

Alexandrina Council



# Code of Practice Council Meeting Procedures





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## Code of Practice – Meeting Procedures

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Applicable Legislation	<i>Local Government Act 1999 (SA) Chapter 6, s.81 – 95</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i> <i>Statutes Amendment (Local Government Review) Act 2021</i>

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## Chapter 1

### Part 1 – Preliminary Matters

#### 1.1 Legislative Requirements

The *Local Government (Procedures at Meetings) Regulations 2013* (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings and allow Council to develop its own code of practice that add to or vary certain provisions of the regulations.

Sections 86(8) and 89(1) of the *Local Government Act 1999* provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedure provided it is not inconsistent with the Act or Regulations.

This document is Alexandrina Council's Code of Practice – Meeting Procedures. This Code of Practice provides:

- the *Local Government (Procedures at Meetings) Regulations 2013* in full as part of the Code of Practice.
- variations to the prescribed meeting procedures which have been adopted by Council (inserted in **blue text** to enable them to be read in conjunction with the formal requirements of the Regulations (black text) –some minor editorial and cross-referencing amendments are not changed to blue text) and numbered clarifications as footnotes in *green italics* text;
- clarifications to the meeting regulations to assist members in their understanding of the meeting procedures (also inserted in **blue text**); and
- supplementary meeting procedures which apply to both Council and Committee meetings (unless stated otherwise) (also inserted in **blue text**).

This Code incorporates the Regulations as Chapter 2 of this Code of Practice and incorporates the variations made to the Regulations by Alexandrina Council in accordance with Regulation 6 of the Regulations.

As recommended by the regulations, this Code of Practice is reviewed annually.

#### 1.2 Availability

The Code of Practice – Meeting Procedures is available to be downloaded, free of charge, from Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au)

The Code of Practice – Meeting Procedures will be available for purchase at Council's offices during ordinary business hours.

#### 1.3 Committees of Council

Council has established the following Committees, under Section 41 and Section 126 of the *Local Government Act 1999*:

- **Audit & Risk Committee**
- Cemeteries Advisory Committee
- Chief Executive Officer Performance (CEO) Management Panel



- Climate Emergency and [Environment](#) Committee
- Heritage Advisory Committee
- Ratalang Basham Beach and Horseshoe Bay Advisory Committee
- [South Australian Wooden Boat Festival Committee](#)

Other Committees can be established from time to time as required.

All Committees meet and attend to business in accordance with their respective Terms of Reference and the Code of Practice – Meeting Procedures.





## Chapter 2

### Part 1 - Preliminary

#### 1. Citation

These procedures may be cited as the “Code of Practice – Meeting Procedures”.

#### 2. Approval

These procedures were approved by Alexandrina Council on 18 September 2023

#### 3. Interpretation

1. In these procedures, unless the contrary intention appears:

“**Act**” means the Local Government Act 1999;

“**clear days**” — see clauses 3(2) and 3(3);

“**Council**” means Alexandrina Council;

“**Council Committee**” or “**Committee**” means a committee established by the Council;

“**Deputation**” means a person or group of persons who wish to appear personally before the Council or a Council Committee in order to address the Council or the Committee (as the case may be) on a particular matter;

“**Disconnect**” in relation to electronic participation in a Committee Meeting includes:

- a. ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
- b. ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
- c. logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
- d. signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
- e. disconnecting any other Electronic Means such that the discussion and voting at the meeting cannot be seen or heard;

“**Electronic Means**” includes a telephone, computer or other electronic device used for communication;

“**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 adjourned<sup>1</sup>;

**“Guiding Principles”** — see clause 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 the Regulations [or this Code of Practice](#) in relation to the proceedings of a meeting;

**“Presiding Member”** means the person who is the Presiding Member at a Council or Council Committee meeting (as the case may be) and includes any person who is presiding at a particular meeting;

**“Regulations”** means the [Local Government \(Procedures at Meetings\) Regulations 2013](#);

**“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 sub-clause (2), if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day.
4. For the purposes of these meeting procedures, a vote on whether 'leave of the meeting' is granted may be conducted by a show of hands (nothing in this subclause prevents a division from being called in relation to the vote).

#### 4. Guiding Principles

1. The following principles (Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of the 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.

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<sup>1</sup> See regulation 12 for specific provisions about formal motions

## Part 2 - Meetings of Councils, and Council Committees to which Part 2 applies

### Division 1 – Preliminary

#### 5. Application of Part 2

1. The provisions of this Part apply to:
  - a. the meetings of the 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).

(N.B. – If this Part 2 does not apply to a Council Committee, Part 3 will apply to that Council Committee instead.)

#### 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 regulation 6 of the Regulations, then the 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).

(N.B. – This Code of Practice is a code of practice for the purpose of regulation 6 of the Regulations.)

2. The Council should, at least once in every financial year, review the operation of a code of practice under this clause.
3. The 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. The Council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
5. Clause 12(4) does not apply to a motion under sub-clause (3).
6. This clause does not limit or derogate from the operation of clause 20<sup>2</sup>.

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<sup>2</sup> Furthermore, if a matter is not dealt with by the Act or this Code of Practice (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 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.

(N.B. – A quorum of Council is calculated in accordance with section 85(1) of the Act. Council members who are suspended from office or who are taken to have been granted leave on the basis they are contesting a State parliamentary election are not counted for purpose of calculating quorum. Council members who are otherwise absent (with or without leave or apology) are counted.

A quorum of a Committee is calculated in accordance with clause 26 of this Code of Practice.)

2. If the number of apologies received by the CEO indicates that a quorum will not be present at a meeting, the CEO 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 CEO, will adjourn the meeting to a specified day and time.
4. If a meeting is adjourned for want of a quorum, the CEO 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 CEO 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 their 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. the name of any Member who is not present because the Member is suspended or taken to have been granted leave of absence from the office of Member of the Council; and
- c. 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
  - (iii) if, during the meeting, the Member is excluded under section 86(6b) of the Act, a statement that the Member was excluded and the period for which the Member was excluded; and
- d. each motion or amendment, and the names of the mover and seconder; and
- e. any variation, alteration or withdrawal of a motion or amendment; and
- f. whether a motion or amendment is carried or lost; and
- g. any disclosure of interest made by a Member [which must, in the case of a material conflict of interest, include the details specified under section 75C\(5\) of the Act \(name, nature of the interest and if the Member participated in the meeting under an approval from the Minister\) and, in the case of a general conflict of interest, include the details under section 75B\(3\) of the Act \(name, nature of interest, way the Member dealt with the interest, if the member voted on the matter and the manner in which the member voted, and the way that the majority voted\); and](#)
- h. an account of any personal explanation given by a Member; and
- i. details of the making of an order under section 90(2) of the Act ([meetings are to be held in the public except in special circumstances](#)) see section 90(7) of the Act; and
- j. a note of the making of an order under section 91(7) of the Act ([minutes and release of documents](#)) in accordance with the requirements of section 91(9) of the Act; and
- k. details of any adjournment of business; and
- l. a record of any request for documents to be tabled at the meeting; and
- m. a record of any documents tabled at the meeting; and
- n. a description of any oral briefing given to the meeting on a matter of Council business; and
- o. any other matter required to be included in the minutes by or under the Act or any regulation [or this Code of Practice](#).

### Alexandrina Council Variations and Additions

- 5. [The minutes will also record:](#)
  - a. [the opening and closing time of the meeting;](#)
  - b. [the names and titles of CEO and General Managers in attendance;](#)
  - c. [apologies and approved leave of absence;](#)

- d. Members who have not previously provided an apology or been granted a leave of absence as being absent;
  - e. if a decision is unanimous; and
  - f. the name(s) of a person(s) appearing as a Deputation and the subject matter of the Deputation will be recorded, noting that the detail of the content of the Deputation will not be recorded.
  - g. That when there are more than one set of minutes to be confirmed, that they be dealt with as separate recommendations and considered one at a time (not moved en bloc)
6. The minutes will not record:
- a. details of the debate;
  - b. voting patterns unless a division is called or the decision is unanimous;
  - c. Questions without Notice and the reply unless specifically resolved by Council;
  - d. the number of Members of the public present or representation of any media present; and
  - e. foreshadowed motions.

## 9. Questions<sup>3</sup>

1. A Member may ask a question on notice by giving the CEO written notice of the question at least seven (7) days before the date of the meeting at which the question is to be asked.
2. If notice of a question is given under subclause 1:
  - a. the CEO 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.
3. A Member may ask a question without notice at a meeting.
4. The Presiding Member may allow the reply to a question without notice to be given at the next meeting; *in which case the answer will appear as a question on notice in the agenda of the next ordinary meeting of Council.*
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.

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### <sup>3</sup> Point of Explanation

*The Presiding Member is responsible for ensuring that questions asked are answered (or disallowed). The Presiding Member may answer the question themselves or call on a Council Member, the Chief Executive Officer or another member of the Administration, or attending consultant to answer questions put at a meeting.*



## Alexandrina Council Variations and Additions

7. Subject to subclause (6), answers to questions on notice will be provided in the agenda of the relevant meeting, provided that the questions are submitted to the CEO by 5pm at least seven (7) clear days prior to the meeting date as required in subclause (1) or otherwise appear in the agenda in accordance with subclause (9).
8. If the Presiding Member rules that a question without notice can be answered and the meeting resolves to record an entry in the minutes, the Member will be asked to supply their question in writing to the minute secretary.
9. If the Presiding Member rules that a question without notice can be answered and requests that answer be provided by the CEO or another member of Council's administration, the CEO may take the question on notice, in which case the question will appear as a question on notice in the agenda of the next meeting of Council and the answer will provided in the agenda in accordance with subclause (7).

## 10. Petitions

1. A petition to the Council must:
  - a. be legibly written or typed or printed;
  - b. clearly set out the request or submission of the petitioners;
  - 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 subclause (1), the CEO must ensure that a summary of the petition including a statement as to the nature of the request of submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the Council or appropriate Committee of the Council (as determined by the CEO), and that access to a copy of the full Petition will be provided to all Members of the Council and (if applicable) all Members of the relevant Council Committee.
3. Subclause (2) may be varied at the discretion of the Council pursuant to regulation 6.

## Alexandrina Council variations and Additions

4. Notwithstanding above subclause (2), the CEO may (after conferring with the Principal Member) refuse to place a petition on the agenda if it does not meet any one or more the conditions in the following subclause. The Head Petitioner (if they can be identified) will be advised of this refusal and the reasons(s) for the refusal and will be invited to submit a compliant petition.
5. Petitions received, in addition to the legislative requirements in above subclause 1, must meet the following conditions:
  - a. include the name and address of the person submitting the petition (the Head Petitioner);

- b. the cause, being the request or plea, should be stated at the top of each page of the petition;
  - c. relate to a matter within Council's jurisdiction, taking into account Council's role as an advocate on behalf of its community;
  - d. the signatories must complete the address field with a residential or business address, (not an electronic address)<sup>4</sup>;
  - e. not contain material that, in the opinion of the CEO and / or Presiding Member, is misleading, defamatory or offensive;
  - f. be supplied to the Council either in person at the Council's Principal Office, by mail, or attached as a document and emailed to [alex@alexandrina.sa.gov.au](mailto:alex@alexandrina.sa.gov.au)
6. An online petition is a compliant petition provided it satisfies the criteria set out in this Code of Practice.
7. A petition must be received by the CEO by 5pm at least seven (7) clear days before the meeting at which the petition is presented to Council.
8. Where a petition is not refused under clause 4, the CEO will:
  - a. acknowledge receipt of the petition and advise of the Council meeting date at which the petition will be considered;
  - b. invite the Head Petitioner to make a Deputation to Council regarding the petition (an application for a Deputation will need to be made separately);
  - c. place the summary of the petition on the agenda for the next ordinary Council meeting in accordance with the Regulations and this Code of Practice;
9. When considering a summary of a petition at a meeting, the Council (or Council Committee as the case may be) will determine whether a further report will be prepared for Council consideration at a later date.
10. It is the responsibility of the Head Petitioner to ensure that signatories to a petition are aware of the public nature of petitions submitted to Council and that the information provided on a petition may appear on Council's website. Any signature which is accompanied only by an electronic address, or by no address, will not be taken into account by Council when considering the petition.

## 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 CEO must transmit a request received under subclause 1 to the Presiding Member.
3. The Presiding Member may refuse to allow the Deputation to appear at a meeting.
4. The CEO must take reasonable steps to ensure that the person or persons who requested a Deputation are informed of the outcome of the request.

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<sup>4</sup> **Point of Explanation**

*Addresses, for the purposes of being valid, for the purposes of a petition must consist of a full street address and suburb name*



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.

### Alexandrina Council Variations and Additions

8. That Councillor questions of a person providing a deputation be limited to 10 minutes. Therefore the deputation presentation and councillors questions be limited to a total of 15 minutes.
9. As a matter of policy, the Presiding Member will generally refuse to allow a deputation if the request for deputation is not received by the CEO by 5.00pm three (3) clear days prior to the Council meeting.
10. A maximum of five (5) minutes is permitted for each Deputation, following which the Members may ask questions for a total period of five (5) minutes. The subject matter of the deputation will not be debated during this period.
11. Notwithstanding subclause 9, a person may seek leave of Council to speak for a maximum of ten (10) minutes per Deputation.
12. If a person wishes to distribute or present information, including visual presentations, to the Council in support of their Deputation, then the person must provide the information to the CEO by 5.00pm two (2) clear days prior to the Council meeting.
13. Should the person(s) presenting the Deputation be representing an organisation, association or other body, they may be required by the CEO to provide a copy of the Constitution and Rules of that organisation, association or other body prior to commencing their Deputation.
14. As a matter of policy, the Presiding Member will generally permit three (3) Deputations relevant to the same item of business at any one Council meeting. If more than three (3) requests are received, requests received first will generally be prioritised.
15. Written notification will be forwarded to the person(s) who made the request for a Deputation notifying them of the outcome of the request. If approved, they will be notified of the time and date of the meeting at which the deputation will be heard and the method by which the person(s) are to appear at the meeting.
16. Should Council resolve to allow a Deputation (that has previously been refused by the Presiding Member) in accordance with subclause 6, the deputation will be placed as an item of business on the agenda for the next ordinary Council meeting.

## 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 CEO at least seven (7) clear days before the date of the meeting at which the motion is to be moved<sup>5</sup>.
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<sup>6</sup>.
4. If a motion under subclause 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 procedures, 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, they consider that the motion should be dealt with by way of a written notice of motion.
7. The Presiding Member may refuse to accept a motion if the subject matter is, in their 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. *The Presiding Member is to ask for a seconder on two (2) separate occasions, before declaring that a motion has lapsed.*
9. (a) A Member moving a motion will be asked to speak to the motion at the time of moving the motion.  
(b) *A Member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion at a later stage of the debate. Where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to 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 their speech, but not so as to introduce any new matter; or
  - b. with leave of the meeting; or
  - c. as the mover in reply. *This will occur after any and all amendments have been dealt with and immediately prior to the original or substantive motion being put to the meeting (i.e. immediately prior to the final vote).*
11. (a) 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.

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<sup>5</sup> The notice of motion in the agenda may be accompanied by background information, together with officers' comments were considered appropriate by the Chief Executive Officer.

<sup>6</sup> A "rescission motion".

(b) A Member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to subclause 9, may not 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.
13. A formal motion must be in the form of a motion set out in subclause 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<sup>7</sup>:
  - 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 (i.e. a motion to the same effect) cannot be put until at least one 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 subclause 14(c) lapses at the next general election.

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<sup>7</sup> **Point of Explanation**

This includes the motion being lost for want of a seconder



20. The CEO must report on each question that lapses under subclause 19 to the Council at the first ordinary meeting of the Council after the general election.
21. Subclauses 9, 10 and 11 may be varied at the discretion of the Council pursuant to regulation 6.

### Alexandrina Council Variations and Additions

22. **Motions on Notice<sup>8</sup>**
  - a. prior to lodging a motion, Members may liaise with the CEO (or other officer nominated by the CEO) on the content of the proposed motion to explore options and implications.
  - b. when placing a Motion on Notice in an agenda, the CEO may take the opportunity to provide written comments to assist Members to make informed decisions.
  - c. motions on Notice, once moved, have the same status as any other motion and may be amended during the debate.
23. Where a Member who has given Notice of a Motion in accordance with clause 12(2) is present at the meeting at which the motion is to be considered, that Member will have the first opportunity to move the motion. If that opportunity is declined or if the Member is absent, the motion may be moved by any other Member.
24. **Motions without Notice**
  - a. a Member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their Motion to assist the Presiding Member in the conduct of the meeting.

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#### <sup>8</sup> Point of Explanation

*The following are desirable characteristics when framing a motion*

- *Form – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value.*
- *Content – a motion should be complete and plain so that a resultant resolution when read in the future, identifies with its object and substance.*
- *Wording - it should be precise and written in plain English. Its intention should be clear.*
- *Drafting – a motion should be framed and phrased in a way to enable person(s) to vote in favour or against the proposal, thus facilitating the ability of the meeting to make a decision.*
- *If a motion is lost no decision has been made*
- *Any member who has spoken in the debate may second a formal motion. Only the mover of the formal motion is required not to have spoken in the debate.*
- *There is no debate on a formal motion, unless it is a motion to adjourn the question or the meeting, then the meeting may discuss the details of the adjournment (i.e. date and time) that the question or meeting is being adjourned until.*
- *Where further information may be required to assist with the decision-making process in relation to a matter, the Council can resolve to delay consideration of the matter and that a further report be presented with additional information at a future meeting. However, a resolution to delay consideration of a matter can only be made if a substantive motion on the matter is not yet before the Council for consideration. If a substantive motion is before the Council, a formal motion can be used to adjourn the with the reason for the adjournment to be provided as: to enable a further report from the Chief Executive Officer in respect of the matter (details regarding what is to be included in the report can also be included in such a formal motion).*

- b. where possible, Motions without Notice should be discussed with the CEO and be provided to the Presiding Member and Minute Taker prior to the commencement of the meeting.

### 13. Amendments to Motions<sup>9</sup>

1. Subject to subclause 11(a), 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.
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 they choose to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
4. If an amendment is lost, only one (1) further amendment may be moved to the original motion.
5. If an amendment is carried, only one (1) further amendment may be moved to the original motion.
6. Subclauses 1, 3, 4 and 5 may be varied at the discretion of the Council pursuant to regulation 6.

### Alexandrina Council Variations and Additions

7. The Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.
8. (a) A Member moving an amendment will be asked to speak to the amendment at the time of moving the amendment.  
(b) A Member seconding an amendment may elect to either speak to the amendment at the time of seconding or may reserve their right to speak to the amendment until a later stage of the debate. Where a Member seconds an amendment and reserves their right to speak to it, they will not be considered to have spoken to the amendment.
9. A Member may only speak once to an amendment except with leave of the meeting.

### 14. Variations etc<sup>10</sup>

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.

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#### <sup>9</sup> Point of Explanation

- Only two (2) amendments may be moved (whether or not successful)
- Members should only debate the amendment not the whole motion
- Amendments should be used to insert, delete or substitute words in the motion. Amendments should not be used to fundamentally alter the purpose or substance of the motion

#### <sup>10</sup> Point of Explanation

- The withdrawal of a motion does not preclude another motion on the same matter being moved
- Variations to motions will be recorded in the minutes in accordance with regulation 8(4)(d)

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<sup>11</sup>

1. A Member must not speak for longer than five (5) minutes at any one time without leave of the meeting.
2. A Member may, with leave of the meeting, raise a matter of urgency.
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. Subclauses 1 and 2 may be varied at the discretion of the Council pursuant to regulation 6.

## Alexandrina Council Variations and Additions

7. A Member may seek leave of the Meeting to speak more than once to an agenda item.
8. The Presiding Member should refrain from entering the debate until the end of the debate (immediately before the mover speaks in reply) to avoid any suggestion of 'leading' the meeting.
9. If a Member making a personal explanation wishes the full text of that personal explanation included in the minutes, it may be included by a resolution of Council. If not, only the topic and a limited description of the explanation will be included in the minutes.
10. A Member who intends to speak at a Council meeting must raise their hand to signal their intention to the Presiding Member that they wish to speak who will call upon them in turn. A Member is not required to stand whilst addressing the meeting.
11. The Presiding Member of a Committee will determine how Members are to signal their intention to speak. Members are not required to stand when addressing a Committee. Members must at all times address the meeting through the Presiding Member.
12. Where two or more Members indicate their intention to speak at a meeting at the same time, the Presiding Member will determine in which order the Members will be heard.
13. A Member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.

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### <sup>11</sup>Point of Explanation

*A personal explanation should provide the Member's account of the reasons or factors regarding an event or situation in which they had an involvement. The explanations should not:*

- *Make imputations of improper motives or contain personal opinions on fellow Councillors, the Administration or members of the public; or*
- *Be used for making statements about Council resolutions.*



14. A Member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another Member or to an officer or employee.
15. A Member speaking at a meeting in the Council chamber must use the microphone provided for this purpose.

## 16. Voting

1. The Presiding Member, or any other Member, may ask the CEO 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 them to determine the result of the voting), and will then declare the outcome.
3. A person who is not in their seat is not permitted to vote.
4. Subclause 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.

## Alexandrina Council Variations and Additions

5. A vote in relation to a question for decision before the Council will be taken by show of hands.
6. The Presiding Member, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.
7. A vote on whether leave of the meeting is granted may be conducted by a show of hands.
8. When exercising a casting vote the Presiding Member may provide a brief explanation (of no longer than three (3) minutes) to the Chamber.

## 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, stand in their places. On the counting of the vote these Members will be seated.
  - b. the Members voting in the negative will then stand in their places.
  - c. the Presiding Member will count the number of votes and then declare the outcome.
  - d. a Member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the Presiding Member that they require special



arrangements to be made in order for their vote to be adequately signalled to those persons present, and so that such vote is accurately recorded in the minutes. The Presiding Member may, in consultation with the Member concerned, determine the manner in which the Member is to signal their vote.

4. The CEO 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. Subclause 3 may be varied at the discretion of the Council pursuant to regulation 6.

## 18. Tabling of Information

1. A Member may require the CEO to table any documents<sup>12</sup> 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 they are 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 CEO may, in tabling a document, indicate that in their 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 clause may be varied at the discretion of the Council pursuant to regulation 6.

## 20. Short-term Suspension of Proceedings<sup>13</sup>

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

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<sup>12</sup> **Point of Explanation**

*'Documents' here means existing documents in the possession of the Council. The power to require tabling of documents cannot be used to require the preparation of a new document or to obtain any document not already in the possession of the Council.*

<sup>13</sup> **Point of Explanation**

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 subclause 1.
3. If a suspension occurs under subclause 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 observed<sup>14</sup>, 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.
  - 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.

## **21. Chief Executive Officer may submit report recommending revocation or amendment of Council decision**

1. The CEO 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 CEO 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 clause may be varied at the discretion of the Council pursuant to regulation 6.

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*The meeting does not need to have a formal motion to have a short-term suspension of meeting procedures or extend a short-term suspension, as long as the Presiding Member seeks leave of the meeting and leave of the meeting is granted by 2/3 of the members present.*

<sup>14</sup> See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

## **Part 3 - Meetings of other Committees (to which Part 2 does not apply)**

### **22. Application of Part 3**

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 of this Code of Practice.

### **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 CEO 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.

### **Alexandrina Council Variations and Additions**

1. Notice of a meeting of the Committee must be given in writing, at least three (3) clear days prior to the date of the meeting.
2. Notice will be given for each meeting separately except where the CEO considers that it is more appropriate in the circumstances to provide notice of multiple meetings in a single notice (for example where a series of meetings are required within a short period of time),.
3. Where reasonably practicable, the notice of meeting will be accompanied by any associated papers.
4. In the event that notice of meeting is not accompanied by the any associated papers, adequate time will be provided during the meeting for Members to read additional documents prior to distribution of them.

### **24. Public Notice of Committee meetings**

1. 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 and 3 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 CEO after taking into account the nature and purpose of the 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; 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.

## 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<sup>15</sup>.
2. For the purposes of this clause, 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 two (2), ignoring any fraction resulting from the division, and adding one (1); or
  - b. a number determined by the Council.

### 27. Voting at committee meetings

1. Subject to the Act and these procedures, 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.

### Alexandrina Council Variations

4. Presiding Members of Council Committees can use their discretion regarding the Acknowledgement and Prayer (clause 31(5)) by either insertion of an alternative shortened version or exclusion.

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<sup>15</sup> See also section 41(6) of the Act.

5. Committees can include an Agenda Item “Urgent Business” however matters must be limited to matters within the terms of reference of the Committee.

## 28. Points of Order

1. The Presiding Member may call to order a Member who is in breach of the Act or the Regulations or [this Code of Practice](#).
2. A Member may draw to the attention of the Presiding Member a breach of the Act or the Regulations or [this Code of Practice](#), 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 subclause (5) is put.
7. A resolution under subclause (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.

## 28A—Exclusion of member from meeting by Presiding Member

1. For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the Presiding Member must allow the Member to make a personal explanation.
2. If a Member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under clause 29 in respect of the contravention.
3. A Member will not be taken to contravene section 86(6a) of the Act merely because the Member 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.
4. For the purposes of section 86(6e) of the Act, if a Member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining Members at the meeting may, by resolution—
  - a. censure the Member; or
  - b. suspend the Member for a part, or for the remainder, of the meeting.

## 29. Interruption of meetings by Members

1. A Member of the 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. Subclause 1b 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 subclause 1, the Member must be allowed to make a personal explanation.
4. Subject to complying with subclause 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 subclause 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 subclause 4; or
  - b. enters a meeting in contravention of a suspension under subclause 5, is guilty of an offence.

Maximum penalty: \$1,250.

### **30. Interruption of meetings by others**

A Member of the public who is present at a meeting of the Council or Council committee must not:

1. behave in a disorderly manner; or
2. cause an interruption.

Maximum penalty: \$500.

## Chapter 3 – Alexandrina Council and Council Committee Protocols

### 31. Order of Business

1. The order of business for Council meetings will generally be in accordance with the attached agenda template – refer to Appendix A. However, the Mayor at the Mayor's own initiative or at the request of a Member of Council may vary the order of business, with the leave of the meeting, for debate and resolution where:
  - a. a large contingent of interested parties is in the public gallery; or
  - b. it may be otherwise considered expedient or appropriate.
2. Where there are Members of the public present in the gallery, Administration should (where possible) determine which agenda item/s is/are of particular interest to those persons and advise the Presiding Member as soon as practicable (and preferably before the meeting commences).
3. Subject to above clause 7, Council and Council Committee meetings will commence at the time set out in the Notice of Meeting.
4. If a Member arrives after the meeting commences, the time of arrival will be noted in the minutes in the appropriate place.
5. The following will appear at the beginning of the agenda of all Council meetings and will be read by the Presiding Member at the commencement of each Council meeting and other appropriate functions of Council:
  - a. Local Government Prayer

“Almighty God, we humbly beseech thee to grant thy blessing upon the works of this Council, guide us in our deliberations for the advancement and the true welfare of the people of the district.”
  - b. Acknowledgement of Traditional Owners

“The Alexandrina Council and its communities acknowledge the Ngarrindjeri, Peramangk and Kaurna people as the traditional custodians of the lands and waters of our Council district.”
6. That the Chamber be asked to stand for the Acknowledgement of Traditional Owners and the Prayer.
7. If a Member expects to be late or unable to attend the meeting, the Presiding Member is to be advised prior to the commencement of the meeting if possible. Members will be recorded in the minutes as absent if their apology has not been received or a leave of absence has not been granted prior to the commencement of the meeting.
8. A leave of absence will only be granted by a resolution of Council. A leave of absence generally will not be granted retrospectively. A leave of absence may be for a specific meeting, or may be for a period of time. Where a member has been granted a leave of absence for a period of time, it is expected they will not attend Council and Committee Meetings, Council Information Sessions, functions and any other responsibilities as a Councillor and will not provide any contributions to Council agenda during the approved leave of absence.



9. There will be no item of “Other Business” on the agenda of Council or Committee meetings. Sufficient opportunity is afforded to Members to raise any issue in accordance with this Code of Practice, the Act and Regulations.
10. The Outstanding Resolutions Register will be an ongoing agenda item at each Council meeting.

### 32. Officer’s Presentation of Late Material

1. An officer’s report which has not been included in the agenda for a meeting may only be placed before the meeting where the officer responsible for the report has obtained the agreement, before the meeting, of both the Presiding Member and the CEO that the report be presented.
2. The Presiding Member and the CEO may only grant their consent to a report being presented to a Council or Committee meeting pursuant to subclause (1) above where, in their opinion, a decision is required from the Council or Committee which cannot be delayed until the next Ordinary meeting of the Council or Committee.
3. Where the material relevant to the presentation of a late report under this clause has been supplied to Members just prior to or during a meeting, the Presiding Member must allow adequate reading time prior to consideration of the matter, in consultation with the Members.

### 33. Recording of Council meetings

1. Council will record its meetings and retain copies of the recording in accordance with the State Records Act 1997.
2. The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded in any way by members of the public unless permission is specifically sought and given by the Mayor and CEO prior to the meeting. Unauthorised photography or recording of a Council or Committee meeting may be treated as disorderly behaviour in accordance with above clause 30 and the person engaging in such behaviour may be required by the Presiding Member or the CEO to leave the meeting room and/or Council premises.

### 34. Reports of Members<sup>16</sup>

1. Council Members will have the opportunity to provide a written report on their activities to be formally received as part of the meeting agenda. Reports of Members should be restricted to items of particular interest or concern to the Council.
2. Activities reported on should be unique to that Council Member so as to reduce unnecessary duplication.
3. Reports from Council Members will be included in the Agenda provided the report is received by the CEO by 5.00pm, seven (7) clear days of the Council meeting.

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<sup>16</sup> **Point of Explanation**

*‘Activities’ are those in which the Council Member is attending in their formal capacity as a member of Alexandrina Council*



4. A Member's activity report received after the time specified in subclause 3 above will be treated as an item for a subsequent meeting of the Council.
5. Verbal Council Member's reports will be accepted at Council Meetings.
6. Council will pass a resolution at each Council meeting to formally receive and note the Members' Activity reports received by the deadline.
7. The minutes will reflect only that a Member has made a report and a brief description of the matter. In all cases the CEO will determine the brief description in their absolute discretion.
8. Council Members who represent Council on an external board or subsidiary are required to present a summary of any meeting of that board or subsidiary at the next Ordinary Council meeting.
9. Council Members who have attended conferences, training or development activities which have been funded by Council are required to submit a written report to the next meeting of Council.

### **35. Adjournment of Meetings**

Where a meeting continues to 10pm, unless there is a specific motion adopted at the meeting that it continue beyond this time, the meeting (and, hence, all remaining business) will be adjourned to a date and time specified by the Presiding Member.

### **36. Questions for clarification purposes**

1. A Member may ask a question without notice, in accordance with clause 9, prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment. At the discretion of the Presiding Member, a question can be directed by any Member, irrespective of whether that Member has spoken to the motion or not, to another Member for the purpose of:
  - a. seeking clarification of that other Member's submissions in the debate; or
  - b. obtaining information within the intrinsic knowledge or expertise of that other Member.
2. Members are encouraged to seek answers to questions prior to a Council or Committee meeting.

### **37. Foreshadowing of motions**

1. During the debate on a motion or an amendment, a Member who has not spoken previously to the motion or amendment may (in the course of speaking to the motion or amendment) foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the minutes.

### **38. Mobile Telephones**

1. Mobile telephones and other smart devices (including but not limited to tablets etc.) must be placed in silent mode during a meeting by Members and officers so as to be contactable in case of emergency or for the review of Council

documentation only (except in the case of a Member of a Committee participating in a Committee Meeting by Electronic Means consistent with clause 42).

2. Mobile telephones and other smart devices may not be used during a meeting by media representatives or persons in the public gallery. Mobile phones and other smart devices, if brought into the Council chambers, or Committee room, must be switched off, or turned to silent mode before the meeting commences.

### 39. Acting Presiding Member

1. In accordance with section 86(2) of the Act:
  - a. if the Mayor is absent from a Council Meeting, the Deputy Mayor will preside;
  - b. if the Deputy is not available to preside, a Member of the Council chosen by those present will preside.
2. If the usual Presiding Member of a Committee is absent from a meeting, or the consideration of a particular agenda item, then subject to anything to the contrary in the Terms of Reference of the Committee, a Member of the Committee chosen by those present will preside.
3. Wherever it is necessary under above subclause 1 or 2 for the Members to choose a Member to preside, the Member will be chosen by:
  - a. in the first instance calling for a volunteer; or
  - b. where more than one Member volunteers, the names of the volunteering members be drawn by the CEO and the Member who is chosen to preside is the one whose name is drawn first; or
  - c. as a last resort, if no Member volunteers, the names of all Members present be placed in the draw and the name of the first Member drawn by the CEO is to preside.

### 40. Nomination/Appointment of Council Members to internal and external positions

1. The procedure to conduct a secret ballot for nomination or appointment of a Member to any internal or external position, should Council resolve to hold a ballot, is as follows:
  - a. before debate on the item the Presiding Member will call for a short-term suspension of proceedings to undertake a ballot process<sup>17</sup>.
  - b. the Presiding Member will call for nominations. Members may nominate themselves or other Members.
  - c. nominees may provide a brief explanation (of no more than three (3) minutes) as to why they are nominating and the skills, qualifications and experience they bring to the position.
  - d. the CEO or another officer will distribute ballot papers.
  - e. each Member, including the Presiding Member, has one vote.

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<sup>17</sup> **Note:** this requires the consent of two thirds of the members present by physical attendance or other electronic means.

- f. the CEO or another officer will collect the ballot papers and two (2) officers will conduct the count separately and confirm numbers.
- g. the method of voting will be first past the post.
- h. in the event of a tie, Council Members are to recast votes for the tied parties.
- i. the CEO will then report the numbers to the Presiding Member.
- j. the Presiding Member will announce the successful candidate.
- k. the Presiding Member will then bring the suspension of meeting procedures to an end.
- l. the Presiding Member will ask for a Member to move a motion in relation to the item to confirm the outcome of the ballot.

#### 41. 'Wellbeing' Break<sup>18</sup>

1. Council or Committee Meetings may include a short 'wellbeing' break, a maximum of 10 minutes, by resolution specifying the duration of the break and the recommencement time.
2. A 'wellbeing break' will be called after two (2) hours of sitting time.

#### 42. Electronic participation in Committee Meetings

1. The following subclauses apply subject to anything to the contrary in the Terms of Reference of a Committee and subject to any contrary direction by the Council.
2. Any one or more Members of a Committee may participate in a Committee Meeting by any Electronic Means which are approved by the CEO and which permit the Member:
  - a. to hear all other Members; and
  - b. to be heard by all other Members and any members of the public observing the meeting.
3. Regardless of how many Committee Members participate in a Committee Meeting by Electronic Means, a physical meeting location will always be provided. That location will be open to the public (except during period that an order under section 90(2) of the Act is in force).
4. The CEO may make any virtual meeting platform used by any one or more Committee Members to participate in a Committee Meeting also available to be used by members of the public for the purpose of observing the meeting (except during period that an order under section 90(2) of the Act is in force).
  - a. A Committee Member who is participating in a meeting by Electronic Means will:
  - b. be taken to have entered or re-entered the meeting whenever they join or re-join via Electronic Means;

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<sup>18</sup> **Point of Explanation**

*A motion is not required to recommence the meeting following an adjournment for a 'wellbeing' break, if the meeting resumes at the time stated in the adjournment when a quorum is present.*

- c. be taken to have left the meeting whenever they Disconnect the Electronic Means which they are using to participate in the meeting; and
  - d. be treated as if they are in their seat at the Committee Meeting (and must therefore vote on any question arising for consideration) while they are connected via Electronic Means.
- 5. A Committee Member who is participating in a Committee Meeting by Electronic Means will vote verbally (including in a division) as follows:
  - a. at the time of asking for the votes in favour of a question before the Committee, the Presiding Member will ask each Member participating by Electronic Means to indicate verbally whether they are in favour of the question.
  - b. at the time of asking for the votes against a question before the Committee, the Presiding Member will ask each Member participating by Electronic Means to indicate verbally whether they are against the question.
  - c. the Presiding Member may ask as many times as is necessary to enable them to determine the result of the voting and will then declare the outcome.

#### **43. Dealing with Committee Business at Council Meetings**

- 1. Committees are to report to the Council through the delivery of minutes to the Council.
- 2. A summary of the Committee meeting is to be presented to the Council by the Presiding Member of the Committee where the Presiding Member is also a Member of the Council. Where this is not the case a Member on the Committee nominated by the Presiding Member will perform this function.
- 3. Each recommendation contained within the Committee minutes and the merits of each recommendation will be considered by the Council on an item-by-item basis and subject to a separate motion moved and seconded.
- 4. To ensure adherence to the principles of informed and responsible decision-making, any report considered by the Committee will be made available to each Member on request.

## Appendix A - Council Agenda Format

Ordinary Council Meetings will follow the order shown below.

### **(Preliminary Matters)**

1. Opening of Meeting
2. Apologies/ Leave of Absence
3. Local Government Prayer
4. Acknowledgement of Traditional Owners
5. Declarations of Interest

*If a Council Member has an interest in a matter which will be before the Council at this meeting, they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest at the beginning of the meeting. Members are reminded they must also declare their interest and provide details at the time the relevant item arises for consideration.*

6. Confirmation of Minutes

### **(Ongoing Business)**

7. Adjourned Debate

### **(Public Interaction)**

8. Public Presentations/Deputations
9. Petitions

### **(General Business)**

10. 10.1 Questions on Notice  
10.2 Questions without Notice  
10.3 Notices of Motions
11. Reports of the Administration
12. Section 41 Committees and Advisory Panels – Minutes and Reports
13. Council Member Reports
  - Presiding Member Report
  - Individual Council Member Reports including:
    - Behavioural Standards Reports
    - Reports of Council Members
14. Confidential Items
15. Closure

## Appendix B Specific powers of the Presiding Member

The Regulations give specific powers and responsibilities to the Presiding Member in the following circumstances

### Minutes

- Signing the minutes once a motion of confirmation has been carried – Regulation 8.

### Questions

- The Presiding Member may allow the reply to a question without notice to be given at the next meeting (Regulation 9(4)).
- 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 (Regulation 9 (6)).

### Deputations

- A request for a Deputation must be in writing to the CEO who passes it to the Presiding Member.
- The Presiding Member may refuse to allow a Deputation to appear at a meeting. If the Presiding Member refuses to allow a Deputation they must report the decision to the next meeting of the Council or Committee. The Council or Committee may resolve to allow the Deputation to appear despite a contrary ruling by the Presiding Member (Regulation 11(5) & (6)).

### Motions

- The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, they consider that the motion should be dealt with by way of written notice of motion (Regulation 12(6)).
- The Presiding Member may refuse to accept a motion if the subject matter is, in their opinion, beyond the power of the Council or Committee (Regulation 12(7)).

### Short-term suspension

- The Presiding Member, with the consent of two thirds of the Members present, may suspend the operation of all or part of Division 2 of Part 2 of the Regulations for a short time if they consider that the conduct of the meeting would benefit from such a suspension. The Presiding Member may in their discretion determine that a short term suspension be brought to an end (Regulation 20).

### Point of order

A point of order is a breach of the provisions of the Act or Regulation.

- The Presiding Member may call to order a Member who is in breach of the Act or Regulations (Regulation 28(1)).
- The Presiding Member will rule on a point of order (Regulation 28(4)).
- 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 (Regulation 28(5)).





- The Presiding Member is entitled to make a statement in support of their ruling before putting the motion to not agree with the ruling (Regulation 28(6)).