

Alexandrina Council



Code of Practice Council Meeting Procedures



Code of Practice for Council Meeting Procedures

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1. Introduction

1.1 Legislative Basis

Applicable Act and Regulations

- 1.1.1 Alexandrina Council (Council) is committed to the principles of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:
- *Local Government Act 1999* (the Act)
 - *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).
- 1.1.2 Section 86(8) of the Act provides that the proceedings applying to council meetings will be as prescribed by act or regulation or, insofar as the procedure is not prescribed, as determined by the Council.
- 1.1.3 The Regulations are structured in four (4) Parts which are applicable to the following types of meetings:
- | | |
|--------|---|
| Part 1 | Preliminary (interpretation and guiding principles) - applies to all council and council committee meetings |
| Part 2 | Meetings of councils and key committees (complex procedure including options to vary elements) - applies to council, council committees performing regulatory functions, and those committees that a council determines Part 2 should apply (note: Council has not determined that Part 2 applies to any of its council committees) |
| Part 3 | Meetings of other committees (less complex procedure for committees) - applies to any council committees that have not been determined to have Part 2 apply (note: for Council this is all of its council committees) |
| Part 4 | Miscellaneous (additional common procedure)- applies to all council and council committee meetings. |

1.2 Purpose and Structure of the Code of Practice

1.2.1 Purpose

- 1.2.1.1 The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of Alexandrina Council meetings.
- 1.2.1.2 This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in shaded boxes, titled with the Regulation reference). This enables the Code to be read in conjunction with prescribed meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and

notice of meetings, where reference has only been made to the relevant section within the Act.

1.2.2 Discretionary Procedures

- 1.2.2.1 Contained within Part 2 of the Regulations are several elements of prescribed procedure which are identified as being able to be varied by the council (i.e. a Discretionary Procedure). Regulation 6 provides that if a council wishes to vary a Discretionary Procedure, it must develop and adopt a Code of Practice that is supported by two-thirds of the members of the Council setting out the procedure that will apply in relation to the Discretionary.
- 1.2.2.2 Within relevant clauses of this Code of Practice, Council has used the discretion provided in the Regulations to create Discretionary Procedure, this is identified through the applicable legislation (in the boxes) being struck out and the applicable Discretionary Procedure being shown in blue text.

1.2.3 Supplementary Procedures

- 1.2.3.1 In developing this Code of Practice (Code), Council has taken the opportunity to include a range of supplementary meeting procedures (Supplementary Procedures), being procedures that are not prescribed in an Act or Regulation. Effectively these are additional procedures and guidance notes that the Council has determined will facilitate more effective meetings and contribute to the achievement of the Guiding Principles (see below). These Supplementary Procedures are contained in black text following each of the legislation boxes.

1.3 Application of the Code of Practice

- 1.3.1 This Code applies to all Ordinary and Special meetings of Council.
- 1.3.2 The Code does not apply to the meetings of the Section 41 Committees, Advisory Groups, or Information or Briefing Sessions of Council which will be guided by the Act and Regulations as applicable to those fora. In addition, Council may adopt separate Codes, Policies and Terms of Reference to specifically guide these fora.
- 1.3.3 References to the Presiding Member also include the Acting Presiding Member in the Presiding Member's absence.

1.4 Guiding Principles

- 1.4.1 Regulation 4 of the Regulations prescribes Guiding Principles that should be applied with respect to the Procedures to be observed at a meeting of a Council or Council Committee.
- 1.4.2 In determining a matter of Meeting Procedure, the Presiding Member should consider the extent to which the proposed action upholds the following Principles:

Regulation 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 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.

These Guiding Principles underpin the details documented in this Code of Practice.

1.5 Definitions

Regulation 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 the council or a council committee in order to address the council or the 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 adjourned;

Guiding Principles — see regulation 4¹;

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 meeting²;

¹ Contained in clause 1.4 of this Code of Practice

² Points of order also apply to alleged breaches of this or this Code of Practice.

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).

Other useful definitions used in this Code of Practice are:

“Casting Vote” is held by the Presiding Member of Council. A casting vote is used in the event of a tied vote.

“Council” means Alexandrina Council;

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

“Deliberative Vote” is held by all Council Members with the exception of the Mayor or an acting Presiding Member.

“Regulations” means the *Local Government (Procedures at Meetings) Regulations 2013*;

2. Operating Procedures – Before the Meeting

2.1 Calling Meetings

2.1.1 Ordinary Meetings

- 2.1.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of Ordinary Council Meetings.
- 2.1.1.2 The schedules for Ordinary Council Meetings are resolved in advance and are maintained on the Council website.

2.1.2 Special Meetings

- 2.1.2.1 Section 82 of the Act prescribes the legislative requirements for the calling of Special Meetings of Council.
- 2.1.2.2 Details of Special Meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

2.2 Notice and Agendas for Meetings

2.2.1 Ordinary Meetings

- 2.2.1.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.
- 2.2.1.2 At least three (3) clear days before the Council meeting the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.
- 2.2.1.3 The notice must contain or be accompanied by the agenda³ and, as far as practicable, the documents and reports that are to be considered at the meeting.
- 2.2.1.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 2.2.1.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website www.alexandrina.sa.gov.au and on public display at the Principal Office as soon as practicable after the time when the document or report is supplied to members of the Council⁴

³ 'agenda' under s4(1) of the Act means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

⁴ For more information on public access to the Council agenda, please see the *Code of Practice for Access to Council and Committee Meetings & Documents*

- 2.2.1.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

2.2.2 Special Meetings

- 2.2.2.1 For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a Special Meeting of the Council.
- 2.2.2.2 Notices of Special Meetings will be distributed by email to the Council-provided email address for each Member and will be displayed on Council's website for viewing by members of the public. Where notice of Special Meetings is provided with less than 24 hours' notice, best endeavours will be used to bring the notice to the attention of each Member by making contact by phone, message service or similar.

2.3 Public Access to Meetings

- 2.3.1 Council has adopted a *Code of Practice for Access to Council and Committee Meetings & Documents* which outlines the arrangements for public access to Council meetings.

2.4 Questions for Clarification Prior to the Meetings

- 2.4.1 To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda.
- 2.4.2 For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer. Clarification can include any potential alternative motions.
- 2.4.3 Members are also encouraged to give consideration to the potential for conflicts of interest, and these can be discussed with the CEO or nominated delegate prior to Council meetings.

3. Operating Procedures – The Order of Business

3.1 Commencement of Meetings and Quorums

Regulation 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 published on a website determined by the chief executive officer.

3.1.1 A quorum for Council is determined under s85(1) of the Act by 'dividing the total number of members of the Council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one'. For the purposes of s85(1) the Members of Council in office used to calculate the quorum does not include a Member of Council who is suspended from office or a Member of Council who has taken a leave of absence under s55 (to contest a state election) – see s85(2).

3.1.2 In the normal course of events, Alexandrina's quorum is six (6) Council Members, including the Presiding Member.

3.2 Order of Business

3.2.1 The Order of Business for Council meetings will generally be in accordance with the attached agenda template – refer Appendix A. However, the Presiding Member at their own initiative or at the request of a Council Member may bring forward items, with the leave of the meeting, 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
- it may otherwise be considered expedient or appropriate.

3.3 Length of Council Meetings

- 3.3.1 Council meetings will commence upon a quorum being present at the time set down in the Notice of Meeting.
- 3.3.2 Council meetings will conclude at or before 9.30pm unless the meeting formally resolves on each specific occasion to continue beyond that time.
- 3.3.3 Where the business of a meeting is unlikely to be completed before 9.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time. Extensions of the meeting will normally be in 30-minute blocks.

3.4 'Wellbeing' Break

- 3.4.1 Council meetings may include a short 'wellbeing' break, for a nominal 10 minutes, by resolution specifying the duration of the break and the recommencement time.
- 3.4.2 A 'wellbeing break' will normally be called after each two (2) hours of sitting time.

3.5 Opening of Meeting

3.5.1 Presiding Member's Opening Remarks

- 3.5.1.1 At each Ordinary Council meeting, the Presiding Member may present opening remarks which will be confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.
- 3.5.1.2 The Presiding Member will not use the Presiding Member's Opening remarks to make a personal explanation to Council.
- 3.5.1.3 Should the Presiding Member wish to make a personal explanation to Council, the Presiding Member should seek leave of Council in accordance with Regulation 15 and clause 4.7.2 of this Code of Practice.

s3.5.2 Attendees, Apologies and Absences

Members Present

- 3.5.2.1 All apologies and leaves of absence will be listed in the minutes for each Council meeting that it relates to.
- 3.5.2.2 If no apology has been received by the commencement of the meeting and there is no leave of absence, and the Member is not present; they will be recorded in the minutes as being absent.
- 3.5.2.3 If a Member arrives after the meeting commences, the time of arrival will be included in the minutes.
- 3.5.2.4 If a Member has to leave a meeting (for longer than a comfort break), the Member should draw their impending departure to the attention of the Presiding Member to ensure that the presence of a quorum can be monitored.

- 3.5.2.5 If a Member expects to be late or unable to attend a meeting, Council Member Support (CMSupport@alexandrina.sa.gov.au) is to be advised prior to the commencement of the meeting or as soon as possible.

Leave of Absence

- 3.5.2.6 If a Member intends to seek a leave of absence, the request should be made in writing via the Council Member Support, specifying the period of leave that is being requested, prior to the commencement of the meeting.
- 3.5.2.7 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 Council Member and will not provide any contributions to Council agenda during the approved leave of absence.
- 3.5.2.8 Where a Member recommences duties prior to the expiry of the approved period, the leave of absence will cease. For the sake of clarity, the leave of absence does not recommence without a new resolution of the Council to grant leave.

3.5.3 Marks of Respect

- 3.5.3.1 The following will appear at the beginning of the agenda of all Council meetings and will be read by the Presiding Member.

Standing for Marks of Respect

- 3.5.3.2 The Presiding Member will ask the Chamber to stand, if they are able to do so, for the Council Prayer and Acknowledgement of Traditional Custodians.

Council Prayer

- 3.5.3.3 The Presiding Member will read the Council 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.”

Acknowledgement of Traditional Custodians

- 3.5.3.4 The Presiding Member will read the Acknowledgement of Traditional Custodians:
- “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.”

3.6 Minutes of Previous Meetings

Regulation 8 – Minutes (part)

- (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.

3.6.1 The minutes included in an Ordinary meeting agenda will be those unconfirmed minutes of any previous meetings less any information that is subject to an order under section 90 of the Act. Members have access to the full version of the minutes [i.e. including items to which a s91(7) order under the Act applies] on the Council Member Portal and will be voting on the confirmation of these minutes. The agenda will contain a hyperlink to the public version [i.e. with items subject to current s91(7) order removed].

3.6.2 Council will also receive and note the minutes of any its Committees, Advisory Groups or other relevant external organisations. All minutes will be hyperlinked to the Council website.

3.7 Declaration of Interest

3.7.1 The provisions in relation to a Council Member's interests are set out in of Part 4, Division 1, Subdivision 4 of the Act and Reg 8AAA in the *Local Government (General) Regulations 2013*.

3.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the legislative provisions relating to declarations of interest.

3.7.3 A Council Member who has an interest in a matter, as defined under sections 74 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 75B and 75C of the Act. Disclosures will be recorded in the minutes in accordance with the relevant provisions of the Act and Regulations.

3.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Risk Department. If necessary, the Governance & Risk Department will facilitate the Member receiving advice directly from the Council's lawyers at Council's expense.

3.8 Adjourned Debate

These are the result of formal motions (see clause 4.4).

Regulation 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 at the point at which it was adjourned.~~~~
- (2) If debate was 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

Discretionary Procedure [replaces the above provision(s) to which it relates]

- (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, recommence with all Members (including the mover and seconder) being able to speak to the item.
- (2) If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, recommence with all Members (including the mover and seconder) being able to speak to the item.
- (3) Business adjourned from a previous meeting does not need to be dealt with before any new business at a subsequent meeting

3.8.1 Questions⁵ Adjourned

The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume.

3.8.2 Questions Lying on the Table

Questions Lying on the Table require a resolution (arising from a written notice of motion) for the question to be retrieved.

⁵ A 'question' is a motion that has been moved and seconded.

Regulation 12 – Motions (part)

- (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.

3.9 Deputations

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.

Regulation 11 – Deputations (part)

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

3.9.1 Making a Deputation Request

- 3.9.1.1 A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation.
- 3.9.1.2 Deputations will be limited ordinarily to a maximum of four (4) per Ordinary Council Meeting.
- 3.9.1.3 In the normal course of events, the deputation request must be received no less than seven (7) clear days prior to the Council meeting, for inclusion in the agenda. Details of Council meeting dates are contained on the Council website.
- 3.9.1.4 If, however, the matter relates to an item of business on the agenda and there are not four (4) deputations already approved for the meeting, the Request for Deputation form may be lodged up to 5.00pm on the day prior to the Council meeting.
- 3.9.1.5 A request to make a deputation should be made by submitting a *Request for Deputation Form*, which is available on Council's website. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.
- 3.9.1.6 A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputies) will be allowed to speak, and to reply to questions from Council Members.

- 3.9.1.7 Should a depute be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body, and evidence, such as committee meeting minutes, that they are authorised to make a deputation of behalf of the body prior to the depute's address.

3.9.2 Processing a Deputation Request

Regulation 11 – Deputations (part)

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| (3) The presiding member may refuse to allow the deputation to appear at a meeting. |
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- 3.9.2.1 Upon the expiration of seven (7) clear days prior to the Council meeting, the Presiding Member will consider the Deputation requests received and determine, as per clause 3.9.2.2, the requests that will be granted.
- 3.9.2.2 Whether or not a deputation may appear is to be determined on a case-by-case basis by the Presiding Member. In determining whether a deputation request is granted the following considerations will be taken into account:
- the subject matter of the proposed deputation;
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious);
 - the size and extent of the agenda for the particular meeting; and
 - the number of times the depute has addressed Council (in a deputation) on the subject matter or a similar subject matter.
- 3.9.2.3 Notwithstanding clause 3.9.1.2, the Presiding Member has the delegation to accept one (1) additional deputation if it is determined that the matter of sufficient importance and urgency that it must be heard at that meeting.

Regulation 11 – Deputations (part)

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| (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. |
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- 3.9.2.4 Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved, they will be notified of the date and time of the meeting at which the deputation will be heard and the method by which the person or persons are to appear at the meeting. For deputation requests received in accordance with clause 3.9.1, phone/email contact will be made with the depute.

Regulation 11 – Deputations (part)

- (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.

3.9.3 Presenting a Deputation at a Council Meeting

- 3.9.3.1 If the depute wishes for notes or other documents are to be distributed for the deputation, these are to be provided to the Minute Secretary up to 5.00pm two (2) clear days prior to the Council meeting to distribute electronically to the Council Members. The depute will remain legally liable for the content of any documents distributed.
- 3.9.3.2 PowerPoint (or similar) presentations for display during the deputation are to be lodged up to 5.00pm two (2) clear days prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The depute will remain legally liable for the content of any presentation.
- 3.9.3.3 At the appropriate time, the depute(s) will be invited by the Presiding Member to approach the microphone and to make the deputation on the topic or issue which has been nominated. The depute must state their name and locality, which will be recorded in the minutes to the meeting (which is a public document).
- 3.9.3.4 Deputies may address questions to the Council. The Presiding Member will determine if an answer is to be provided.
- 3.9.3.5 In the interests of fairness, each deputation is to be no longer than five (5) minutes in duration unless leave of Council is granted for a maximum of ten (10) minutes. Deputies may address questions to the Council which must be accommodated within their deputation allocation. The Presiding Member will determine if an answer is to be provided to any questions asked.
- 3.9.3.6 Following the deputation, a maximum of five (5) minutes will be allocated for Members to direct questions to the depute(s) if required. Council Members may ask questions of the depute(s) presenting. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Presiding Member will use their best endeavours to manage this process fairly.
- 3.9.3.7 Notes or presentation material provided as part of the deputation will be referenced in the minutes of the meeting.

3.9.4 Deputation Conduct

- 3.9.4.1 All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the depute's address. If this conduct occurs the Presiding Member will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting in accordance with applicable policies.
- 3.9.4.2 Council meetings are also open to the public and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the depute's address is subject to the normal laws of defamation. Consequently, all deputees should take care in the statements they make and how they make their address.
- 3.9.4.3 Council meetings may be both audio and video recorded and these recordings broadcast. An open Council meeting is a public place and there should be no expectation of privacy.
- 3.9.4.4 A '*Deputation Information Sheet*' provides a summary of the above requirements and is available on the Council website.

3.10 Petitions

Regulation 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.

Discretionary Procedure [replaces the above provision(s) to which it relates]

(2) If a petition is received under subclause (1), the CEO must ensure that a summary of the petition including the nature of the request of submission (as stated on the petition) and the number of signatures, is placed on the agenda for the next ordinary meeting of the Council, and that access to a copy of the full Petition will be provided to all Members of the Council.

- 3.10.1 Notwithstanding above subregulation (2), the CEO may (after conferring with the Presiding 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.
- 3.10.2 Petitions received, in addition to the legislative requirements in above subregulation (1), must meet the following conditions:
- include the name and address of the person submitting the petition (the Head Petitioner)
 - the cause, being the request, action or plea, should be stated at the top of each page of the petition;
 - relate to a matter within Council's jurisdiction, taking into account Council's role as an advocate on behalf of its community;
 - the signatories must complete the address field with a residential or business address, (not an electronic address)⁶; and
 - not contain material that, in the opinion of the CEO and / or Presiding Member, is misleading, defamatory or offensive.
- 3.10.3 An online petition is a compliant petition provided it satisfies the criteria set out in this Code of Practice.
- 3.10.4 A petition must be received by the CEO by 5.00pm at least five (5) clear days before the meeting at which the petition is presented to Council.
- 3.10.5 Where a petition is accepted, the CEO will:
- acknowledge receipt of the petition and advise of the Council meeting date at which the petition will be considered;
 - invite the Head Petitioner to make a Deputation to Council regarding the petition (an application for a Deputation will need to be made separately);
 - 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;
- 3.10.6 When considering a summary of a petition at a meeting, the Council will determine whether a further report will be prepared for Council consideration at a later date.

⁶ Addresses, for the purposes of being valid, for the purposes of a petition must consist of a full street address and suburb name

- 3.10.7 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.
- 3.10.8 A '*Petition Information Sheet*' provides a summary of the above requirements and is available on the Council website.

3.11 Questions on Notice

Regulation 9 – Questions (part)

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
- (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.
- (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.

- 3.11.1 When sending the 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 not be included in the agenda with the question(s). Subject to the provisions of the Act, the Member submitting the information is legally liable for its content.
- 3.11.2 Subject to Regulation 9(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 5.00pm at least seven (7) clear days prior to the meeting date as required in Regulation 9(1).
- 3.11.3 Officer responses will include the time taken to respond to the question for inclusion in agenda.

3.12 Questions Without Notice

Regulation 9 – Questions (part)

- (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.
- (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.

- 3.12.1 In accordance with Regulation 9(4) where the Presiding Member allows the reply to be given at the next meeting, the answer will appear as a Question With Notice in the agenda of the next ordinary meeting of Council.
- 3.12.2 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.
- 3.12.3 If the Presiding Member rules that a question without notice can be answered and requests that answer be provided by the CEO, the CEO may take the Question on Notice, in which case a response will be provided to the Council Members by email out-of-session. If a Member wishes for the answer to be included in the next Council meeting minutes, the question will need to be lodged as a Question on Notice in accordance with clause 3.11.

3.13 Notice of Motion

Regulation 12 – Motions (part)

- (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 7 clear days before the date of the meeting at which the motion is to be moved.
- (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 sooner

- 3.13.1 Prior to lodging a motion, Members may consult with the CEO (or nominated delegates) and/or the Presiding Member on the content of the proposed motion to explore options and implications.
- 3.13.2 When placing a Notice of Motion in an agenda, the CEO may take the opportunity to provide written comments to assist Members to make informed decisions. Time taken to prepare the Officer comment to be included in the agenda as part of the Notice of Motion.
- 3.13.3 Notice of Motion, once moved, have the same status as any other motion and may be amended during the debate.
- 3.13.4 Where a Member who has given Notice of a Motion in accordance with Regulation 12(1) 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.
- 3.13.5 In circumstances where a Notice of Motion has been placed on the Agenda and the Member who placed the Notice of Motion is not in attendance at the meeting, another Member may move the motion in their stead.
- 3.13.6 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 certainty its object and substance;
 - Wording** it should be in precise and definite language. Its intention and import should be clear; and
 - Drafting** a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,

3.14 Administration Reports

3.14.1 Report Development

- 3.14.1.1 Each Council agenda includes report items prepared by the Council Administration, which may include recommendations. These recommendations are not a motion and have no status until moved by a Member. Alternatively, Members may move a completely different motion.
- 3.14.1.2 In order to contain the number of reports going before Council, report writers should consider any subsequent steps and, wherever practical, include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:

- the authorisation for the Presiding Member and/or CEO to sign and seal documents
 - authorising the Chief Executive Officer or relevant General Manager to make minor amendments to an associated document
 - if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party, etc.
 - indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.
- 3.14.1.3 Reports are to be prepared so as to communicate the required information in a clear and succinct way. The information presented should be impartial, balanced and evidence-based (where reasonably possible).
- 3.14.1.4 As per clause 2.4, to facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate as early as possible prior to Council meetings to clarify matters appearing on the agenda. The nominated delegate is the Council Officer whose name is listed as the Responsible Officer.
- 3.14.1.5 In the normal course of business, the Responsible Officer will not introduce their report unless requested by the Presiding Member. However, the Presiding Member will ask the Responsible Officer whether there are any updates to be provided based on queries received or recent events since agenda distribution.

3.14.2 Chief Executive Officers Revocation Recommendation Report

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

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| <p>(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.</p> <p>(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.</p> <p>(3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6</p> |
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3.14.3 Chief Executive Officers Report

- 3.14.3.1 At each Ordinary Council meeting, the CEO will present a written report detailing the key meetings attended and/or other items of importance which the CEO determines should be brought to the Council's attention.

3.14.4 Council Resolutions Register

- 3.14.4.1 A report will be provided monthly for noting, setting out the status of each resolution from Council meetings until the item is completed.

3.14.5 Officer's Presentation of Late Material

- 3.14.5.1 An Administration 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.
- 3.14.5.2 The Presiding Member and the CEO may only grant their consent to a report being presented to a Council meeting where, in their opinion, a decision is required from the Council which cannot be delayed until the next Ordinary meeting of the Council.
- 3.14.5.3 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.

3.15 Committee and Advisory Groups Reports

- 3.15.1 Committees and Advisory Groups are to report to the Council through the delivery of minutes to the Council.
- 3.15.2 Where a Committee or Advisory Group has resolved to make a recommendation(s) to Council, a Report will be prepared by the Administration setting out the Committee/Advisory Group's recommendation along with an Officer's response.
- 3.15.3 To ensure adherence to the principles of informed and responsible decision-making, any report considered by a Committee or Advisory Group will be made available to each Council Member on request.

3.16 Council Member Reports

- 3.16.1 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.
- 3.16.2 Activities reported on should be unique to that Member so as to reduce unnecessary duplication.
- 3.16.3 Written reports from Members will be included in the Agenda provided the report is received by the CEO or their delegate by 5.00pm, seven (7) clear days of the meeting.
- 3.16.4 A Member's activity report received after the time specified in above will be treated as an item for a subsequent meeting of the Council.
- 3.16.5 Verbal Member's reports will be accepted at meetings. 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.

- 3.16.6 Council will pass a resolution at each Council meeting to formally receive and note the Members' Activity reports received by the deadline. Only one resolution is required for all Council Members.
- 3.16.7 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.
- 3.16.8 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.

3.17 Confidential Items

- 3.17.1 Before Council orders that the public be excluded under s90(2) of the Act to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.
- 3.17.2 This means that all members of the public (including officers), unless exempted by being named in the resolution as entitled to remain, will not be able to view or listen to the meeting proceedings. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.
- 3.17.3 Once discussion on that particular matter is concluded, the public will be permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.
- 3.17.4 Additional information of the use of the confidentiality provisions of the Act are contained in *Council's Code of Practice for Access to Council and Committee Meetings & Documents*.

4. Operating Procedures – Conduct of the Meeting

4.1 Leave of the Meeting

Regulation 3 - Interpretation

- (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)

4.2 Motions Without Notice

Regulation 12 – Motions (part)

- (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.
- (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)

4.2.1 As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis (as do Notices of Motion and Administration Reports), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the criteria set out below.

4.2.2 In general, Motions Without Notice should be restricted to:

- A request that a report on a particular topic be presented at a future meeting;
- A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;
- A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
- A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.

4.2.3 Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

- 4.2.4 Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Presiding Member will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.
- 4.2.5 The Presiding Member may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.4 of this Code), it is considered that the motion should be dealt with by way of a written Notice of Motion.
- 4.2.6 Any Motions Without Notice which, in the opinion of the Presiding Member, require action involving the expenditure of unbudgeted resources should be on the basis of a Notice of Motion.

4.3 Motions in General, Speaking to Motions and Rights of Reply

Regulation 12 – Motions (part)
(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 reply⁷. ~~(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~~ (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.
Discretionary Procedure [replaces the above provision(s) to which it relates]
(9) 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. (11) A member who has seconded a motion and has reserved their right to speak to the motion at a later stage pursuant to discretionary subclause (9) - above, may not move or second an amendment to the motion.

⁷ 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).

4.3.1 Questions Regarding a Motion

- 4.3.1.1 Council Members may ask questions of clarity to the Administration and/or other Members and answer questions directed to them (via the Presiding Member) regarding a motion for the purpose of clarification (but 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.

4.3.2 Contributing to the debate

- 4.3.2.1 There is no legislative requirement for any or all Members to contribute to the debate (only to vote as per Regulation 16). In considering whether to contribute, particularly where there is a large agenda to be transacted, Members may wish to evaluate whether their contribution will facilitate a more informed and/or progressive debate. Further, Members are not required to advise whether they will/not support the motion as the voting process will reveal their intentions.

4.3.3 Presiding over the Debate

- 4.3.3.1 Once a motion has been moved and seconded (and spoken to or the right reserved for the seconder), the Presiding Member will initially seek a speaker against the motion and then a speaker for the motion and continue this alternation until all Members who wish to, and are entitled to speak, have exercised that right.

4.3.4 Prevention of inaccurate or misleading information during debates

- 4.3.4.1 If, during the course of debate, a Council Member or Council Officer becomes aware that the debate is predicated on incorrect/ misleading information and could lead to any erroneous outcome (and may be a breach of the *Behavioural Standards for Council Members*), they may signal to the Presiding Member that they wish to advise the meeting to correct the record.
- The Council Member will raise the matter, and the Presiding Member will deal with the matter, as a Point of Order (Regulation 28 or clause 4.12 of this Code) on the basis of a potential breach of the Behavioural Standards for Council Members and therefore s75E of the Act.
 - The Council Officer will signal to the Presiding Member, and it will be at the Presiding Member's discretion as to whether the Officer is to be heard.
- 4.3.2.4 The Member or Officer will limit their comments, to the best of their knowledge, to the factual information related to the matter. For clarity, the Member or Officer will take due care to ensure that they do not enter the debate.

4.3.5 Foreshadowing of motions

- 4.3.5.1 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.
- 4.3.5.2 The foreshadowing of a motion will not be included in the minutes.

4.3.6 Rights of Reply

- 4.3.6.1 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any, or all amendments have been dealt with and immediately prior to the substantive motion being put to the meeting (i.e. immediately prior to the final vote).
- 4.3.6.2 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

4.3.7 Lost Motions

If a motion is lost, no decision has been made.

4.4 Formal Motions

Regulation 12 – Motions (part)
(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 subregulation (14) (and no other formal motion to a different effect will be recognised).
(14) If the formal motion is:-
(a) that <i>the meeting proceed to the next business</i>, 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 <i>the question be put</i>, 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 <i>the question lie on the table</i>, 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 (i.e., 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.

- 4.4.1 For clarity, a 'question' as referred to Regulation 12(14)(b-d) is a motion that has been moved and seconded.
- 4.4.2 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, as per Regulation 12 (12).
- 4.4.3 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.
- 4.4.4 A formal motion "the question be adjourned" must include the reasons for the adjournment and the details of time and place for the resumption of the debate.

4.5 Amendments to Motions

Regulation 13 - Amendments to motions

- (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.
- (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.~~
- (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.

Discretionary Procedure [replaces the above provision(s) to which it relates]

- (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. However, where the person seconding the amendment reserves their right to speak to it and does not exercise that right, they will not be considered to have spoken to the amendment.

- 4.5.1 The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Presiding Member will not accept a proposed amendment that is direct negative of the motion.
- 4.5.2 Following the amendment being moved and prior to seeking a seconder, the Presiding Member may seek advice from the CEO on any foreseeable implications arising from the amendment.
- 4.5.3 For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment. Where the Member had not spoken to the original motion prior to the amendment, in speaking to the amendment they will not be taken to have spoken to the original motion.
- 4.5.4 The Presiding Member is to ask for a seconder twice before declaring that an amendment has lapsed.
- 4.5.5 A Member may only speak once to an amendment except with leave of the meeting.

- 4.5.6 Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.
- 4.5.7 There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

4.6 Variations

Regulation 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.

- 4.6.1 Following the mover seeking a variation, the Presiding Member may seek advice from the CEO on any foreseeable implications arising from the proposed variation.
- 4.6.2 A Member who has spoken to the original motion is unable to speak to the 'motion as varied' as they are considered to have spoken to the motion.
- 4.6.3 The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

4.7 Addresses by Members

Regulation 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.
- (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.

4.7.1 Speaking at Meetings

- 4.7.1.1 A Member may seek leave of the Meeting to speak more than once to an agenda item.
- 4.7.1.2 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.

- 4.7.1.3 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.
- 4.7.1.4 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.
- 4.7.1.5 A Member speaking at a meeting is not to make a personal criticism of, or impute an improper motive to, another Member or to an Officer.

4.7.2 Personal Explanations

- 4.7.2.1 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, or
 - address a requirement of Council or satisfy a Council resolution.
- 4.7.2.2 The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions [except where the personal explanation is to satisfy clause (b) above].
- 4.7.2.3 If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

4.8 Voting

4.8.1 Voting in Council Meetings

Voting in Council meetings is applied as follows:

Regulation 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.

- 4.8.1.1 In most cases, the requirement is a simple majority of the Members present and entitled to vote [section 86(4)] however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the Members of Council for resolutions on specified matters.
- 4.8.1.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question for decision at that meeting [section 86(5)].
- 4.8.1.3 The Presiding Member, or another member presiding in the absence of the Presiding Member, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].
- 4.8.1.4 When exercising a casting vote the Presiding Member may provide a brief explanation [of no longer than three (3) minutes]] to the Chamber.
- 4.8.1.5 A vote in relation to a question for decision before the Council may be taken a show of hands.
- 4.8.1.6 The Presiding Member, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.

4.8.2 Appointments to Positions

- 4.8.2.1 Due to the potential implications of the Conflict of Interest provisions under s74 and s75 of the Act regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.
- 4.8.2.2 As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is an Information or Briefing Session that is required to be open to the public under s90A(3) of the Act [see the *Information or Briefing Sessions Policy* (Policy)]. As an Information or Briefing Session that is required to be open to the public, the CEO will conduct the meeting in accordance with the Policy.

4.8.2.3 The Indicative Voting Process is:

- a) The Presiding Member seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
- b) Once the meeting is adjourned (and the Information or Briefing Session has commenced), the CEO calls for self-nominations for the position(s). If Council Officers or Independent/Community Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
- c) If the number of candidates is equal to or less than the number of positions, no election will be required. If the number of candidates is greater, an election will be necessary.
- d) The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
- e) The method of voting will be by secret ballot utilising the first-past-the-post counting system.
- f) Each Council Member (including the Presiding Member) shall have one vote.
- g) Ballot papers will be provided to each Council Member.
- h) The candidate's names will be drawn by the Returning Officer to determine the order on the ballot paper.
- i) Each Member will write the candidates' names on the ballot paper in the order they are drawn (Note: votes are not to be cast until after step j).
- j) Each candidate will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
- k) Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a candidate for the position being determined) or an Officer] present.
- l) In the event of a tie, the result will be decided by the Returning Officer, drawing lots, the candidate first drawn being the candidate excluded.
- m) After all votes have been counted, the Returning Officer shall return to the Information Session and publicly declare the result of the election (i.e. the preferred person).
- n) The ballot papers will be shredded.
- o) With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.

- p) Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s75B or s75C of the Act (as applicable).
- q) Council can then consider a motion for the preferred candidate to be appointed to the position(s)

4.9 Divisions

Regulation 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

Discretionary Procedure [replaces the above provision(s) to which it relates]

- (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.
 - (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.

- 4.9.1 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).

4.10 Tabling of Information

Regulation 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.

- 4.10.1 '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.
- 4.10.2 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.
- 4.10.3 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

4.11 Short-Term Suspension of Proceedings

Regulation 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 observed; 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.

4.11.1 Use of a short-term suspension can be useful when Members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions.

4.12 Points of Order

Regulation 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

4.12.1 Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the Presiding Member.

4.13 Exclusion of member from meeting by Presiding Member

Regulation 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 regulation 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.

- 4.13.1 For clarity, Regulation 28A is at the Presiding Member's discretion whereas Regulation 29 (clause 4.14) requires a resolution of the Council.
- 4.13.2 Section 86(6b) provides that if a Member fails to comply with subsection 86(6a)⁸ the Presiding Member may direct that the Member be excluded from the meeting room and remain out of the meeting room for a period (not exceeding 15 minutes) determined by the Presiding Member.
- 4.13. Section 86(6d) provides that a matter must not be put to the vote while a member is excluded.
- 4.13.3 The excluded member must for the duration of the suspension, leave the meeting room (including any area set aside for the public) such that the member cannot view or hear and discussion at the meeting [section 86(6b)].

⁸ S86(6a) - a member of a council must not while at a meeting (a) behave in an improper or disorderly matter; or (b) cause an interruption or interrupt another member who is speaking.

4.14 Interruption of Meetings by Members

Regulation 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: \$1,250

- 4.14.1 In contrast to Regulation 28A (clause 4.13), Regulation 29(5) requires a resolution of Council.

4.15 Interruption of Meetings by Others

Regulation 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

4.16 Meeting Protocols

4.16.1 Mobile Phones/Smart Devices

- 4.16.1.1 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.
- 4.16.1.2 Mobile telephones and other smart devices may not be used during a meeting by media representatives or persons in the public gallery in a manner that causes an interruption to proceedings.

4.16.2 Speaking during meetings

- 4.16.2.1 Council Members and Council Officers will raise their hand and wait to be invited to speak by the Presiding Member prior to addressing the Council.
- 4.16.2.2 Upon being invited to speak, the Member or Officer will unmute their microphone for the duration of their speech and will mute their microphone when concluded.
- 4.16.2.3 When addressing Council, the Member or Officer should address their remarks to, and through, the chair [i.e. 'through you, Mayor (or your Worship)' or 'thank you Mayor'].

4.16.3 Forms of Address

- 4.16.3.1 The Presiding Member shall be addressed as Your Worship or Mayor.
- 4.16.3.2 Councillors should be referred to as 'Councillor' followed by their surname.
- 4.16.3.3 Council Officers should be referred to by their official title or designation (e.g. CEO, General Manager Community, etc).

4.16.4 Interaction with the Gallery

- 4.16.4.1 The Presiding Member may speak to members of the Gallery for the purposes of welcoming attendees, arranging deputies and providing other information related to the functioning of the meeting.
- 4.16.4.2 Councillors must not speak to members of the Gallery during the meeting or accept notes from those present in the Gallery. The only exception is when Members of the Gallery are making a Deputation.
- 4.16.4.3 Council Officers should also minimise discussion with members of the Gallery during the meeting other than to provide guidance regarding meeting logistics.

4.17 Acting Presiding Member

- 4.17.1 In accordance with section 86(2) of the Act:
 - if the Presiding Member is absent from a Council meeting, the Deputy Presiding Member will preside;
 - if the Deputy is not available to preside, a Member of the Council chosen by those present will preside.
- 4.17.2 Wherever it is necessary under above the above cause for the Members to choose a Member to preside, the Member will be chosen by:
 - in the first instance calling for a volunteer; or
 - 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
 - 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.

5. Operating Procedures – Recording of the Meeting

5.1 Recording of Meetings

- 5.1.1 Recordings will be managed in accordance with the provisions of the *State Records Act 1997*; *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991*.
- 5.1.2 Council meetings will be recorded using the electronic meeting software (i.e. audio).
- 5.1.3 As a general rule, the recordings will be captured by the Administration of Council meetings to be used for the purpose of:
 - assisting in the preparation of minutes
 - ensuring decisions are accurately recorded
 - verifying the accuracy of minutes prior to their confirmation.
- 5.1.4 The recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the Presiding Member.
- 5.1.5 In the absence of any technical difficulties, recordings of Council meetings [with any provisions subject to s90(3) redacted] will be placed on the Council website to coincide with the publication of the Council minutes.

5.2 Minutes of Meetings

- 5.2.1 In accordance with section 91 of the Act, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.
- 5.2.2 If the CEO is excluded from a meeting, the Presiding Member must ensure the minutes are kept.
- 5.2.3 Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.
- 5.2.4 Minutes of all Council meetings will be posted on Council's website as soon as practicable after they are completed.
- 5.2.4 More information of public access to Council documents is contained in the *Code of Practice for Access to Council and Committee Meetings & Documents*.

Regulation 8 – 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.

5.2.5 The minutes will also record:

- a. the opening and closing time of the meeting;
- b. the names and titles of all Council Officers that addressed the meeting and the Minute Taker in attendance;
- c. apologies and approved leaves of absence (where a leave of absence spans more than one meeting, the dates of the approved leave and the resolution number will also be recorded in the minutes);
- d. Members who have not previously provided an apology or been granted a leave of absence will be recorded 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.

5.2.6 The minutes will not record:

- a. details of the debate;
- b. voting patterns with the exception of the following:
 - a Division in accordance with Regulation 17;
 - as required under section 75B – Dealing with general conflicts of interest;
 - the decision is unanimous;
 - Questions without Notice and the reply unless specifically resolved by Council;
 - the number of Members of the public present or representation of any media present; and
 - foreshadowed motions.

6 Administrative Arrangements

6.1 Availability of the Code

- 6.1.1. This Code is available for inspection on the Council's website www.alexandrina.sa.gov.au. Copies can also be provided upon payment of a fee in accordance with Council's *Schedule of Fees and Charges*.

6.2 Delegation

- 6.2.1 The CEO has the delegation to:
- 6.2.2 Approve, amend and review any procedures that shall be consistent with this Code.
- 6.2.3 Make any legislative, formatting, nomenclature or other minor changes to the Code during the period of its currency.

Appendix A - Agenda Template for Ordinary Council Meetings

Ordinary Council Meetings will follow the order shown below

1. OPENING OF THE MEETING
 - 1.1. Welcome
 - 1.2. Presiding Member's Opening Remarks
 - 1.3. Present
 - 1.3.1. Apologies
 - 1.3.2. Leave of Absence
 - 1.3.3. Absent
 - 1.3.4. In Attendance
 - 1.4. Marks of Respect
 - 1.4.1. Council Prayer
 - 1.4.2. Acknowledgement of Traditional Custodians
2. MINUTES OF PREVIOUS MEETINGS
 - 2.1. Council
 - 2.2. Committees/Advisory Groups
 - 2.3. External Organisations
3. DECLARATION OF INTEREST BY MEMBERS
4. ADJOURNED DEBATE
 - 4.1. Questions Adjourned
 - 4.2. Questions Lying on the Table
5. PETITIONS / DEPUTATIONS
 - 5.1. Petitions
 - 5.2. Deputations
6. QUESTIONS WITH NOTICE
7. QUESTIONS WITHOUT NOTICE
8. NOTICE OF MOTIONS
9. ADMINISTRATION REPORTS
10. COMMITTEE REPORTS
11. COUNCIL MEMBER REPORTS
 - 11.1 Presiding Member's Report
 - 11.2 Council Member's Activity Reports
 - 11.3 Council Member's Activity Reports – Verbal Updates
12. CONFIDENTIAL ITEMS
13. NEXT MEETING



14. CLOSE MEETING