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Chapter 1

CODE OF PRACTICE – PROCEDURES AT MEETINGS

Introduction

The Local Government (Procedures at Meetings) Regulations 2013 specify certain procedures to be undertaken during the operation of Council meetings. These meetings include:

- (a) the meetings of a Council; and
- (b) the meetings of a Council Committee performing regulatory activities
- (c) the meetings of any other Council Committee

The Regulations provide that the Council may develop a 'Code of Practice' where Council chooses to establish its own procedures at these meetings where those procedures are capable of variation by a prescribed number of Elected Members as determined by the Act (refer to Section 86(8b) and 89(1b)). This Code of Practice includes the procedures which are specified within the regulations as capable of variation and which have been so varied by the Council and where the Council has determined that the Act and/or Regulations are silent.

All variations to the meeting regulations are shown in bold.


This Code of Practice provides the guidelines for Elected Members in relation to the implementation of these procedures. It will also be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings.

A Council should, at least once in every financial year, review the operation of a code of practice.

A Council may at any time, by resolution supported by at least two-thirds of the members of the Council as a whole, alter a code of practice, or substitute or revoke a code of practice.

The Code of Practice will be made available, at the District Council of Tumby Bay Council Office during ordinary hours, to the public for inspection at no charge. It will also be made available on Council's website.

A person is entitled, on payment of a fee fixed by the Council, to a copy of the Code of Practice.

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Guiding principles (Regulation 4)

In developing its meeting procedures and Code of Practice the District Council of Tumby Bay has, as required by the Regulations, taken into account and embraced the following **Guiding Principles**.

- (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.

Interpretation (Regulation 3)

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

“**clear days**” – see sub regulations (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*¹;

“**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/chairing at a particular meeting. Within the District Council of Tumby Bay:

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- The Mayor is the Presiding Member for General Council Meetings
- The person elected by the Committee is the Presiding Member of Council Committee meetings

“**written notice**” includes a notice given in a manner or form determined by the Council.

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Chapter 2


MEETINGS OF COUNCIL AND COUNCIL COMMITTEE

1. General Procedures

- (a) Elected Members may provide verbal communication reports at the Council Meeting but only the subject matter will be included in the minutes of that meeting.
- (b) Where Council/Committee meetings continue to **12 noon**, unless there is a specific motion adopted at the meeting to continue beyond this time, the meeting will be adjourned to a date and time specified as part of the motion.
- (c) Council and Council Committee meeting Agendas will be placed in the Principal Office and on Council's website on the day after they are issued to the members of the Council or Council Committee.
- (d) Late reports will be tabled at the meeting. Late reports will only occur where information has not been provided in time for inclusion in the Agenda and where an urgent Council decision is required.
- (e) Council Committees will report to Council each month in the form of the minutes from each Committee meeting. A motion to the effect that the Committee meeting minutes be received and adopted will be sufficient to endorse the recommendation of the Committee as Council resolutions.

2. Commencement of Meetings and Quorums (Regulation 7)


1. A meeting will commence as soon after the time specified in the notice of meeting where 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 meetings is adjourned.

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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.

3. Minutes (Regulation 8)


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) Apologies received from elected Members and leave of absences.
 - (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
 - (d) each motion or amendment, and the names of the mover and seconder; and
 - (e) any variation, alteration or withdrawal of a motion or amendment; and
 - (f) whether a motion or amendment is carried or lost; and
 - (g) any disclosure of interest made by a member; and
 - (h) an account of any personal explanation given by a member; and

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- (i) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (j) 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
 - (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.
5. Minutes will be forwarded by email to Elected Members and placed on Council's website.

4. Questions (Regulation 9)


1. A member may ask a question on notice by giving the **Chief Executive Officer** written notice of the question at least **ten** 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 sub regulation (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.

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- (a) Members are able to ask a maximum of five questions without notice at a Council or Council Committee meeting unless by approval of the meeting.
 - (b) Members are encouraged to seek answers to questions prior to the Council or Council Committee meeting.
6. The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.
7. Questions may be asked prior to the moving of a motion or during a debate on a motion for clarification purposes only. In asking a clarification question a member will not be considered to be speaking to the motion.
- (a) A maximum of two clarification points may be asked by individual members in relation to each motion unless with the consent of the meeting.
 - (b) These questions are to be consecutive.
8. In relation to Questions with Notice, all questions and answers will be included in the agenda papers and the minutes therefore they will not be read out at the relevant meeting.

5. Petitions (Regulation 10)

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 sub regulation (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. Sub regulation (2) may be varied at the discretion of the council pursuant to regulation 6.
4. Where further investigation is required on issues raised in a petition, the petition will be provided to the next meeting of Council from receipt


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of the petition to note the petition and a report providing further detail will be provided to Council once investigations have been completed.

5. On initial receipt of the petition, a summary and the first page only will be provided to Council. When the matter is considered the entire petition will be attached to the report.

6. Deputations (Regulation 11)


1. A person or persons wishing to appear as a deputation at a meeting must **submit a request in writing addressed to the Mayor/ Presiding Member. (A Deputation Request Form must be used to assist in determining the relevance & importance of the request)**
2. The **Chief Executive Officer** must transmit a request received under sub regulation (1) to the **Mayor/** presiding member.
3. The **Mayor/ 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 **Mayor/** 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. **The name of the representor will be recorded in the minutes of a Council or Council Committee meeting.**
9. **The representor will be allocated up to 10 minutes to speak and 10 minutes for questions from Council.**
10. **The presentation will be limited to the topic or issue which the representor has nominated in their application form.**
11. **A maximum of two persons attending the deputation may address the Council. The Presiding Member may seek questions of other deputation attendees if so desired (by Council).**

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12. Any material required to be given to elected members or staff should where possible be submitted to Council administration prior to the meeting and preferably 5 clear days (not the day of the meeting) prior to the meeting, so it can be included with the agenda.
13. Powerpoint presentations to be viewed on the projector must be sent to Council at least 5 days prior to the meeting so they can be loaded and ready to view for the meeting.
14. In making a verbal address, representor should be aware that this meeting, like all Council meetings will be recorded for the purpose of confirming the accuracy of the minutes. In addition representors should be aware that Council meetings are open to the public. There is unlikely to be any legal protection or other privilege in relation to any statements that are made in this forum. This means that anything the representor says will be subject to the normal laws of defamation.


7. Motions (Regulation 12)

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 five 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 periodic election of the Council must be brought by written notice of motion.
4. If a motion under sub regulation (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 periodic election, whichever is 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.

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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 a new matter; and
 - (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 sub regulation (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
 - (c) 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
 - (d) 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
 - (e) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time

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being but debate can be resumed at the later time (at the point of interruption); or

- (f) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

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

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

17. If a formal motion is lost:

- (a) the meeting will be resumed at the point at which it was interrupted; and

- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e. a motion to the same effect) cannot be put until at least one member has spoken on the question.

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

8. Amendments to Motions (Regulation 13)

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 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 one further amendment may be moved to the original motion.

5. If an amendment is carried, only one further amendment may be moved to the original motion.

6. Sub regulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

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7. **Amendments are to be provided to the minute taker in writing to ensure accuracy of recording when requested by the presiding officer.**

9. Variations, etc (Regulation 14)


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.

10. Addresses by Member, etc (Regulation 15)

1. A member must not speak for longer than five minutes at any one time without leave of the meeting.
2. **Members are to speak through the Chair of the meeting when speaking to a motion.**
3. A member may, with leave of the meeting, raise a matter of urgency.
4. A member may, with leave of the meeting, make a personal explanation.
5. The subject matter of a personal explanation may not be debated.
6. The contribution of a member must be relevant to the subject matter of the debate.
7. Sub regulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

11. Voting (Regulation 16)

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. Sub regulation (3)-

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- (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.

12. Divisions (Regulation 17)


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 affirmation 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.
 - (d) Members wishing to vote in the affirmative but are unable (to stand) due to infirmity or other reason, may with the leave of the meeting, remain seated and indicate their affirmative vote by raising a hand or by indicating in some other unambiguous manner.
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. Sub regulation (3) may be varied at the discretion of the council pursuant to regulation 6.

13. Tabling of Information (Regulation 18)

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).

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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.

14. Adjourned Business (Regulation 19)

1. If a formal motion for a substantive motion to be adjourned is carried:
 - (c) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (d) 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.

15. Short-term Suspension of Proceedings (Regulation 20)


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

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

16. Points of Order (Regulation 28)


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 sub regulation (5) is put.
7. A resolution under sub regulation (5) binds the meeting and, if a ruling is not agreed with:
 - (a) the ruling has no effect; and
 - (b) the point or order is annulled.

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17. Interruption of Meetings by Members (Regulation 29)

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. Sub regulation (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 a quorum.
3. If the presiding member considers that a member may have acted in contravention of sub regulation (1), the member must be allowed to make a personal explanation.
4. Subject to complying with sub regulation (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 sub regulation (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 sub regulation (4); or
 - (b) enters a meeting in contravention of a suspension under sub regulation (5),

Is guilty of an offence and the Maximum penalty is \$1,250.


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18. Interruption of Meetings by Others (Regulation 30)

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

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Chapter 3

MEETINGS OF COUNCIL COMMITTEES

1. Notice of Meetings for Members (Regulation 23)

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.


2. Public Notice of Committee Meetings (Regulation 24)

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.

3. Minutes (Regulation 25)

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

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(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.

4. Quorum for Committees (Regulation 26)

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.

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 one; or
- (b) a number determined by the Council

(See also Section 41(6) of the Act).

5. Voting at Committee Meetings (Regulation 27)

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 the 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.

References:

- Local Government Act 1999 (South Australia)
- Local Government (Procedures at Meetings) Regulations 2013 (South Australia)

Authority: Adopted by Council: 13 March 2012 {Motion No 17c/32012}
Reviewed by Council: 8/3/16 {Motion 8c/032016}