



Code of Practice for Meeting Procedures

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Introduction

The provision for the conduct of Council and Committee meetings and the decision-making processes at those meetings are prescribed by the Local Government Act 1999 Chapter 6 (the Act) and the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) Parts 1,2, 3 & 4.

Parts 1 and 4 apply to both Council and Council Committee Meetings.

Part 2 applies to Council Meetings, Council Committees performing regulatory activities and any other Committees, determined by Council, which this Part should apply.

Part 3 applies to all Council Committee meetings that are not subject to Part 2.

Council has resolved to apply Part 3 to all of its Council Committees.

Note: Council's Code of Practice for Access for Meetings and documents compliments this document.

Discretionary Meeting Practices

In order to provide Councils with a degree of flexibility in meeting procedures, the Regulations in some instances provide for some provisions of Part 2 of the Regulations to be varied at the discretion of the Council.

Regulation 6 states that if a provision in the Regulations is expressed to be capable of being varied, then Council may, by a resolution supported by at least two-thirds of the Members present, determine that a Code of Practice be prepared or adopted that establishes its own procedures to apply in substitution for the relevant provision.

In addition Section 86(8) and 89(1) of the Act provides Council with the opportunity to make its own meeting procedures, where practices they are not otherwise stipulated in the Act or the Regulations.

Scope

This Code of Practice reflects the 4 Parts of the meeting Regulations:

- **Part 1** is applicable to both **Council and Council Committees**.
- **Part 2** is applicable to **Council meetings only** and highlights those procedures varied by Council and additional practices where the legislation is silent.
- **Part 3** is applicable to **Council Committees only** and highlights other meeting practices, set by Council, for use to Council Committees.
- **Part 4** is applicable to both **Council and Council Committees** and highlights additional meeting practices applicable to Council and/or a Council Committee



South Australia

Local Government (Procedures at Meetings) Regulations 2013

under the *Local Government Act 1999*

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Part 1 Applicable to Council and Council Committee Meetings

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days—see subregulations (2) and (3);

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council.

- (2) In the calculation of *clear days* in relation to the giving of notice before a meeting—
- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

- (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purposes of the calculation of *clear days* under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

- 1 See regulation 12 for specific provisions about formal motions.

4—Guiding Principles

The following principles (the *Guiding Principles*) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Part 2 - Applicable to Council Meetings Only

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

6—Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) **A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.**
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
 - (a) as determined by the council; or

- (b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

Division 2—Prescribed procedures

7—Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and

- (c) each motion or amendment, and the names of the mover and seconder; and
- (d) any variation, alteration or withdrawal of a motion or amendment; and
- (e) whether a motion or amendment is carried or lost; and
- (f) any disclosure of interest made by a member; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

Council Practice:

The Minutes will be displayed on Council's website for 5 years.

9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.

Note: In accordance with Council Policy a Question on Notice should be provided to the Chief Executive Officer within 7 clear days notice. Council Members submitting a Question on Notice may also include some background information.

- (2) If notice of a question is given under subregulation (1)—
 - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.

Council Practice:

Questions on Notice if provided to the CEO with sufficient time will include a reply in the Council Agenda (as well as the Minutes) otherwise the CEO will arrange for answers to be tabled at the relevant meeting.

When sending questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question.

- (3) A member may ask a question without notice at a meeting.

Council Practice:

Council Members may ask questions on Council reports particularly where a verbal update is given on an item.

Members are encouraged not to ask questions of an operational nature that could be resolved by an enquiry with the Chief Executive Officer or relevant staff member during normal business hours as this will unnecessarily extend the meeting duration.

If a question without notice cannot be answered at the meeting, the presiding member may allow the reply to be given at the next meeting (subject to subsection 4 below) or the Member may submit a 'question on notice' prior to the next meeting.

- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

Council Practice:

If the Presiding Member determines that a 'question on notice' will not be answered for reasons outlined in Regulation 9(6) the question and the reason will be recorded in the minutes.

10—Petitions

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Council Practice:

- All petitions are received by Council however, the Council may refer a matter arising from a petition to a Committee of the Council. A report is listed on the Agenda for the next ordinary meeting of Council addressing the matter raised by the petitioners and the number of signatures.

- The complete petition is included as an attachment to the report in the agenda.
- If the petition is received after the close off for agenda items it is placed on the next Council agenda however the CEO will table the petition or notify Members under 'matters of urgency'.
- Persons wishing to submit a petition should be strongly encouraged to use the format as attached.
- Each page of the petition should state the purpose of the petition, as evidence that the signatories are aware of the issue they are supporting.
- The Petition should identify a Head Petitioner (including contact details) for communication purposes should that be necessary.
- For hard copy petitions each petitioner should sign individually, as evidence of their support for the petition (ie it is not acceptable for a husband to sign on behalf of himself and his wife or vice versa).
- It is acceptable for a petition to be faxed or attached as a document and emailed to localgov@victor.sa.gov.au
- The petition will be reviewed for errors and duplicate names ie only one email address is acceptable for electronic signatures.
- Any petitions received that do not meet legislative requirements may be contacted by a Council officer to clarify the author's (head petitioner) intent and to assist in processing.
- Petitions received in respect to active Development Applications will be referred for the information of the Assessing Officer or Development Assessment Panel.
- The purpose of a petition should not be altered by a Petitioner (eg adding or altering words) as this may invalidate the Petition.
- A request for a petition to be withdrawn from the Agenda will be accepted if received from the Head Petitioner before the agenda has been finalised.

An online or electronic petition:

- Must meet the legislative requirements eg include the name and address of those that have signed or endorsed the petition and addressed to the Council.
- Must include a cover page that details the request and should expressly state that it is to be presented to the Council (so that the signatories are aware this is the case and sign/endorse on this basis).
- Should, where possible, be printed in a hard copy version.

11—Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

Council Practice

- Deputations to a Council Meeting shall be limited to a maximum of three (3) per meeting.
- Each deputation shall be allowed a maximum of 10 minutes to make their presentation to Council. An extension may be granted with leave of the meeting
- Persons wishing to make a representation to Council on an item within the agenda (eg support for a funding application) but have not made an appropriate application, shall be allowed to speak only with the endorsement of a majority of Elected Members.
- If notes or other documents are to be distributed for the deputation, twelve (12) copies are to be provided to the Minute Secretary prior to the commencement of the meeting for distribution.

12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.

Council Practice

In accordance with Council's resolution of 23 February 2015 Members may bring forward any business in the form of a written Notice of Motion that should be accompanied by a Rationale to the Chief Executive Officer within 7 clear days notice before the date of the meeting.

If a Notice of Motion is received by a Member between 7 and 5 clear days before the date of the meeting and the item cannot make the Elected Member agenda distribution timeframe then the item will be distributed to Elected Members as a 'supplementary item' (given the policy objective of distributing the agenda at least 5 clear days before the meeting).

The Chief Executive Officer will present the Member's Notice of Motion (including any background information) via a Council report which includes a brief statement on policy, risk and financial implications associated with the motion.

Note: While every endeavour will be made by staff to finalise and distribute the agenda to elected members at least 5 clear days before the date of the Council meeting as per the adopted policy position, the legal obligation remains to comply with distribution of the agenda at least 3 clear days before the date of the Council meeting.

- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election,whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

Examples:

To maintain an open and transparent approach to governance these motions should be restricted to matters closely related to agenda items, house-keeping issues or matters of urgency.

When in the opinion of the Presiding Member, the motion will require action involving the expenditure of unbudgeted resources a Motion on Notice may be requested.

- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
- (10) A member may only speak once to a motion except—
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.

Council Practice: Questions without Notice may be applied as follows:

Council Members may ask and answer questions regarding a motion for the purpose of clarification (not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Council Practice:

A Member who has spoken to a motion is permitted to move or second an amendment to the motion.

(12) A member who has not spoken in the debate on a question may move a formal motion.

Council Practice

A Member who has spoken in the debate and/or seconded the motion may second a formal motion.

(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is—

- (a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
- (b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
- (c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
- (d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
- (e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost—

- (a) the meeting will be resumed at the point at which it was interrupted; and
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

13—Amendments to motions

Note: *The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent or contradict it. The Presiding Member will not accept a proposed amendment that is a direct negative of the motion.*

An amendment to the substantive motion is moved after the motion has been moved and seconded.

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

Council Practice:

Any Member may move or second an amendment unless they have been the Mover or Secunder of the original motion.

- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

Note:

Members speaking in a debate on an amendment should confine their remarks to the amendment and not debate the substantive motion. An amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right.

- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

14—Variations etc

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

15—Addresses by members etc

- (1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.

- (2) A member may, **with leave of the meeting**, raise a matter of urgency.

Council Practice:

A standard agenda item provides for Members to raise 'matters of urgency'.

When requesting 'leave of the meeting' to raise such matters Members should consider if the matter is sufficiently urgent to warrant consideration at the meeting.

It is recommended that the Chief Executive Officer and other Members are notified prior to the meeting via email of matters that are intended to be raised through this item.

- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
- (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

17—Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
- (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the presiding member will count the number of votes and then declare the outcome.

- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

19—Adjourned business

- (1) If a formal motion for a substantive motion to be adjourned is carried—
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

20—Short-term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

- (i) the provisions of the Act must continue to be observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
- (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
- (d) the period of suspension will come to an end if—
- (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Note—

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Note: *Any motion submitted by the CEO in accordance with this Regulation is considered to be the equivalent to a written Notice of Motion under Regulation 12(3).*

Other Council Meeting Practices

Council Meetings

Council currently meets on the 4th Monday of each month commencing at 5.30pm.

At least one copy of the Agenda will be made available for viewing by members of the public at the meeting. The agenda is also projected on a screen at the meeting.

Order of Business

The order of business is as set out in the example Agenda template (Attachment 1).

The Presiding Member at their discretion or at the request of a Member of Council may bring forward items for debate and resolution where:

- a large contingent of interested parties is present in the gallery;
- contractors or consultants are present to make presentations; or

- if it is considered expedient or appropriate.

Acknowledgement of Country, Service Acknowledgement and Prayer

Before the meeting is formally opened it is Council practice to commence with the Mayor reading an ‘Acknowledgement of Country’ and ‘Prayer’ as follows:

We acknowledge the traditional custodians of our beautiful lands and surrounding water, the Ramindjeri and Ngarrindjeri people. As a community we recognise and respect their cultural connection with the land and waters.

We gratefully acknowledge the men and women of the Navy, Army and Air Force who made the Supreme Sacrifice in the preservation of Australia’s freedom and democracy, we also proclaim our gratitude to those who returned to us.

Almighty God, we ask you to bless this Council and allow it to be an agent of change to the people of this City and beyond. Direct and prosper its deliberations to the honouring of Your name and the welfare of the people whom it serves. Amen.

Attendance at Council Meetings and apologies

Apologies for a Council meeting should be provided to the Chief Executive Officer prior to the Council meeting commencing and will be recorded in the Minutes.

Leave of Absence

‘Leave of absence’ must be sought by Elected Members for absence of three or more consecutive meetings (the first of which was held three months or more before the last).

A request for ‘Leave of Absence’ may be given in advance to the Chief Executive Officer or raised at a Council Meeting in ‘Matters of Urgency’.

Note - the office of a Member becomes vacant if Leave of Absence has not been sought under the above circumstances in accordance with Section 54(1)(d) of the Act.

Notice of Ordinary or Special Council Meetings and agenda

It is a Policy of Council that the Notice of meeting and the agenda which includes copies of any documents or reports that are to be considered at the meeting should be provided to Council Members in either hard copy or electronic/digital format, at least 5 clear days before the date of the Council meeting.

Note: it may be necessary to send supplementary agenda items to Members to meet the legislative requirements of Notices of Motion and/or Questions on Notice.

The Council Meetings will be advertised on the display board within the Council Foyer.

Council Meeting breaks

If the Council meeting has been in progress for longer than two and a half hours the Mayor may adjourn the meeting for a 10 minute break.

Duration of Council Meeting

After 4 hours the Mayor will take a vote on whether to continue with the meeting or adjourn the remaining business.

Late Correspondence

Correspondence received after the preparation of the agenda will not be considered at the meeting to which the agenda refers, unless the Mayor and the Chief Executive Officer considers that the correspondence is sufficiently urgent to warrant consideration. Urgent matters will be pursued through ‘Matters of Urgency’ on the agenda.

Questions from the Gallery

Council has allocated a 20 minute time limit (unless extended by Council) for the public to ask questions at ordinary meetings of Council. Questions may be asked by members of the Gallery regarding any matter of Council business.

Question time is not a public forum for debate, making of public statements or making allegations or derogatory remarks about Elected Members or staff. The time is limited to a question and answer period only, the questions should be clear and to the point and presented in a manner befitting a public meeting to enable a response.

The Mayor will apply the following guidelines strictly:

- Questions should be in writing to the Chief Executive Officer or delegate by 5pm on the day of the meeting. The minutes will rely on written questions for accuracy.
- Members of the Gallery may ask up to two questions and at the discretion of the Mayor, one follow up question to each of the main questions.
- Written questions should contain the name and address details of the person submitting the question to facilitate a written reply should the question be beyond a verbal response at the meeting.
- If a response is not given by the Mayor or Administration at the meeting, a written reply will be provided to the proposer of the question prior to the next ordinary meeting of Council and the question and the response will be recorded in the Minutes of that meeting.
- Each question asked will be recorded in the Minutes, with the exception of question that are disallowed (under these guidelines).
- A person who has submitted a question in writing must be present at the meeting for it to be considered and shall address the Council as directed by the presiding member.
- The Mayor in consultation with the Chief Executive Officer may disallow a question which:
 - Is outside the duties, functions and powers of Council;
 - Is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - Deals with a subject matter already answered;
 - Relates to personnel matters;
 - Are of a personal nature that are not applicable to the broader community;
 - Relates to contractual matters that are commercial in confidence;
 - Relates to proposed developments;
 - Relates to legal advice;
 - Are currently before a Court for resolution.

- Relates to matters affecting the security of Council property;
- Relates to a matter that due to resources and research implications will be better dealt with through the Freedom of Information processes.
- Relates to any other matter which Council considers would prejudice Council or any person.

Any person who has their question disallowed will be advised accordingly and be given a reason for why it has been disallowed. The question and the response will be provided in the minutes.

The following procedure applies:

1. The Mayor will call forward the persons who wish to propose questions and have submitted such, in writing, to the Chief Executive Officer.
2. Each person allowed to speak must address the Mayor and state their name and their question; a small preamble will be allowed to provide background and context to the question.
3. The Chair in consultation with the Chief Executive Officer will determine the appropriate Council Member or officer to answer each question and depending on the complexity of the question, will provide an answer immediately or take it on notice for a formal written response, direct to the person raising the question at their nominated address.
4. Members of the gallery shall not enter into a debate or any other discussion and the Council will not enter into discussions with the person's asking the questions.
5. The Chair will take advice from the Chief Executive Officer on any matter deemed confidential under Section 90 of the Local Government Act and under these circumstances, no response to the question will be provided.
6. The Chair will determine when sufficient response to a question has been provided.
7. In the event that more information is required to provide an accurate and full answer the Mayor may request that the question be taken on notice for the next meeting.

Note: Residents are able to contact an Elected Member or the Council office on any matter relating to Council business. Written communication to Council is registered and generally responded to within 15 working days and within 5 days for e-mail contact.

Part 3 Applicable to Council Committee Meetings Only

Part 3—Meetings of other committees

22—Application of Part

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

23—Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

The following practice will apply unless resolved otherwise by Council through the Committee Terms of Reference:

- The Chief Executive Officer or delegate will ensure that each member of a Council Committee is given notice of any ordinary meeting of the Committee at least three clear days before the date of the meeting.
- All Committee Members must authorise in writing where Council should deliver their notice of meeting and agenda.
- Notice of a meeting of a Council Committee will be in writing, set out the date, time and place of the meeting and contain or be accompanied by the agenda for the meeting.
- The Chief Executive Officer will, as far as practicable, ensure that items on the agenda given to members of a Council Committee are described with reasonable particularity and accuracy and

- Ensure that each member at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- The Chief Executive Officer (via the Administrative Officer) will ensure that the notice and the agenda for the meeting is given to the public (as soon as practical after given to members of the Committee) and placed on public display at the Council office and on the website. It should remain on the website for at least a two month period.

Special Committee Meetings

- The Chief Executive Officer will ensure that each member of a Council Committee is given notice of a special meeting of the Committee at least four hours before the commencement of the meeting or as soon as practical after the meeting has been requested. Where time permits the usual 3 days notice is preferred.
- The Chief Executive Officer will, at the request of the presiding member of a Council Committee; or at least two members of the Council Committee call a special meeting of a Council Committee.

25—Minutes

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Committee Practice:

The minutes will **also** record:

- Apologies
- The time persons enter and leave the meeting
- Details of any adjournment of business

In accordance with Section 91(3) each member of the Council must, within five days after a meeting of a Council Committee, be supplied with a copy of the minutes of the meeting. **All members who are not on the Committee will be emailed a link to Committee minutes** and be provided with a full copy of the minutes as part of the Council agenda.

Unless resolved otherwise by Council via the Committee Terms of Reference, the minutes will be kept on public display for a minimum period of one month. The Minutes must be available on Council's website as soon as practicable after the minutes are given to members of the Committee (preferably within 5 days of the meeting). The minutes will remain on the Website for a 5 year period and be archived by IT after this period.

The minutes of the Committee will be placed on the Council Agenda and recommendations that require additional background and specific direction of Council will be highlighted by the Senior Officer attending the meeting in a covering report.

Other Committee Meeting Procedures

Notice of Meeting and Agenda

The Chief Executive Officer must sign all Council Committee 'Notices of Meetings' and approve the agenda (including reports) prior to distribution.

The Administrative Officer must ensure that an official record of all 'notices of meetings' including the agenda and minutes are maintained.

First Meeting of the Committee

The first meeting of a Council Committee will include:

- Appoint a Chairperson and/or Deputy unless resolved already by Council.
- Confirm its Terms of Reference.
- Set the times and places to hold Committee meetings taking into account:
 - The availability and convenience of members of the Committee; and
 - The nature and purpose of the Committee (Section 87(2) of the Act).

When a regular meeting date and time has been established by the Committee meeting dates for the year should be publicised on Council's website under Council Committees.

Attendance at Committee Meetings

The Chief Executive Officer may attend any meeting of any Committee or group or to nominate a Senior Officer of Council to act in his/her place for any particular occasion or purpose. The Chief Executive Officer or his/her nominee shall not have voting rights unless the Council grants such rights.

All Committee Meetings will be attended by a Senior Council Officer and the Director will appoint a Minute Secretary.

All Committee meetings are open to the public and should be held at a venue to accommodate members of the public. The Administrative Officer should ensure that one copy of the agenda is available for viewing by members of the public at the meeting (the Reception copy may be used for this purpose and returned afterwards).

Apologies

Apologies for non-attendance at a Committee meetings should be provided to the Senior Officer who attends the Committee Meeting or the Chief Executive Officer. The Notice of meeting should contain the contact details for apologies.

Chairperson – appointment

A Section 41 Committee Chair and Deputy Chair shall be an Elected Member of Council unless stipulated otherwise by legislation. The Council may appoint a Chairperson and Deputy at the time of establishing the Committee and/or make provision for the Committee to appoint a Deputy Chair. The Guidelines for Appointing a Chairperson (LGA) should be utilised in the selection process (attached). At the discretion of the appointing body it may be a condition of appointment that a person undertake a Chairperson training session via the Local Government Association.

Chairpersons and Deputy Chairpersons of Sub-Committees may be appointed by either the Council or the Committee.

The term of office is determined by Council.

Motions and debate at Committee Meetings

Committee Practice:

In general, meeting procedures are flexible however the Chairperson should ensure that:

- The business of the meeting is conducted in a proper and orderly manner.
- The views of the meeting on the business before it are determined (in accordance with the Committee Terms of Reference and this document).
- All members who wish to contribute to the debate have an opportunity to do so.
- All motions are legal, clear and able to be implemented.
- The discussions are kept to the subject being discussed and irrelevant and repetitious discussions are prevented.

If a member needs to leave the room, he or she should indicate this to the Chairperson. This will provide the minute taker the opportunity to record who leaves the meeting.

Any mobile telephones brought to the meeting are to be switched off or silent.

Presentations

Presentations may be made as an opportunity for an organisation, Council officer(s) or member of the public to provide the Committee with information relevant to a matter currently under consideration or relevant to the Committee purpose (refer Terms of Reference). Presentations usually relate to a Committee report. The duration is up to 10 minutes and generally is limited to one presentation per meeting.

Confidential Items

The Chief Executive Officer should indicate on a document or report provided to members of the Committee any information or matter contained in or arising from a document or report that may, if the Committee so determines, be considered in confidence (refer Council's Code of Practice for Access to Meetings and Documents).

Part 4 Applicable to both Council and Council Committee Meetings unless stipulated otherwise

Part 4—Miscellaneous

26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the *prescribed number* of members of a council committee is—
 - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) of the Act.

Committee Practice:

A quorum must include at least one Elected Member.

If an urgent matter on the agenda is not able to be dealt with due to a lack of a quorum the matter may be presented directly to Council via a Notice of Motion by the Chairperson of the Committee.

If there is not a quorum the meeting must be delayed for a short period of time (no longer than 30 minutes) or be adjourned to another date.

If the number of apologies received before the meeting indicate that a quorum will not be present the presiding member will adjourn the meeting.

Note: The Mayor in his/her capacity as an ex-officio member will not be taken to be included in the membership of a Committee unless actually present at the meeting of the Committee.

27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

Committee Practice:

Tied votes – while a tied vote cannot occur at Council meetings with the Mayor having a casting vote it can occur at Committee meetings. In the event that a vote is tied the matter will be referred to the parent body for deliberation ie if it is a Council Committee then Council will consider the matter, or if the matter is being considered by a subcommittee then the parent committee will consider the matter.

28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

29—Interruption of meetings by members

- (1) A member of a council or council committee must not, while at a meeting—
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.

- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
 - (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5),is guilty of an offence.
Maximum penalty: \$1250.

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

Recording Council and Committee Meetings (updated to reflect resolution of Council on 22 February 2016)

Council Meetings

- Council will record all meetings of the full Council (Ordinary and Special) on a digital audio device (or devices..
- Audio recordings (excluding confidential items considered under Section 90 of the Local Government Act) are available on council’s website, as soon a practicable after the meeting, and will be available on the website for a rolling four year period as well as being kept as a permanent record.
- Recording (including filming, photography and audio) from the public gallery is allowed, provided that it does not disturb the meeting.
- Council will provide live-streaming of council meetings (special and ordinary) via its public website (excluding confidential items).
- No person is permitted to record confidential items of Council or Committee meetings.

Committee Meetings

Council will audio record all Council Committee meetings (established under Section 41 of the Local Government Act 1999), Strategic Planning and Development Policy Committee and Council's Development Assessment Panel for record keeping and risk management purposes.

Procedures for Recording Council and Committee Meetings:

1. Notification of recording at Council and Committee Meetings

The City of Victor Harbor will provide advice to those attending meetings as follows:

- On the notice of meeting (agenda);
- On notices at the entry to the council chambers or committee location the meeting is held; and
- Verbally by the presiding member at each meeting.

The wording of the advice could be:

'Please be advised that filming, photography, audio recording and live-streaming (Council only) may take place at this meeting when the public and media are not lawfully excluded under Section 90 of the Local Government Act 1999 (confidentiality provisions).'

2. Notifying the Council or Committee

While no prior approval is required to film, photograph or audio record City of Victor Harbor council or committee meetings, the council requests that any persons (members of the public, elected members and the media) make their intention to record the meeting known to council officers or the Mayor.

Those members of the public recording the meeting will be required to do so from a dedicated area within the public gallery.

3. Filming individuals

The council respectfully requests that those recording a meeting not film, record or photograph the public gallery.

While the council will make every effort to protect members of the public who actively object to being filmed, photographed or recorded, it cannot guarantee the actions of those filming.

The council will implement precautionary measures including directing children or vulnerable adults present at council or Committee meetings to sit in the rows behind the people filming or photographing. Other members of the public who don't wish to be filmed or photographed will also be encouraged to sit in the back rows of the gallery.

Additionally, recording should not be conducted in a manner that could intimidate a council or committee member from expressing their views and/or performing their functions as members of the governing body or committee representative.

4. Exclusion of the public and media

There may be instances where members of the public and media are asked to leave under Section 90 of the Local Government Act 1999 – this is when the meeting considers matters involving exempt or confidential information. At this point members of the public and the media must cease recording / filming / photographing and leave the chamber or meeting room with all of their personal equipment.

5. Appropriate use of recordings

The council expects that those people recording council or committee meetings will not edit the recordings, film or photographs in a way that could lead to the misinterpretation of the proceedings. This includes refraining from editing an image, or views expressed by those participating in the meeting, in a way that may ridicule, or show lack of respect towards those being photographed, filmed or recorded.

Council's audio recording or live streaming publication is subject to the usual copyright protections ie no part of these publications may be reproduced without written permission of the Council.

Members of the media will be required to conduct themselves in accordance with the Media, Entertainment and Arts Alliance – Journalists' Code of Ethics (www.alliance.org.au/code-of-ethics.html).

6. Interruption or interference of meetings

It is an offence under the legislative provisions for Elected Members, committee representatives or members of the public including the media to interrupt a meeting or to obstruct or interfere with a person seeking to attend the meeting or any of the proceedings at the meeting.

An interference includes, but is not restricted to, the following:

- Obstructing the public gallery area.
- Interfering with a person attending the meeting or any of the proceedings of the meeting including the Chairperson in the organisation or conduct of the meeting.
- Causing a nuisance, as to disrupt the concentration and/or contribution of persons participating and presenting at the meeting ie
 - Excessive noise including in recording or setting up equipment during the meeting;
 - Taking up unreasonable space in the gallery area;
 - Intrusive lighting or use of flash photography;

- Asking people to repeat statements for the purpose of recording;
- Providing an oral commentary during the meeting;
- Behaving in a disorderly, indecent, offensive, threatening or insulting manner;
- Refusing a reasonable direction of the Chair

The Mayor or the Chairperson of a meeting will use all options available to them to ensure proper meeting conduct. Those who interfere with the good order of the meeting can be excluded from the meeting if they do not desist.

7. Facilities

Third parties will not have access to Council's recording equipment.

