

# TITLE: CODE OF PRACTICE FOR MEETING PROCEDURES

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## 1. INTRODUCTION

The Mount Barker District 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 may submit a report recommending revocation or amendment of Council decision

This Code will specify any discretionary procedures that Council has adopted and provides information on other matters not covered by Regulation (included in a table underneath the relevant Regulation).

## 2. CODE OBJECTIVES

The primary policy objectives of this Policy are to:

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

This is achieved by:

- providing the information within the Regulations
- provide information on discretionary procedures that Council has adopted (noted under the relevant heading in a box)
- provides information on Council practices for matters both covered by Regulation and not covered by Regulation (noted under the relevant heading in a box)

The Code is applicable to Council and Committee meetings.

### 3. DEFINITIONS

*Act* means the *Local Government Act 1999*.

### 4. OPERATING PROCEDURES PRIOR TO THE MEETING

#### 4.1 Ordinary Meetings

The legislative requirements that allow Council to hold meetings are determined by Section 81 of the Local Government Act 1999 (the Act), with a similar provision for Committees at Section 87.

#### 4.2 Special Meetings

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

The Chief Executive Officer must at the request of:

- the Presiding Member of Council; or
- at least three Council Members or
- a council committee at which at least three members of the council vote in favour of the making of the request

call a Special Council Meeting which may be held at any time.

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

The Chief Executive Officer must at the request of:

- the presiding member of a council committee; or
- at least two members of a council committee,

call a special meeting of a council committee which may be held at any time.

#### 4.3 Notice of Agendas for Meetings – Ordinary and Special Meetings

Section 83 & 84 of the Local Government Act 1999 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.

One copy of the agenda, reports and attachments is provided at the Local Government Centre for public viewing and is also available on Council's website [www.mountbarker.sa.gov.au](http://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.

Reports from 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 adopt another approach entirely.

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.

#### 4.4 Conflict of Interest

The provisions in relation to a Council Member's interest are set out in Sections 73- 75C of the Act. The provisions of Sections 73- 75C apply to meetings of Council and Council committees and apply to Council Members and any other person appointed to a Council Committee.

It is a Council or Committee Member's responsibility to ensure they are aware of, and understand, the provisions of Sections 73-75C of the Act in relation to declarations of interest and how they are to be dealt with.

A Council or Committee Member who has an interest in a matter before the Council must disclose to the Council or Committee whether the interest is general or material which agenda item the conflict relates to; and 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.

Council or Committee Members are encouraged to initially review agendas from the perspective of possible conflicts of interest and where applicable, and as early as possible before a meeting, may seek advice about a possible interest by contacting the Chief Executive Officer or Governance staff. If necessary, the Chief Executive Officer will assist the Member to contact the Council's lawyers directly for advice, at Council's expense.

#### 4.5 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.

#### 4.6 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.

#### 4.7 Addendums

On occasions additional information is provided following the issue of the meeting agenda, 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;

#### 4.8 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. The Council meeting resolves on the list of donations to be made.

#### 4.9 Length of Meetings

Council Meetings will conclude by no later than 10.00pm or be adjourned to another date and time unless there is a resolution to extend past that time for a maximum of 30 minutes.

A resolution of Council or a Committee is required to continue with the meeting, or adjourn the remaining business to another time and place. Extensions will be for no longer than 30 minutes.

#### 4.10 Requests from the public to film, photograph or record meetings

Members of the public who wish to film, photograph or record a Council or Committee meeting or a council members' information or briefing session (other than confidential items) must seek approval of the Chief Executive Officer 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. The filming, recording or photography must not hinder, interrupt or interfere in the proceedings of the meeting/ council members' information or briefing session .

## 5. OPERATING PROCEDURES DURING THE MEETING

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

### Part 1—Preliminary

#### Regulation 1—Short title

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

#### 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 a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

**formal motion** means a motion—

(a) that the meeting proceed to the next business; or

(b) that the question be put; or

(c) that the question lie on the table; or

(d) that the question be adjourned; or

(e) that the meeting be adjourned<sup>1</sup>;

**Guiding Principles**—see regulation 4;

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

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

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

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

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting—
- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

**Note—**

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

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

**Leave of the Meeting**

A vote on whether **leave of the meeting** is granted may be conducted by a show of hands.

A division may be called in relation to the vote.

**Meeting Protocols**

Mobile Phones

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

Expression of Faith and Acknowledgement of Land

A Prayer will be read by the Presiding Member 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 Land' to acknowledge the Council meeting is taking place in the country of the traditional owners. Members who wish to stand for this reading may do so.

#### Questions from the Gallery

There will be an up to 15 minute segment at the beginning of the Council meeting. Refer to Appendix 4 for information about questions from the Gallery.

## **PART 2 – MEETINGS OF COUNCILS AND KEY COMMITTEES**

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

### **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.*
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).*
- (8) This regulation does not limit or derogate from the operation of regulation 20<sup>1</sup>.*

#### **Note—**

- <sup>1</sup> *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.)*

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

### **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 placed on display at the principal office of the council.*

#### Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;
- (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.

#### Apologies

Apologies for non-attendance at a Council or Committee meeting should be forwarded to the Chief Executive Officer or Governance staff by email 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.

#### Leave of Absence

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 the 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.

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

#### **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*
  - (ab) *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*
  - (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.*

#### Discussion by Members

Discussion by Members will not be recorded in the minutes.

#### Majority Vote

As the majority vote is all that is required to have a motion carried (other than where stipulated that two thirds of the numbers present is required), a unanimous vote will not be recorded.

#### Personal Explanations

Where a Member has made a personal explanation only the topic and a limited description of the explanation will be included in the minutes.

#### Recording of the Meeting

The meetings of the Council and Council Committee will be electronically recorded by staff to assist in minute preparation and are disposed of immediately after the minutes are confirmed.

#### 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.

#### 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.

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

### **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.*
- (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.*
- (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.*

#### Questions on Notice

Questions on Notice will be used by Members of the Council or Committee where the answer does not warrant extensive investigation or reports being prepared (also refer below). Questions 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. The Question must relate to their role as a Council or Committee Member.

The Presiding Member may rule the question improper if it is ultra vires and although placed on Council's agenda it will not be answered. The Presiding Member will provide reasons for any decision that a question not be answered.

Council staff will provide a written answer to be included in the agenda where time permits.

In circumstances where the Chief Executive Officer determines that extensive investigation or reports will need to be prepared, the matter may be referred to the Council for its consideration and determination on whether the question should be answered.

Council staff are available to provide assistance to Council or Committee members in drafting a question on notice. Requests for assistance can be directed by telephone or email to the Chief Executive Officer, or relevant General Manager or Governance staff with cc to Executive Assistant to CEO & Mayor.

While council staff are able to provide assistance on appropriate wording of a question on notice, ultimate responsibility for the wording of a question on notice rests with the Council or Committee member placing the question on notice.

#### Questions Without Notice

Council Staff are available to answer questions of Members in advance of meetings.

If a Member asks a question at a meeting without notice, unless there is a specific motion that an entry be made, Council meeting and Committee minutes will only record that a question or questions were asked and answered at the meeting unless there is a specific resolution of Council (or Committee) to include further particulars of the Question Without Notice in the minutes of the meeting.

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

#### **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.*



## Petitions

Pursuant to Regulation 10(2) the petition (including on-line petitions) must be placed on the agenda of the next Council or a Committee meeting (whichever is the most appropriate).

A petition must be addressed to the Council and delivered to the Council by means determined by the Chief Executive Officer as follows:

- emailed to [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au); or
- mailed to Council at PO Box 54 Mount Barker SA 5251

The Chief Executive Officer will ensure that the report to the Council (or Committee) 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

A copy of the full petition will be made available to all Council or Committee Members upon request, and will be provided at the meeting for perusal.

## Timing of Petition

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.

## What is not a petition

A letter with multiple signatures is not regarded as a petition.

## Tabled Petitions

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.

## Template

Use of the template on Council's website (and attached to this Code of Practice) is encouraged.

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

### **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.*

#### Deputations

A person or persons wishing to appear as a deputation at a meeting must deliver (to the Council by means determined by the Chief Executive Officer as set out below) a written request to the Council:

- emailed to [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au); or
- mailed to Council at PO Box 54 Mount Barker SA 5251

Should the person(s) presenting the Deputation be 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 minute from a meeting at which the deputation was authorised, for that organisation, association or other body prior to commencing their Deputation.

If a deputation is requested for the next council or committee meeting it must be received prior to finalising the agenda or 5 days prior to the Committee Meeting to enable the matter to be given the appropriate public notice and be listed on the agenda.

If the deputation relates to a matter of business on the agenda, a person or persons wishing to appear as a deputation at a meeting must provide their written request to the Council by 10.00am on the day of the meeting.

A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of 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.

### Visual Presentation

Any visual presentation must be supplied on a USB drive and provided to the Minute Secretary prior to the meeting.

Visual presentations can be shared via electronic means by the person undertaking the deputation.

### Multiple speakers

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.

### Distribution of Notes

If notes are to be distributed, this may occur electronically prior to the meeting (with a copy provided to the Minute Secretary). Council Member details are available on Council's website. If provided at the meeting 12 copies must be provided to the Minute Secretary prior to the commencement of the meeting to distribute and may not be distributed at the meeting by the person making the deputation.

### Minutes

Only the time taken for the deputation, the speaker's name and the topic will be recorded in the minutes.

### Template

Use of the template on Council's website (and attached to this Code of Practice) is encouraged.

### Presentations

At times:

- the Mayor will invite an organisation to present relevant information to Council;
- a staff member will present relevant information to a Committee or Council meeting.

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.

Should Council resolve to allow a Deputation that has previously been refused by the Presiding Member to be presented it will be placed as an item of business on the agenda of the next ordinary meeting.

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

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

- (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.*
- (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.*

### Motions

Pursuant to Regulation 12 (21) The Presiding Member may seek a mover of a motion (which may or may not be the recommendation included in the report) and then a seconder.

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.

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

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).

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.

### En Bloc Motion

Normally, only multiple reports that are for noting will be moved en bloc.

### Committee Recommendations

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.

### Questions for Clarification Prior to the Meeting

Members are encouraged to contact Council staff prior to Council and Committee 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 council meeting agenda items email or telephone. As per Council's Council Members' Access to Information Policy and Procedure emails should be directed to a Manager, General Manager or Chief Executive Officer, and include a copy to the relevant General Manager, and all Council / (Committee) Members, and the Executive Assistant to CEO and Mayor.

#### Notice of Motion

Requests for assistance in wording the Motion can be directed by telephone or email to the Chief Executive Officer or relevant General Manager or Governance staff with cc to the Executive Assistant to CEO & Mayor.

Inclusion of some background information assists members with the rationale behind the motion.

While council staff are able to provide assistance on appropriate wording of a notice of motion, ultimate responsibility for the wording of a notice of motion rests with the Council or Committee member placing the motion on notice.

Where deemed appropriate (and if time permits) the Chief Executive Officer, may include 'Officer Comment' in order to facilitate informed decision making.

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:

- a) another Member may move the motion; or
- b) the meeting may resolve to include the Motion in the next agenda when the member is present

#### 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.

#### Motions Without Notice – Regulation 12 (5)

Motions without notice have not been advertised to the broader community and will therefore be restricted to business that is:

- a) a request that a report on a particular topic be presented at a future meeting;
- b) a simple matter, requiring little information to be considered, and the impact is deemed to be minor; and
- c) 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.

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

### **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.*

#### Amendments

1. Amendments are not permitted to be a direct negative to the motion, Amendments are only meant to alter or provide a minor change not to substantially modify the motion.
2. Although there is a restriction on who can move and second an amendment (Regulation 13 (1) and (3)), other members may speak in the amendment debate.
3. 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. A mover and seconder will be required for the amendment and they will be taken to have spoken to the motion as per the Regulations.
5. The mover of the amendment does not have a right of reply prior to the amendment being voted on.
6. The mover and seconder of the amendment cannot be the mover or seconder



of the motion being amended or a member who has already spoken to the motion.

7. Only those who moved or seconded the amendment will be taken to have spoken to the motion:
  - a) All other Members are entitled to speak to the amendment and, in so doing will not be deemed to have spoken to the motion
  - b) The amendment, if carried, will become the motion as amended for Council to consider
  - c) The mover in reply will close the debate on the motion as AMENDED

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

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

#### **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.*

#### **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.*

#### Addresses by Members

Council: Members will raise their hand and wait for recognition from the Presiding Member prior to standing and addressing the Council.

Committees: Members will raise their hand and wait for recognition from the Presiding Member before speaking and may remain seated.

#### Forms of Address

The Mayor shall be addressed as Your Worship or Mayor.

Councillors should be referred to as ‘Councillor’ followed by their surname.

Independent Members should be referred to by the relevant prefix followed by their surname.

Staff Members should be referred to by the relevant prefix followed by their surname.

#### Interaction with the Gallery

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

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

#### **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.*

#### Voting

A vote in relation to a question for decision before the Council shall be taken via a show of hands. The presiding member, or any other member, may ask the chief executive officer to read out a motion or amendment before a vote is taken.

### 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 Chief Executive Officer or the Executive Assistant to the CEO and Mayor via email or letter of their desire to nominate;
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

##### 10. 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.

11. The counting will be first past the post, majority vote.
12. The Presiding Member will announce the result of the secret ballot process and will call for a motion to formalise that.
13. 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.

##### 15. Tied Vote

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).

16. 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.
17. 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.

Use of Telephone or Electronic Means to Participate in Committee Meetings – Regulation 16 (4)(b).

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

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

**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; and*
  - (b) *the members voting in the negative will, until the vote is recorded, sit in their seats; 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.*

### **Divisions**

A division is taken as follows:

- (i) the members voting in the affirmative will, until the vote is recorded, stand in their places, and then be seated;
- (ii) the members voting in the negative will, until the vote is recorded, sit in their seats and then be asked to stand in their places until their vote is recorded;
- (iii) the presiding member will count the number of votes and then declare the outcome;

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

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

### **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.*

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

### **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.*
- (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.*

### Adjourned business

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 14 (c), (d) and (e) is carried, the minutes shall record those Members who have spoken in the debate.

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

### **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.*
- (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<sup>1</sup>; and*
    - (ii) *no act or discussion will have any status or significance under the provisions which have been suspended; and*
    - (iii) *no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; 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.*

**Note—**

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

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

**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**

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

**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.*

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

#### **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), (3) and (4) provided as follows:*

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

#### **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**

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

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

**Note**—See also section 41(6) of the Act.



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

### **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.*
- (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.*

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

### **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.*

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

*(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.*

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

### **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.*

#### **Other Matters not covered by Regulation**

##### Recommendations From Committees

The Audit and Risk Committee and Community Grants Assessment 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.

The Summit Sport and Recreation Park Board does have delegated authority. Their minutes are published to the Meetings page of Council’s website. Any recommendations from the Board are provided to the following Council meeting for consideration.

##### Mayor’s Report

The Mayor may provide a written report in dot point form on duties undertaken in the role since the previous Council meeting which will be included as dot points within the minutes.

##### Council Members’ Reports

Council Members may provide a written report in dot point form on duties undertaken since the previous Council meeting to be lodged with the Minute Secretary before the start of the Council meeting which will be included as dot points within the minutes.

## **6. 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.

**7. ACCESS TO THE CODE OF PRACTICE**

The Code of Practice is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au).

A copy can be provided on payment of a fixed fee.

**8 FURTHER INFORMATION**

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

Title: Risk & Governance Officer

Address: PO Box 54  
Mount Barker SA 5251

Telephone: 8391 7230

Email: [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au)

REFERENCE NUMBER:	DOC/24/39713
RESPONSIBLE OFFICER/ DEPARTMENT:	Executive Manager
APPLICABLE LEGISLATION:	Local Government Act 1999 Local Government Act (Procedures and Meetings) Regulations 2013 (amended) Statutes Amendment (Local Government Review) Bill 2021
COMMUNITY PLAN 2020-2035:	Leadership and Good Governance LGG Strategy 1.3: Provide opportunities for the community to access and participate in decision-making processes and fully integrate community engagement practices into Council activities LGG Strategy 1.5: Demonstrate accountability through clear, relevant and easily accessible policies, corporate reporting and legislative compliance.
RELATED POLICIES / CORPORATE POLICIES:	<ul style="list-style-type: none"> <li>Code of Practice (for Access to Council and Committee Meetings and Documents)</li> </ul>
SUPPORTING PROCEDURES:	<ul style="list-style-type: none"> <li>Templates</li> </ul>
PREVIOUS REVIEW DATES:	6 July 2020, 5 July 2021, 4 July 2022, 7 August 2023
ENDORSED BY COUNCIL:	2 April 2024
MINUTE RESOLUTION NUMBER:	OM20240402.15
NEXT REVIEW DATE:	4 August 2025

**Templates**

1. Order of Business for the Council Meetings
2. Order of Business for the Audit and Risk Committee, and Community Grants Assessment Committee Meetings, Summit Sport and Recreation Park Board meetings
3. Order of Business for a Special Meeting
4. Questions from the Gallery
5. Template for Petitions
6. Template for Deputations

**Appendix 1:****Template for Order of Business for Ordinary Council Meetings**

1. Council Opening
  - Expressions of Faith
  - Acknowledgement of Country
  - Apologies/Leave of Absence
2. Questions from the Gallery
3. Confirmation of Minutes
4. Conflict of Interest Declaration
5. Deputations  
Name of person undertaking the deputation and topic
6. Questions with Notice  
Name of Council Member and Topic of Question
7. Questions without Notice
8. Motions on Notice  
Topic and Name of Councillor
9. Motions Without Notice
10. Petitions  
Petition Title and Purpose
11. Recommendations from Committees  
Name of Committee and Date
12. Reports by Officers  
Report Title and Purpose
13. Information Reports  
Report Title and Purpose
14. Quarterly Reports  
Report Title and Purpose
15. Mayor's Report
16. Members' Reports
17. Questions Arising from the Council Meeting
18. Confidential Reports  
Report Title

## Appendix 2

### Template for Order of Business for the Audit and Risk Committee and the Community Grants Assessment Committee, Summit Sport and Recreation Park Board

1. Committee Opening
  - Apologies/ Leave of Absence
2. Confirmation of Minutes
3. Conflict of Interest Declaration
4. Deputations
  
5. Questions with Notice
  
6. Questions without Notice
  
7. Motions on Notice
  
8. Motions Without Notice
  
9. Petitions
  - Petition Title and Purpose
  
10. Reports by Officers
  - Report Title and Purpose
  
11. Information Reports
  - Report Title and Purpose
  
12. Confidential Reports
  - Report Title and Purpose



**Appendix 3:****Template for Order of Business for a Special Meeting:**

- 1 Council Opening
  - Expression of Faith
  - Acknowledgement of Country
  - Apologies/Leave of Absence
  
- 2 Conflict of Interest Declaration
  
3. Reports by Officers
  - Report Title and Purpose

#### **Appendix 4 – MAYOR’S INTRODUCTION -QUESTIONS FROM THE GALLERY**

Question Time is an up to 15 minute segment at the beginning of the meeting to allow the members of the public in the Gallery to ask questions. It is not a time to make a deputation, have intense discussion or debate – it is simply to ask questions.

The questions must be presented with courtesy and respect and must not be of a personal, intimidating or vexatious nature.

The questions are not restricted to those regarding agenda items but they must be relevant to this Council or be within the jurisdiction of this Council.

Any questions outside of this policy will be disallowed.

The minutes will reflect who asked a question and the topic and a brief summary of the reply 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.

At the end of the meeting there is an opportunity for questions regarding items on tonight’s agenda.

Members of the public are advised that Elected 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.

**Appendix 5:**

**Template for Petitions**

# PETITION TO COUNCIL



MOUNT BARKER  
DISTRICT COUNCIL

## Please note the following guidelines:

1. A petition is a formal submission to the Council signed by many residents. Typically, a petition draws the attention of Council to a particular matter or asks the Council to consider making a particular decision.
2. The Local Government (Procedures at Meetings) Regulations 2013 (R10) provide that a petition to the Council must:
  - be legibly written or typed or printed
  - 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
  - be addressed to the Council and delivered to the principal office of the council:
    - emailed to [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au); or
    - mailed to Council at PO Box 54 Mount Barker 5251

Petitions received by the Mount Barker District Council, in addition to the legislative requirements must:

- include the name and address of the person submitting the petition (the head petitioner)
- the purpose and reason must be on each page of the petition
- the petition must be directed to Council either in person to the principal office of council or by mail, fax, attached as documents and emailed to [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au)

A suggested format for petitions follows.

3. Receipt of your petition will be acknowledged. Petitions received with the required information (as per 2 above) will be placed on the agenda for the next ordinary Council meeting in accordance with the Regulations.
4. Normal practice is that a petition is simply received (not debated). It is not necessary for you to attend the Council meeting but you are most welcome to if you wish.
5. Your request will be considered and, if so determined by Council, a further report will then be prepared for Council consideration. You will be advised by letter when this is to occur. Additionally, you are encouraged to check Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au) and go to Council Meetings for what action Council resolved to take and the date at which the further report on this matter may be considered if so determined by Council.
6. For further information please contact Executive Assistant to CEO and Mayor  
Mount Barker District Council  
PO Box 54  
MOUNT BARKER SA 5251  
[council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au)  
Ph 8391 7200  
Fax 8391 7299
7. Social media petitions are to be addressed to the Head Petitioner.

# PETITION TO COUNCIL



MOUNT BARKER  
DISTRICT COUNCIL

## PETITION COVER PAGE

First page of petition – attach additional pages as required

To the Mount Barker District Council

We the undersigned, petition the Council to (define purpose)

.....  
.....  
.....

For the following reasons:

.....  
.....  
.....  
.....  
.....  
.....

The contact person for this petition is (a contact number is required, and email where possible to provide written confirmation and advice to):

Name:

.....

<b>Office Use Only</b>	
Total Signatures	_____
Total within District	_____
Total outside District	_____

NAME	ADDRESS	SIGNATURE



**Appendix 6:**

**Template for Deputations:**

# REQUEST FOR DEPUTATION



MOUNT BARKER  
DISTRICT COUNCIL

## Please note the following guidelines:

1. Deputations (R11) are an important part of community participation in the decision-making process, providing individuals or groups in the community with an opportunity to present their opinions to the meeting.
2. The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) provide that a person who wishes to appear as a deputation and address the Council meeting on a matter must make the request in writing (R11). The Presiding Member may refuse to allow the deputation, but if so that decision must be reported to the next meeting. The meeting may then resolve to allow the deputation.

A person or persons wishing to appear as a deputation at a meeting must deliver (to the Council by means determined by the Chief Executive Officer as set out below) a written request to the Council:

- emailed to [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au); or
- mailed to Mount Barker District Council at PO Box 54 Mount Barker 5251

If a deputation is requested for the next meeting it must be received prior to finalising the agenda or 5 days prior to the Council or Committee Meeting to enable the matter to be given the appropriate public notice and be listed on the agenda.

If the deputation relates to a matter of business on the agenda, a person or persons wishing to appear as a deputation at a meeting must provide their written request to the Council by 10.00am on the day of the meeting.

If the deputation request is on behalf of a community group or Association, it should be accompanied by brief supporting information as to whom has been authorised to present the deputation.

3. Once the Presiding Member has granted your request to make a deputation to Council you will be advised in writing.
4. Presenters will be given 5 **minutes** to do their presentation, followed by questions (if any) from the Council. It would be appreciated if you could be mindful of the time allowed for your presentation.
5. The Council or Committee meeting will begin at the time advised in the published agenda for the meeting and although the exact time for the deputation to commence is difficult to determine it would be best to be present at the published meeting start time. The agenda for the meeting (published 3 clear days in advance of the meeting) will list the name of the person (or community group) making the deputation, and the subject matter only. The agenda will be available on Council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au) and go to Council, Meetings, and the relevant meeting.
6. Visual presentations are welcome - please bring your presentation on a USB drive. Visual presentations can be shared via electronic means by the person undertaking the deputation.



# REQUEST FOR DEPUTATION



MOUNT BARKER  
DISTRICT COUNCIL

7. It is preferable to email your presentation to the Executive Assistant to Chief Executive Officer & Mayor [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au) prior to the Council meeting so that it can be loaded on to our system to ensure the presentation will run, and as a back-up, however this is not a compulsory requirement.
8. If you wish to provide hard copies of your presentation, or distribute supporting information, 12 copies will be required for a Council meeting (11 Council Members, plus 1 for Council's electronic records system) which must be provided to the Executive Assistant to Chief Executive Officer & Mayor prior to the meeting. It is your responsibility to provide copies for distribution. You are welcome to distribute your information to Council Members electronically in advance; email addresses for all Council Members are available on council's website [www.mountbarker.sa.gov.au](http://www.mountbarker.sa.gov.au) and go to Council, Councillors, with a copy to the Executive Assistant to Chief Executive Officer & Mayor.
9. You should be aware that Council and Committee meetings are open to the public.
10. There is unlikely to be any legal protection or other privilege in relation to any statements that you may make in this forum. This means that anything you say will be subject to the normal laws of defamation. Consequently you should take care how you make your address.



# REQUEST FOR DEPUTATION



MOUNT BARKER  
DISTRICT COUNCIL

<b>The relevance to Council in relation to the subject matter is:</b>
<b>What expectations do you have of Council as a result of this deputation?</b>
<b>What benefit will be delivered to the general community as a result of this deputation?</b>

Signature	Date
Print Name	

## Office use only

<b>Approved by the Mayor:</b>	<b>Yes</b>	<b>No</b>
Received (date and time):	at	am/pm
<b>Acknowledged by Executive Assistant to Chief Executive Officer &amp; Mayor</b>		
Approved meeting date:	Deputation time:	
Date depute notified:	Reference:	

### **Information for Deputation:**

Once you have received confirmation of the time and date of the deputation you are approved to speak at the Council meeting as per the approval.

At the appropriate time in the meeting you will be invited by the Presiding Officer (usually the Mayor) to make your deputation on the topic or issue which you have nominated.

You will be asked to state your name, which will be recorded in the minutes of the meeting and then be given 5 minutes speaking time. After this the Presiding Officer may ask elected members if they have any questions.

You will be expected to conduct yourself in an orderly manner to reflect the level of formality appropriate to the meeting. Please address elected members appropriately i.e. the Mayor is to be addressed as 'Mayor' and the elected members as 'Councillor'.

You should refrain from making defamatory or derogatory comments. Council meetings are open to the general public, are live streamed and there are no privileges protecting you in relation to defamation.

You may find it helpful to prepare brief notes of the matter upon which you wish to speak to the Council and then use those notes when you address the matters at the meeting.

Visual presentations are welcome - please bring your presentation on a USB drive.

Should your deputation require further investigation it will be referred to the appropriate Council Officer.

For further information please contact, Executive Assistant to Chief Executive Officer & Mayor, on 8391 7200 or [council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au)

Mount Barker District Council  
PO Box 54  
MOUNT BARKER SA 5251  
[council@mountbarker.sa.gov.au](mailto:council@mountbarker.sa.gov.au)

(This page may be retained by the applicant)