts 4.8, 5.21 and 5.22 • Petitions <ul style="list-style-type: none"> ○ The guidelines for accepting petitions have been simplified. ○ Petitions must be received by 5.00 pm Monday before the publication of the agenda (consistent with Motions on Notice and Questions on Notice) to allow publication in the Council Agenda. ○ Electronic petitions are explicitly allowed. ○ The head petitioner must be named to allow the administration to communicate the results of the petition being lodged with the Council. ○ Online petitions can be accepted provided the criteria has been met. • Deputations <ul style="list-style-type: none"> ○ 3 deputees are allowed to speak at one meeting (with leave of the meeting required for more)

City of Adelaide Standing Orders	Proposed Meeting Procedures
	<ul style="list-style-type: none"> ○ For a matter not on the agenda, the request for a deputation must be received by 5.00 pm Monday prior to the publication of the agenda to allow for publication in the Council Agenda ○ For a matter that has been listed on the agenda, a deputation request must be received 12:00 pm on the business day prior to the Council Meeting ○ Council members can ask questions of the deputation provided they observe the guiding principles contained in the code. ○ Material distributed to a meeting and referenced as part of the address may be attached to the Minutes for reference if the speaker agrees; this must be done through a resolution of Council. The CEO has delegation to not allow material to be published if it is defamatory, offensive or insulting in content.
10. Motions and addresses by members.	<ul style="list-style-type: none"> ● This section is replaced with Part 5 – At the meeting, which includes all procedural requirements to be observed at a meeting. Much of this is prescribed and is consistent with the Standing Orders. ● Part 4.4 Motion on Notice <ul style="list-style-type: none"> ○ It is noted that the Council prefers that Motions on Notice be dealt with at the first meeting of the month. ○ It is preferred that a member speaks to the appropriate Director before a Motion on Notice is submitted regarding context. Councillors must consider alignment with strategic priorities as well as budget impacts. ● Part 5.27 Motions Without Notice <ul style="list-style-type: none"> ● Only motions relating to matters of urgency will be considered without notice by the Lord Mayor ● All such motions are to be put in writing and given to the presiding member at the beginning of the meeting; in addition, the proposer of the motion shall include a rationale as to the urgency of the motion. The Lord Mayor will then determine whether the motion will be accepted for consideration at that meeting. ● If the Lord Mayor accepts the motion, the rationale for the decision will be included as a notation in the minutes of the Council or Council Committee meeting.
11. Voting	<ul style="list-style-type: none"> ● Part 5.15 consistent with current Standing Orders ● The inclusion of electronic voting for the purpose of ballots held when deciding on nominations for positions has been incorporated.
12. Meeting Interruption	<ul style="list-style-type: none"> ● Updated to reflect the changes to the <i>Local Government Act 1999 (SA)</i>. Presiding Member has the authority to expel members from the meeting for a period of time

15. Other notable additions include:

- 15.1. A simple process for 'Nomination to Positions' has been included in this document. As a result, the recommendation calls for Chapter Six Part Three of the Standing Orders to be deleted.
- 15.2. Section 5.5 includes the requirement for Council Members to fill in a declaration of interest form prior to Council and Committee Meetings. This is consistent with other South Australian Councils, and aids in the accurate recording of the conflict and how the member intends to deal with it.
- 15.3. Section 5.29 now provides for a Council Meeting finish time of 8.30 pm. Where business has not been concluded by this time, the Lord Mayor will request leave of the meeting to extend the meeting time.
- 15.4. Section 7.2 confirms which meeting procedures can be applied to Council Committees (where this is not covered by the Terms of Reference). This allows for consistency across Council Committees without unnecessary duplication in each Terms of Reference.

15.5. The Council Agenda order has also been changed to have Motions on Notice and Motions without Notice listed before Questions on Notice and Questions without Notice. This order has been changed to allow a better flow of business.

DATA AND SUPPORTING INFORMATION

Link 1 - [Standing Orders](#)

Link 2 - [Standing Orders Presentation](#)

ATTACHMENTS

Attachment A – Code of Practice for Meeting Procedures.

- END OF REPORT -