

CODE OF PRACTICE FOR MEETING PROCEDURES

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CHAPTER 1

PART 1. INTRODUCTION

1.1a Preamble

Mount Barker District Council (Council) conducts its meetings according to the rules and procedures in:

- The Local Government Act 1999 (Chapter 6); and
- Local Government (Procedures at Meetings) Regulations 2013 (as amended)

These Regulations allow Council to establish a Code of Practice for Meeting Procedures that can add to, or vary, aspects of some of the Regulations and supplements to both the Act and the Regulations. The Regulations that can be varied relate to:

- 10 (2) Petitions
- 12 (9), (10), (11) Motions
- 13 (1), (3), (4), (5) Amendments to motions
- 15 (1), (2) Addresses by members
- 16 (3) Voting
- 16 (3) Divisions
- 19 Adjourned business
- 21 Chief Executive Officer (CEO) may submit a report recommending revocation or amendment of Council decision

The Code of Practice for Meeting Procedures (the Code of Practice) will specify any discretionary procedures that Council has adopted and provides information on other matters not covered by the Regulations (included as shaded text during Chapter 2).

1.1b Objectives

The primary policy objectives of this Policy are to:

- Ensure consistency of approach
- Provide clarity in processes
- To assist in an improved understanding of meeting practices used.

This is achieved by provision of information:

- within the Regulations
- on discretionary procedures that Council has adopted (shaded text in Chapter 2)
- on Council practices for matters both covered by regulation and not covered by regulation (noted in Chapter 3)

1.1c Scope

This Code of Practice applies to all ordinary and special meetings of Council and Council Committees and is to be observed by Council Members and staff.

This Code of Practice excludes the Council Assessment Panel, which is governed by the Development Act 1993 and therefore has its own meeting procedures.

PART 2. MEETINGS OF COUNCIL AND COUNCIL COMMITTEE

1.2a Ordinary Meetings of Council

The legislative requirements that allow Council to hold meetings are determined by Section 81 of the Local Government Act 1999 (the Act).

Ordinary Meetings of Council are held once a month at a day/time and place determined by Council.

1.2b Special Meetings of Council

Section 82 and 83 of the Act specifies requirements for special meetings of Council.

Special meetings of Council may be held at any time. At least four hours' notice is required for a special meeting of Council.

A request for a special meeting must be made to the CEO. The request may be made by:

- the Presiding Member of the Council
- at least three elected members of the Council
- a Council Committee at which three members of the Council vote in favour of making the request.

1.2c Meetings of Council Committees

Council appoints Committees under Section 41 of the Act and is required to endorse Committee Member appointments and Committee Terms of Reference.

Council's Committees include:

- Audit and Risk Committee
- Community Funding Committee

1.2d Special Meetings of Council Committees

Section 87 of the Act makes provision for special meetings of Committees.

Special meetings of Council Committees may be held at any time. At least four hours' notice is required for a special meeting of a Council Committee.

A request for a special meeting must be made to the CEO. The request may be made by:

- the Presiding Member of a Council Committee; or
- at least two members of a Council Committee,

1.2e Public Access

Council has adopted a 'Code of Practice for Access to Council and Committee Meetings and Documents' which outlines Council's commitment to conducting meetings in a place open to the public unless the Council or Committee makes an order to exclude the public to discuss a matter in confidence under Section 90 and 91 of the Act.

PART 3. DOCUMENT CONTROL AND ACCESS

1.3a Review

This Code of Practice should be reviewed at least once in every financial year (pursuant to Regulation 6(2) of the Local Government Act (Procedures at Meetings) Regulations 2013) or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by Governance staff.

1.3b Access to the Code of Practice

The Code of Practice is available for public inspection at Council's Customer Service Centre located at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au. A copy can be provided on payment of a fixed fee.

1.3c Further information

For further information on this Code of Practice, please contact:

Title: Civic Governance Officer
Address: PO Box 54, Mount Barker SA 5251
Telephone: 8391 7200 Email: council@mountbarker.sa.gov.au

REFERENCE NUMBER:	DOC/26/63299
RESPONSIBLE OFFICER:	General Manager Strategy
APPLICABLE LEGISLATION:	Local Government Act 1999 Local Government Act (Procedures and Meetings) Regulations 2013 (amended) Statutes Amendment (Local Government Review) Bill 2021
COMMUNITY PLAN 2044:	Leadership. Objective: 26: Ensure transparent, inclusive decision-making for stakeholder engagement.
RELATED POLICIES / CORPORATE POLICIES:	Code of Practice (for Access to Council and Committee Meetings and Documents) Council Members' Access to Information Policy and Procedure
SUPPORTING PROCEDURES:	Deputations
PREVIOUS REVIEW DATES:	2 June 2025, 6 July 2020, 5 July 2021, 4 July 2022, 7 August 2023, 2 April 2024
ENDORSED BY COUNCIL:	1 June 2026
MINUTE RESOLUTION NUMBER:	OM20260601.23
NEXT REVIEW DATE:	1 April 2027

CHAPTER 2

Below is an extract from the Local Government (Procedures at Meetings) Regulations 2013 (as amended).

This Chapter also includes additional text (highlighted) that Council has added or varied as permitted.

PART 1. PRELIMINARY

Regulation 1 — Citation

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

Regulation 2 — Approval

These procedures were approved by Mount Barker District Council on 2 June 2025.

Regulation 3 — Interpretation

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

Act means the Local Government Act 1999;

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

Council means Mount Barker District 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 a Council or Council Committee in order to address the Council or Committee (as the case may be) on a particular matter;

Disconnect in relation to electronic participation in a Committee Meeting means that the electronic means of connection to the meeting has ceased and the member can not participate in discussion or vote;

Electronic Means includes a telephone or computer device that provides an audio and/or visual method of 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;¹

Guiding Principles—see regulation 4;

Member means a Member of the Council and/or Council Committee (as the case may be);

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

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

Regulations means the Local Government (Procedures at Meetings) Regulations 2013 (as amended);

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 3(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 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).

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 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;

¹ See regulation 12 for specific provisions about formal motions

- d. procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

PART 2. MEETINGS OF COUNCILS AND KEY COMMITTEES

Division 1 – Preliminary

Regulation 5 – Application of Part

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

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

Regulation 6 – Discretionary procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least $\frac{2}{3}$ of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least $\frac{2}{3}$ of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) Regulation 12(4) does not apply to a motion under subregulation (3).
- (6) This regulation does not limit or derogate from the operation of regulation 20².

² *Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—*

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

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

Division 2 – Prescribed Procedures

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.

A quorum of a meeting is determined in accordance with section 85(1) of the Act. A quorum is ascertained by dividing the total number of members by 2, ignoring any fraction resulting from the division, and adding one.

Members are not included in the calculation if they are suspended or on a leave of absence to contest a State parliamentary election.

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

6. Apologies for non-attendance at a Council or Committee meeting should be forwarded to the CEO via the cmenquiry email address or telephone before the meeting. The apology will be recorded in the Minutes of the meeting.

If no apology has been received and there is no leave of absence, and the Member is not present they will be recorded in the minutes as being Absent.

7. In accordance with the Act, Council Members should seek leave of the Council meeting if they intend being absent for three or more consecutive ordinary meetings of Council. Failure to seek, and be granted, leave of absence may result in the Council member losing office in accordance with Section 54 of the Act.

Leave of absence will be recorded in the minutes of the Council meetings for the period required.

Regulation 8 — Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - a. initial each page of the minutes, which pages are to be consecutively numbered; and
 - b. place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
 - a. the names of the members present at the meeting; and
 - b. 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 interest³ made by a member; 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 (see subsection (7) of that section); and
 - j. a note of the making of an order under section 91(7) of the Act in accordance with the requirements of subsection (9) of the section; 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.

³ See also Chapter 3 Part 1 for making a conflict of interest during a meeting.

5. The minutes will also record
 - a. The start and finish time of the meeting
 - b. The names and titles of Executive staff in attendance
 - c. Apologies and approved leave of absence
 - d. Members who have not previously provided an apology or been granted leave, as being absent
 - e. The name(s) of those appearing as a Deputation, the subject matter of the deputation and the time taken for the deputation.
 - f. The name, topic and limited description of a Personal Explanation made by a member
 - g. Where stipulated that two thirds of the members present must vote in favour for a motion to be carried
 - h. Members who have spoken in the debate up to the point of interruption where a formal motion regulation 12 (c), (d) and (e) is carried.
6. The minutes will not record
 - a. Discussion by members
 - b. A unanimous vote (All that is required for a motion to be carried is a majority vote).
 - c. Questions without notice unless by resolution of Council (regulation 9)
7. The meetings of Council and Council Committees will be electronically recorded by staff to assist in minute preparation and constitute a record of Council to be disposed of in accordance with the State Records Act 1997.

Regulation 9 — Questions

- (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.⁴*
- (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.*
- (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.*

⁴ Questions on Notice are to be provided by 5pm the Sunday prior to the Council meeting or 7 clear days prior to a Committee meeting. In the event a Council meeting is held on a Tuesday, questions are to be provided by 5pm on the Monday prior to the Council 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.*
7. Questions on Notice and Questions without Notice must relate to the role of the Member; and not warrant extensive investigation or reports being prepared.
8. Questions on Notice
- Members may seek assistance from Council staff to draft the question on notice. Requests for assistance can be directed to Governance by email to cmenquiry@mountbarker.sa.gov.au or the CEO, or relevant Executive staff member. Ultimate responsibility for the wording of a Question on Notice rests with the Member placing the question on notice.
 - Members are encouraged to provide a copy to the Presiding Member and fellow Members in advance of the agenda production as a courtesy.
 - Council staff will provide a written answer for inclusion in the agenda of the next ordinary meeting, where time permits.
 - The CEO may determine that an answer requires extensive investigation or that a report will need to be prepared. In this circumstance, the matter may be referred to the Council/Committee for its consideration and determination on whether the question should be answered.
 - Following the publication of the answer in the agenda, any Member may ask subsequent questions through Governance staff by email to cmenquiry@mountbarker.sa.gov.au
9. Questions without Notice
- The Presiding Member will provide reasons for any decision that a question not be answered as determined under subregulation (6).
 - The Presiding Member may answer the questions or request the CEO or their delegate answer the question. The CEO may take the question on notice.
 - Members are encouraged to contact the relevant Executive staff member or Governance staff with Questions without Notice prior to the meeting to allow for research or background information that will enable an informed response at the meeting.

Regulation 10 — Petitions

- (1) *A petition to the council must—*
- be legibly written or typed or printed; and*
 - clearly set out the request or submission of the petitioners; and*
 - 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.*
4. A petition received, in addition to the legislative requirements in the above subregulation (1), must meet the following conditions:⁵
- include the name and address of the person submitting the petition (the head petitioner)
 - the cause, being the request or plea, should be at the top of each page of the petition
 - relate to a matter within Council's jurisdiction,
 - the signatories must complete the address field with a residential or business address that includes a street name and town
 - not contain material that, in the opinion of the CEO or Presiding Member, is misleading, defamatory or offensive,
 - be supplied to Council by mail or by email to council@mountbaker.sa.gov.au
5. The CEO will ensure that the report to Council (or Committee), under subregulation (2), contains:
- a summary of the petition including a statement as to the nature of the request or submission,
 - the number of signatures;
 - how many of the signatories live within the District; and
 - the first page of the petition as an attachment.
6. A copy of the full petition will be made available to Members upon request, and will be provided at the meeting for perusal.
7. If a petition is received after the agenda has been distributed but before the meeting is held it will only be tabled at the meeting. At the following meeting the petition will be received.
8. A Council Member may table a petition at a Council meeting. If the petition is unrelated to an agenda item for the meeting, then the following Council meeting will provide a report to receive the petition.

⁵ Use of the petition template on Council's website is encouraged for hard copy petitions. An online petition is valid as long as it satisfies the criteria set out in this Code of Practice.

9. The head petitioner is responsible to ensure signatories to a petition are aware of the public nature of petitions and that information provided may be published by Council, including personal information such as names, addresses, email addresses and residential addresses.

Regulation 11 – Deputations

- (1) *A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.*
 - (2) *The chief executive officer must transmit a request received under subregulation (1) to the presiding member.*
 - (3) *The presiding member may refuse to allow the deputation to appear at a meeting.*
 - (4) *The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.*
 - (5) *If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).*
 - (6) *The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.*
 - (7) *A council may refer the hearing of a deputation to a council committee.*
8. A written request for a deputation⁶, under subregulation (1), must be delivered to the Council by means determined by the CEO, by mail or email council@mountbarker.sa.gov.au.
9. For the deputation to appear on the next Council or Committee meeting it must:
- be delivered prior to the publication of the ordinary meeting agenda (at least seven (7) clear days before the date of the meeting); or
 - relate to a matter of business on the published ordinary meeting agenda. If that is the case, the written request must be delivered to the Council by 10:00am on the day of the meeting.
10. If the person(s) requesting the deputation is representing an organisation, association or other body, they may be requested by administration to provide a copy of the relevant Constitution and Rules or a resolution from a meeting at which the deputation was authorised, for that organisation, association or other body prior to commencing their deputation.

⁶ Use of the deputation template on Council's website is encouraged to ensure required information is provided by the person/s making the request for deputation.

11. 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.
12. A deputation that has previously been refused by the Presiding Member, under subregulation (5), can be placed as an item of business on the next ordinary meeting agenda by resolution of the Council or Committee.
13. An allowed deputation will be allocated five (5) minutes. The Presiding Member may allow additional time and seek leave of the meeting by show of hands to do so. Council Members may then ask questions at the conclusion of the deputation.
14. Where the deputation involves a group of people only new points may be spoken of by other members. The Presiding Member has discretion to determine if the subject matter has been covered by previous speakers.
15. The person(s) providing the deputation may use a visual presentation or distribute hard copy notes, taking into consideration the following:
 - Any visual presentation must be supplied on a USB drive and provided to the Minute Secretary prior to the meeting.
 - Any hard copy notes or handouts for distribution may be provided to the Minute Secretary prior to the commencement of the meeting to distribute. These must not be distributed at the meeting directly to the Council Members by the person making the deputation. A minimum of twelve (12) copies will be required.
 - Visual presentations or notes can be shared to members prior to the meeting via electronic means by the person undertaking the deputation. Council Member details are available on Council's website.
16. The Request for Deputation process may be used to facilitate where legislation provides the opportunity for members of the public to make written and/or verbal representations to the Council for example:
 - Section 14 of the Roads (Opening and Closing) Act 1991
 - Section 12 of the Local Government Act 1999 – Representation review

Regulation 12 – Motions

- (1) *A member may bring forward any business in the form of a written notice of motion.*
- (2) *The notice of motion must be given to the chief executive officer at least 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 the sooner.*
- (5) *Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.*
- (6) *The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) *The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).*
- (8) *A motion will lapse if it is not seconded at the appropriate time.*

If a seconder for the motion is not forthcoming immediately, the mover will have up to 5 minutes to speak to the motion following which the Presiding Member will again seek a seconder. If there isn't a seconder then, the motion will lapse.

- (9) *A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*

The mover or seconder of a motion may reserve their right to speak to a motion at the time of moving or seconding.

- (10) *A member may only speak once to a motion except—*
 - (a) *to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
 - (b) *with leave of the meeting; or*
 - (c) *as the mover in reply.*
- (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.*

In the case of a successful amendment to a motion (i.e. an amendment that is carried), only those who moved or seconded the amendment will be taken to have spoken to the motion as amended.

- (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 **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or*
 - (b) *that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or*
 - (c) *that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or*
 - (d) *that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or*
 - (e) *that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.*
- (15) *If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).*
- (16) *A formal motion does not constitute an amendment to a substantive motion.*
- (17) *If a formal motion is lost—*
- (a) *the meeting will be resumed at the point at which it was interrupted; and*
 - (b) *if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie, a motion to the same effect) cannot be put until at least 1 member has spoken on the question.*
- (18) *A formal motion for adjournment must include the reason for the adjournment and the details for resumption.*
- (19) *Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*

- (20) *The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*
- (21) *Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.*

Variations may be considered at the annual review of this Code of Practice or the Presiding Member may during a meeting seek a mover of a motion to vary subregulation (9), (10) and (11) (which may or may not be the recommendation included in the report) and then a seconder.

22. **Motions on Notice**

- a. Members may seek assistance from Council staff to draft the motion on notice. Requests for assistance can be directed to Governance by email to cmenquiry@mountbarker.sa.gov.au or the CEO, or relevant Executive staff member. Ultimate responsibility for the wording of a motion rests with the Member placing the motion on notice.
- b. Background information may be included that assists members with the rationale behind the motion. This must not be opinion or debate.
- c. Where deemed appropriate (and if time permits) the CEO, may include 'Officer Comment' in order to facilitate informed decision making.
- d. If the Member moving the Motion is absent and has not advised the Presiding Member if they wish it withdrawn and resubmitted to a future meeting:
 - another Member may move the motion; or
 - the meeting may resolve to include the Motion in the next agenda when the member is present.

23. **Motions Without Notice**

- a. Members are able to bring Motions without Notice as required and in accordance with the Act and under regulation 4 of this Code of Practice.
- b. Where possible, a member wishing to move a Motion without Notice, including a motion that is different from that recommended in a Council report, is encouraged to provide a copy to the Minute Secretary as a courtesy prior to the start of the meeting.

24. **Questions that lie on the table**

- a. If a written notice of motion to retrieve a question that lies on the table is not successful (either not seconded, or is lost) the meeting moves to the next agenda item. A retrieval motion can be brought forward again at a future Council meeting via a written Notice of Motion to be submitted in advance of the meeting.
- b. In the event the motion to retrieve a question from the table is carried, there will then be a motion before Council, and debate will resume on the motion (at the point of interruption).

25. **A Moved Motion which is Lost**

Other than the circumstance as detailed in regulation 12(3) and (4), a lost motion can be brought back to Council at another time. If a motion is lost, no decision has been made.

26. En Bloc Motion

- a. Normally, only multiple reports that are for noting will be moved en bloc.
- b. Committee recommendations for Council to resolve will be considered individually by Council and will not be moved en bloc. This will ensure any possible future rescission motion will only affect one resolution rather than a block of resolutions.

Regulation 13 — Amendments to motions⁷

- (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.*

There is no right of reply with the mover of an amendment because it is not a motion and has no standing on its own. The right of reply rests with the mover of the original motion.

- (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.*

7. Only those who moved or seconded the amendment will be taken to have spoken to the motion. All other Members are entitled to speak to the amendment and, in doing so, will not be deemed to have spoken to the motion.

8. The amendment, if carried, will become the motion as amended for Council to consider. The mover in reply will close the debate on the motion as amended.

⁷ Amendments should be used to insert, delete or substitute words in the motions. Amendments are not permitted to be a direct negative to the motion or substantially modify the purpose or substance of the motion.

9. A Division cannot be called on an amendment as it is not a motion.

Regulation 14—Variations

- (1) *The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw⁸ 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.*

Regulation 15 — Addresses by members⁹

- (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.*

7. Members wishing to speak:

- a. At Council Meetings, will raise their hand and wait for recognition from the Presiding Member prior to addressing the Council.
- b. At Committee Meetings, will raise their hand and wait for recognition from the Presiding Member before speaking and may remain seated.
- c. will address the meeting through the Presiding Member.

8. Forms of Address

- a. The Mayor shall be addressed as Your Worship or Mayor.
- b. Councillors should be referred to as 'Councillor' followed by their surname.
- c. Independent Members should be referred to by the relevant prefix followed by their surname.
- d. Staff Members should be referred to by the relevant prefix followed by their surname.

⁸ The withdrawal of a motion does not preclude another motion on the same matter being moved.

⁹ 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 be used for making statements about Council resolutions.

9. Interaction with the Gallery

- a. Members will not speak to members of the gallery during the meeting or accept notes from those present in the Gallery.

Regulation 16 — Voting¹⁰

- (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.
5. A vote in relation to a question for decision before the Council shall be taken via a show of hands.
6. The Presiding Member, pursuant to Section 86(6) of the Act, has a casting vote in the event that a motion is tied.

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, will be asked by the Presiding Member to stand in their places, and then be seated; and

¹⁰ See appendix to this Code of Practice for the Election Process for Council Member Appointments

- (b) *the members voting in the negative will, until the vote is recorded, will be asked by the Presiding Member to stand in their places, and then be seated; and*
 - (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.*
- 6. *A Division cannot be called on an amendment as it is not a motion and has no standing on its own.*
 - 7. *A division may be called on a motion where a vote has been taken on whether leave of the meeting is granted as per regulation 3(4).*

Regulation 18 — Tabling of information

- (1) *A member may require the chief executive officer to table any documents¹¹ 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.*

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 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.*

¹¹ 'Documents' means existing documents in the possession of the Council.

- (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.*
- 5. To ensure that debate can commence from the point of the interruption, if a formal motion that “the question lie on the table” or “the question or meeting be adjourned” as per regulation 12 (c), (d) and (e) is carried, the minutes shall record those Members who have spoken in the debate.

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 $\frac{2}{3}$ 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.*¹²
- (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*¹³; 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 $\frac{2}{3}$ of the members present at the meeting resolve that the period should be brought to an end.*

¹² The Presiding Member may seek leave of the meeting at the request of a Council Member.

¹³ See particularly the following sections of the Act: Chapter 5 Part 4 (Conduct and Disclosure of Interests), and Chapter 6 Part 4 (Minutes and Release of Documents).

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

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

PART 3. MEETINGS OF OTHER COMMITTEES

Regulation 22 — Application of Part

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

Regulation 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; and*
- (b) *that notice need not be given for each meeting separately; and*
- (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; and*
- (d) *that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.*

Regulation 24 — Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) 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 chief executive officer after taking into account the nature and purpose of the committee.*

Regulation 25 — Minutes

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

PART 4. MISCELLANEOUS

Regulation 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.¹⁴*
- (2) *For the purposes of this regulation, the **prescribed number** of members of a council committee is—*
 - (a) *unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or*
 - (b) *a number determined by the council.*

Regulation 27 — Voting at committee meetings

- (1) *Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.*

¹⁴ See also section 41(6) of the Act.

- (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.*

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.*

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

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: \$1250.

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.

CHAPTER 3

ADDITIONAL MOUNT BARKER DISTRICT COUNCIL PRACTICES

The following are practices applied at Council to provide process and clarity to meet the requirements of the Act and Regulations.

Part 1. ADDITIONAL COUNCIL AGENDA PRACTICES

3.1a Notice of Agendas for Meetings – Ordinary and Special Meetings

Section 83 & 84 of the Act establishes the legislative framework for providing Council Members and the public with notice of Council meetings. Council has also determined that this will also apply to Committee meetings.

Council resolved on 3 June 2024 that the notice of ordinary meeting, agenda and documents will be sent out to members with more than five clear days' notice.

One copy of the agenda, reports and attachments is provided at the Council for public viewing and is also available on Council's website www.mountbarker.sa.gov.au. One (1) copy of the agenda will be available per group or per person free of charge. Two (2) copies of the agenda, reports and attachments are provided in the Gallery at the Council and Committee meetings.

3.1b Order of Business

The Council or Committee may, by resolution, amend the order of business as set out in the agenda. The Presiding Member (at their own initiative or at the request of a Member of Council or a Committee) may bring forward items for debate and resolution where, for example, a large gallery is present for the item, or contractors or consultants are present to make presentations. The adoption of this practice will be kept to a minimum to ensure minimum disruption to the meeting and to members of the public.

- i. Council Meetings
 - Council opening: expression of faith, acknowledgement of Country, apologies/leave of absence
 - [Adjourned business]
 - Questions from the gallery
 - Confirmation of minutes
 - Conflict of interest declarations
 - Deputations
 - [Presentations]
 - Questions with notice
 - Questions without notice
 - Motions on notice
 - Motions without notice
 - Petitions

- Recommendations from Committees
 - Reports by Officers
 - Information reports
 - Quarterly reports
 - Mayor's report
 - Members' reports
 - Questions from the Gallery arising from the Meeting
 - Confidential reports
- ii. Committee Meetings
- Council opening: apologies/leave of absence
 - [Adjourned business]
 - Confirmation of minutes
 - Conflict of interest declarations
 - Deputations
 - [Presentations]
 - Questions with notice
 - Questions without notice
 - Motions on notice
 - Motions without notice
 - Petitions
 - Reports by Officers
 - Information reports
 - Confidential reports
- iii. Special Meetings (of Council or Committee)
- Council opening: expression of faith, acknowledgement of Country, apologies/leave of absence
 - Conflict of interest declarations
 - Reports by Officers
 - Questions from the Gallery arising from the Meeting (Council meetings only)
 - Confidential reports

3.1c Reports by Officers

Reports by Council officers included in the agenda will generally be accompanied by a recommendation from the relevant officer. A recommendation is not a motion, and has no status until moved and/or seconded. A recommendation forms the starting point for deliberations of the Council or a Committee. The Council or a Committee may adopt the recommendation, vary it, or move another approach entirely.

3.1d Recommendations from Committees

The Audit and Risk Committee and Community Funding Committee do not have delegated authority. Their minutes are published to the Meetings page of Council's website. Any recommendations from Committees are provided to the following Council meeting for a decision.

3.1e Late Items

Council will avoid the presentation of late agenda items.

If a late agenda item is unavoidable, every effort will be made to email these items to Council or Committee Members and to post them on Council's website as soon as possible.

Late items will only be considered for matters that arise following the deadline for the production of an agenda, and which, in the best interests of Council, should be dealt with prior to the next Council or Committee meeting.

3.1f Addendums

On occasions additional information is provided following the issue of the meeting agenda and prior to the commencement of the meeting, eg:

- revised recommendations based on feedback after the release of the agenda; and/or
- further information that may have come to hand about an agenda item after the agenda has been distributed and which is important to bring to the attention of members before they vote on the matter;

3.1g Member contributions to Council Agendas

i. Member Reports

The Mayor and Council Members may provide a written report in dot point form on duties undertaken since the previous Council meeting which will be included within the agenda (if received prior to publishing) and minutes.

Member reports will be noted (individually or en bloc) by a resolution at the meeting.

ii. Ward Donations

Council Members may nominate members of the community or community groups to receive a donation from their annual Ward Allowance.

Where possible, Council Members should notify Governance staff in advance of the council meeting of the recipient, the amount and the purpose of the donation. These will be listed in the agenda if received prior to agenda publication.

The Council resolves at this meeting on the list of donations to be made.

3.1h Questions for Clarification Prior to the Council Meeting

Members are encouraged to contact Council staff prior to Council meetings to clarify matters appearing on the agenda.

The preferred method of contact by Council Members for a Council meeting is by email to the cmenquiry@mountbarker.sa.gov.au email or telephone.

With the agenda issued more than five clear days prior to a meeting, Council Members are encouraged to submit questions of clarification by the Friday before the meeting. A response may not be able to be provided if questions are submitted late on the day of the meeting.

As per the Council Members' Access to Information Policy and Procedure questions regarding the council meeting agenda should be directed to a Manager, Executive or CEO, and include a copy to the relevant Executive, all Council Members.

When the Council Member has sent an email in advance of the agenda being issued (e.g. a draft question on notice) the response from staff will be sent to that Council Member only unless the Council Member has chosen to include other Council Members (some or all) in which case the response will be sent to them as well.

When the council member has sent the email after the agenda has been issued (e.g. a query regarding an agenda item) the response from staff will be issued to all Council Members. This approach ensures that all members have the benefit of the same information being available prior to decision making occurring at the Council meeting.

If a council member sends an email after the agenda has been issued and they choose to mark that email "confidential" (e.g. a query regarding them having a possible conflict of interest) they should include why they have requested that confidentiality apply. The response from staff will assess if confidentiality should apply in that particular circumstance. If the response is not to be confidential, this will be made known to the council member who sent the email. That will occur as a courtesy in advance of the response being forwarded to all council members. The staff assessment will have regard to the Council Members' Media and Electronic Communications Policy.

Part 2. ADDITIONAL MBDC MEETING PRACTICES

3.2a Expression of Faith and Acknowledgement of Country

A Prayer will be read by the Presiding Member or their delegate at the beginning of the Council meeting. Members who wish to stand for this reading may do so.

Following the reading of the Prayer, the Presiding Member will read the 'Acknowledgement of Country' to acknowledge the Council meeting is taking place in the land of the traditional owners. Members who wish to stand for this reading may do so.

3.2b Questions from the Gallery

Question time provides up to 15 minutes at the beginning of the Council meeting.

During the specified time, the Presiding Member will invite any member of the public in the Gallery to ask questions that are:

- relevant to Council or the district
- relevant to the Council meeting agenda

Questions must be asked:

- with courtesy and respect and not be of a personal, intimidating or vexatious nature.
- with the intent for a genuine answer and not for intense discussion or debate.
- succinctly and concisely and not with a preamble or background information
- within the 15 minute allocation in the meeting.

Any questions outside of this policy will be disallowed.

The minutes will reflect who asked a question, the topic and a brief summary of the reply that was provided at the meeting.

Should the question not be able to be answered, the question will be noted by the minute secretary for further investigation and responded to by administration staff at a later date.

It is the responsibility of the person asking the question to provide their name and contact details to the minute secretary.

Members of the public are advised that Council Members and staff appreciate opportunities to respond to questions outside of Council meetings, as this can allow for a considered response to complex questions, or questions requiring investigation.

3.2c Conflict of Interest

It is a Member's responsibility to ensure they are aware of, and understand, the provisions of Sections 73-75D of the Act in relation to a material or general conflict of interest and disclosure.

Members are encouraged to review agendas and supporting attachments prior to attending a meeting to consider possible conflicts of interest in the matters to be discussed at the meeting.

As early as possible before a meeting, members may seek advice about a possible interest by contacting the CEO or Governance staff. If necessary, the CEO will assist the Member. This may include contact with the Council's lawyers by the CEO or their delegate for advice, at Council's expense.

Prior to the meeting, the Member must complete a Conflict of Interest form and provide to the Minute Secretary prior to the start of the meeting; or when necessary, during the meeting. A form for each conflict will outline:

- whether the interest is general or material
- which agenda item the conflict relates to
- the nature of the conflict
- and how they intend to deal with the conflict in a transparent and accountable manner.

If a conflict is disclosed, the member must outline how they intend to deal with the interest:

- if a general conflict of interest is declared: whether or not the member proposes to participate in the discussion of the matter and if so, how the member intends to deal with the conflict of interest including whether the member intends to vote on the matter and their reasons for participating in the discussion of the matter.
- if a material conflict of interest is declared: the member is to leave the room for the discussion of the matter unless the Minister has granted an approval to the member to participate in the discussion of the matter.

A Member who has an interest in a matter before the meeting must verbally disclose the interest to the meeting and also on each occasion that the item is discussed.

Staff

It is a staff member's responsibility to make sure they are aware of and understand the provisions of Section 120 of the Local Government Act 1999 in relation to conflict of interest. The minute secretary will note with in the minutes any conflict of interest verbally advised by staff at the meeting.

3.2d Length of Meetings and wellbeing break

Council and Committee meetings may include a short 'wellbeing' break, a maximum of 10 minutes, by resolution (or by the Presiding Member seeking Leave of the Meeting) specifying the duration of the break and the recommencement time. A wellbeing break may be called after two hours of meeting time.

Council and Committee Meetings will conclude within three hours unless there is a resolution to extend past that time for 30 minute increments or until the conclusion of the meeting agenda.

A resolution of Council or a Committee is required to adjourn the remaining business to another time and place.

3.2e Acting presiding member

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 Mayor and Deputy Mayor are not available to preside, a Member of the Council chosen by those present will preside.
 - i. The Chief Executive Officer pursuant to Section 86(3) of the Local Government Act 1999 will preside over the meeting, and call for nominations for the role of presiding member as per the process set out in Appendix 1 – for Regulation 16 Voting.

If the 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 over the meeting or the specific item where the absence occurs.

Wherever it is necessary for the Members or Council or Committee 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.

3.2f Foreshadowing of motions

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 will be forthcoming should the motion (original or as amended) be lost. The foreshadowing of a motion will not be included in the minutes.

3.2g Mobile phones

Mobile phones will be switched off or silent during Council and Committee meetings and members are expected to give full attention to the meeting in progress.

3.2h Committee Meetings and attendance via electronic means

Committee Members may participate in the meeting via electronic means provided advance notice has been provided to the Chairperson and Minute Secretary.

Council meetings are not available to Council Members via Electronic Means.

Any one or more Committee Members may participate via Electronic Means (using platforms approved by the CEO) which permit the Member:

- to hear all other Members; and
- to be heard by all other Members and any members of the public observing the meeting
- to be seen by the remaining members of the Committee.

Regardless of how many members participate in a Committee Meeting via Electronic Means, a physical meeting location will always be provided. That location will be open to the public (except when an order under section 90(2) of the Act is in force).

A Committee Member who is participating in a meeting via Electronic Means will:

- be taken to have entered or re-entered the meeting whenever they join or re-join via Electronic Means
- be taken to have left the meeting whenever they Disconnect
- be treated as if they are in their seat at the Committee meeting and therefore must vote on any question arising for consideration.

Committee Member attendance via Electronic Means, including when they enter and Disconnect, will be recorded in the minutes.

3.2i Presentations

Presentations are an opportunity for the meeting (either in a public forum or under confidential order) to be provided with information relevant to a matter currently under consideration during a meeting.

At times, the Mayor or CEO (or Committee Chairperson) will invite an organisation, staff member or Committee Chairperson to present relevant information to a Council meeting (or a Committee Meeting as the case may be).

Such presentations do not include Deputations nor representations. The duration of each presentation is to be no longer than 20 minutes plus 10 minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting.

3.2j Broadcasting, recording and projection

i. Live streaming of the Meeting

The meetings of Council will be live streamed at the time the meeting is occurring with the exception of any items for which it is resolved are to be considered in confidence.

Consistent with Council's Code of Practice (for Access to Council and Committee Meetings and Documents) part 6. Public Access to Meetings, whilst the Chief Executive Officer or their nominee will take all reasonable steps to ensure the Live Stream and

Recording of Council meetings, in the event that the Live Stream and Recording is disconnected, the Council meeting will continue uninterrupted.

Live streaming may not be available when Council holds its meetings in alternative locations outside of the Council chamber.

ii. Projection of Recommendations/Motions/Amendments

Recommendations/Motions/Amendments are projected on the screens within the Chamber during the Council meeting. While this is available for the Gallery to view it is provided primarily to assist Council Members to ensure they are clear on the wording of a motion and/or an amendment.

The screens within the Chamber may not be visible to observers of the live stream.

iii. Requests from the public to film, photograph or record meetings

Members of the public who wish to photograph or record a Council or Committee meeting or a council members' information or briefing session (other than confidential items) may seek approval of the CEO by 3pm on the day of the meeting/ council members' information or briefing session .

A request to seek approval is to be made in writing or via email to council@mountbarker.sa.gov.au.

The recording or photography must not hinder, interrupt or interfere in the proceedings of the meeting/ council members' information or briefing session.

The Presiding Member may adjourn a meeting to stop unapproved recording or photography of a meeting in circumstances where it is hindering or interfering with the proceedings of the meeting.

APPENDIX 1 – for Regulation 16 Voting

ELECTION PROCESS FOR COUNCIL MEMBER APPOINTMENTS

The process for determining a Council appointment to a particular position is as follows:

Nominations

1. Council Members should consider whether they have a conflict of interest when nominating and whether they should participate in the vote.
2. If Council Members wish to nominate but will be absent from the meeting they may notify the CEO or Governance team and Mayor via email or letter of their desire to nominate prior to the meeting;
3. The Presiding Member will call for nominations, this does not require a seconder as it is not a motion.
4. If there are more nomination(s) than positions the Presiding Member will allow up to 2 minutes each for those members to explain why they are the most appropriate nominee.

Voting

5. Voting will occur via a Secret Ballot
Each Council Member in the Chamber including the Presiding Member will complete their voting slip with the name of the preferred Council Member or members as the case may be. These will be collected and counted by a Council Officer present and an additional Council Officer acting as scrutineer.
6. The counting will be first past the post, majority vote.
7. The Presiding Member will announce the result of the secret ballot process and will call for a motion to formalise that.
8. Council Members will not be able to see the voting slips after the vote is completed and the voting slips will be destroyed by the scrutineers.

Tied Vote

9. If there is a tie for the most votes using a Secret Ballot, **but** there are also votes for other nominees, Council will undertake a further process (using a secret ballot) with this then being restricted only to the two or more as the case may be tied nominees who received the most votes except where the vote is for Deputy Mayor (refer below).
10. If the subsequent result is a tied vote between candidates using a Secret Ballot **and** no other candidates received any votes, the result will be decided by the scrutineer placing the Council Member names in a box and with the first name drawn out by the Presiding Member being the Council Member who is eliminated until there is only the required number of names remaining. This will be followed by a motion and resolution.
11. Tied vote for Deputy Mayor will follow the requirements in the Local Government Act 1999 S 51(8) in that if the votes for two or more candidates for the office are equal after the first round of voting, lots must be drawn to determine which candidate or candidates will be excluded.