



## CODE OF PRACTICE – PROCEDURES AT MEETINGS

Policy Type	Council Policy
Responsible Department	Office of the Chief Executive Officer
Responsible Officer	Group Manager Governance and Risk
Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Related Policies	Code of practice – Access to meetings and documents. Code of Conduct for Council Members.
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## CHAPTER ONE

### Introduction

Sections 86(8) and 89(1) of the *Local Government Act 1999* (“the Act”) provide that meetings of the council or a council committee will be conducted according to procedures:

- prescribed by the Act;
- prescribed by regulation; and
- in relation to council meetings, insofar as the procedure is not prescribed by either the Act or regulations — as determined by the council; and
- in relation to committee meetings, insofar as the procedure is not prescribed by the Act or regulations, or determined by the council — as determined by the committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (“the Regulations”) specify certain procedures to be followed during the operation of council and certain council committee meetings. These meetings include:

- the meetings of the council;
- the meetings of a council committee performing regulatory activities; and
- the meetings of any other council committee to which the Council has resolved Part 2 will apply.

Regulation 6 provides that the council may develop a Code of Practice, where it chooses, to establish its own procedures in substitution for procedures under the Regulations which are expressed to allow variation.

This Code of Practice incorporates three types of procedures:

- procedures contained in the Regulations;
- procedures contained in the Regulations that are expressed to allow variation and are varied by the Council; and
- procedures on which the council has determined both the Act and Regulations are silent and so has determined those matters itself.

***For ease of reference this Code of Practice includes the Regulations and are referenced with the same regulation number. Procedures that are varied, or concern matters on which the Act and Regulations are silent, are shown in bold and italics and/or also enclosed in a border.***

Note — whilst procedures contained in the Act are not incorporated into this Code of Practice, they must be adhered to in all council and council committee meetings.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both council and council committee meetings of the City of Unley.

In accordance with Regulation 6, the council should review the operation of this Code of Practice at least once in every financial year. The council may, at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote, alter, substitute or revoke this Code of Practice - Procedures at Meetings.

In developing this Code of Practice, the council has at all times had regard to the Guiding Principles set out at Regulation 4 (see page 2).

## CHAPTER TWO

### Part 1 – Preliminary

#### 1. Citation

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

#### 2. Approval

These procedures were approved by the City of Unley Council on 26 September 2016.

#### 3. Interpretation

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

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

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

“**deferment**” means to delay a motion until the next meeting as long as there is no question for determination before the meeting. It cannot be used in substitution for a formal motion.

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

“**formal motion**” means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned<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 procedures in relation to the proceedings of a meeting;

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

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

Note-

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

#### 4. Guiding Principles

- (1) The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the council or a council committee—
  - (a) procedures should be fair and contribute to open, transparent and informed decision-making;
  - (b) procedures should encourage appropriate community participation in the affairs of the council;
  - (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
  - (d) procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

## **Part 2 - Meetings of councils and committees (to which Part 2 applies)**

### **Division 1 – Preliminary**

#### **5. Application of Part 2**

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

#### **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 procedure, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote, 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 procedure.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote, 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 procedure, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this procedure at the principal office of the Council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This procedure does not limit or derogate from the operation of clause 20<sup>1</sup>.

Note-

- 1 Furthermore, if a matter is not dealt with by the Act or this Code of Practice (including under a code of practice under this regulation), then the relevant procedure will be-
  - (a) As determined by the council; or
  - (b) In the case of a council committee where a determination has not been made by the council – as determined by the committee.  
(see sections 86(8) and 89(1) of the Act.)



## **Division 2 - Prescribed Procedures**

### **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) Section 74 of the Act contains the process for dealing with a declaration of a material conflict of interest by an elected member or independent member of a council committee and subsequent loss of a quorum.
- (5) Section 75A(3) of the Act contains the process for dealing with a declaration of an actual or perceived conflict of interest by an elected member or independent member of a council committee and subsequent loss of a quorum.
- (6) 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, the details required under Sections 74(5) or 75A(4) of the Act, and the date and time to which the meeting is adjourned.
- (7) 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.

### **8. Minutes**

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
  - (a) the names of the members present at the meeting; and

- (b) 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 the details required under Sections 74(5) or 75A(4) of the Act; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under section 90(2) and 90(7) of the Act and;
- (i) a note of the making of an order under Section 91(7) of the Act in accordance with the requirements of Section 91(9); 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.

## 9. Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 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-clause (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.

## 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 sub-clause (1), the chief executive officer must ensure that the petition is placed on the agenda for the next ordinary meeting of the council or appropriate committee of the council (as determined by the chief executive officer).***

- (3) Sub-clause (2) may be varied at the discretion of the Council pursuant to clause 6.

## 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 sub-clause (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.

## 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 5 clear days before the date of the meeting at which the motion is to be moved.<sup>1</sup>
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought—
  - (a) until after the expiration of 12 months; or
  - (b) until after the next general election,
 whichever is the sooner.
- (5) Subject to the Act and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, 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) A member moving a motion will speak to the motion at the time of moving the motion.**

**(9)(b) A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.**

- (10) A member may only speak once to a motion except—
  - (a) to provide an explanation in regard to a material part of 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) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

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<sup>1</sup> The motion will have background information and officers' comments where relevant.

(11)(b) **A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (13), may not move or second an amendment to the motion.**

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (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 (i.e., a motion to the same effect) cannot be put until at least one Member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub regulation (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) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to clause 6.

### 13. Amendments to Motions

***(1) (a) Subject to sub-clause 11(a), a member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.***

***(b) A member moving an amendment will speak to the amendment at the time of moving the amendment.***

***(c) A member seconding an amendment may elect to either speak to the amendment at the time of seconding or may reserve their right to speak to the amendment until a later stage of the debate. Where a member seconds an amendment and reserves their right to speak to it, they will not be considered to have spoken to the amendment.***

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

### 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.

### 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) Sub-clauses (1) and (2) may be varied at the discretion of the council pursuant to clause 6.

## 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) Sub-clause (3) -
  - (a) may be varied at the discretion of the council pursuant to clause 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.

## 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.
- (d) ***A member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and so that such vote is accurately recorded in the minutes. The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote.***
- (4) The 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-clause (3) may be varied at the discretion of the council pursuant to clause 6.

**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.

**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 procedure may be varied at the discretion of the council pursuant to clause 6.

**20. Short-term Suspension of Proceedings**

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause(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>2</sup>; and

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<sup>2</sup> Note - See particularly Part 4 of Chapter 5 and Chapter 6 of the Act.



- (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.

**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 procedure may be varied at the discretion of the council pursuant to clause 6.

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

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

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

#### **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.

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

- (1) Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (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.

#### **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 under sections 74 or 75A(3) of the Act; 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

### 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.

### 27. Voting at committee meetings

- (1) Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

**(3) *Each member of a council committee (regardless of whether they are also a member of the council) who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting.***

- (4) 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.

### 28. Points of Order

- (1) The presiding member may call to order a member who is in breach of the Act or these procedures.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these procedures, 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-clause (5) is put.
- (7) A resolution under sub-clause (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.

### **29. Interruption of meetings by members**

- (1) A member of the council or council committee must not, while at a meeting—
  - (a) behave in an improper or disorderly manner; or
  - (b) cause an interruption or interrupt another member who is speaking.
- (2) 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 of 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.

Maximum penalty: \$1 250.

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

A member of the public who is present at a meeting of the council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

## **Part 5 – Supplementary Procedures for council and committees**

### **31. Setting of Agenda**

- (1) *The following will appear at the beginning of the agenda of all council meetings and will be read by the presiding member at the commencement of each council meeting and other appropriate functions of council;*
  - (a) *“We would like to acknowledge that this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Kurna people today.”*
  - (b) *Almighty God, we humbly beseech Thee to bestow Thy blessing upon this Council. Direct and prosper our deliberations for the advancement of Thy Kingdom and true welfare of the people of this city.*

*Members will stand in silence in memory of those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.*

*Lest We Forget.*

- (2) *Presiding Members of Council committees can use their discretion regarding the Acknowledgement, Prayer and minutes silence by either insertion of an alternative shortened version or exclusion.*
- (3) *Sufficient opportunity is afforded to members to raise any other issue in accordance with this Code of Practice, the Act and Regulations. An item of “**General Business**” may be raised by a member only if it meets the objects of the Act and adheres to the Guiding Principles as outlined at Clause 4. An item in this category will be restricted to;*
  - (a) *minor matters,*
  - (b) *issues arising from business discussed during the meeting,*
  - (c) *issues of civic or ceremonial nature, or*
  - (d) *to call for a report for substantive decision making at future meetings.*
- (4) *All items for inclusion in the agenda of a Council or Committee meeting must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the item is to be considered.*
- (5) *Reports of members should be restricted to items of particular interest or concern to the council. Reports that merely register attendance or representation of the council are to be written and handed to the minute secretary for recording in the minutes of the meeting.*
- (6) *Decisions not yet completed are to be listed at the beginning of the agenda with a very brief indication of their status and estimated time of completion, or instigation, in the case of ongoing activities.*
- (7) *At the end of the agenda there be provided a list and a précis of officers reports currently being prepared by the administration for the next meeting of the*

*council or committee (i.e. if to be dealt with at a committee level then they are listed in that committee's agenda)*

*Sub-paragraphs (4) and (5) above do not apply to items that are, or likely to be, confidential.*

### **32. Notice of meeting for members**

- (1) That notice of a meeting of a committee must be given in writing, at least 3 clear days prior to the date of the meeting;*
- (2) That notice will be given for each meeting separately except where the chief executive officer considers that it is more appropriate in the circumstances to provide notice of multiple meetings in a single notice (for example where a series of meetings are required within a short period of time); and*
- (3) That, where reasonably practicable, the notice of meeting will be accompanied by the agenda and any associated papers — in the event that notice of meeting is not accompanied by the agenda and any associated papers, adequate time will be provided during the meeting for members to read additional documents prior to discussion of them.*

### **33. Officer's Presentation of Late Material**

- (1) An officer's report which has not been included in the agenda for a meeting may only be placed before the meeting where the officer responsible for the report has obtained the agreement, before the meeting, of both the presiding member and the chief executive officer that the report be presented.*
- (2) The presiding member and the chief executive officer may only grant their consent to a report being presented to a council or committee meeting pursuant to sub-paragraph 1 above where, in their opinion, an urgent decision is required from the council or committee which cannot be delayed until the next meeting.*
- (3) Where the material relevant to the presentation of a late report under this clause has been supplied to members just prior to or during a meeting, the presiding member must allow adequate reading time prior to consideration of the matter, in consultation with, and at the discretion of, the members.*

### **34. Commencement of Meetings**

- (1) Clause 7 (1), (4), (5), (6) and (7) of this Code of Practice apply to meetings of all other committees.*
- (2) 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 will adjourn the meeting to a specified day and time.*

### **35. Variation of Order of Agenda**

- (1) The presiding member may, with the consent of the majority of the council or committee, vary the order of the agenda.*
- (2) Where there are members of the public present in the gallery, council staff should (where possible) determine any agenda item(s) of particular interest to those persons and provide such information to the presiding member as soon as practicable (and preferably before the meeting commences).*

**36. Adjournment of Meetings**

*Where a meeting continues to 11pm, unless there is a specific motion adopted at the meeting that it continue beyond this time, the meeting (and, hence, all remaining business) will be adjourned to a date and time specified by the presiding member.*

**37. Deputations**

*A deputation must not exceed five minutes except with the consent of the council or committee.*

**38. Reports of Members**

*Where a Member makes a report to the council under paragraph 31(6) of this Code, the minutes will reflect only that the member made a report and a brief description of the matter. In all cases the chief executive officer will determine the content of the brief description in his/her absolute discretion.*

**39. Questions for clarification purposes**

- (1) *A member may ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment. At the discretion of the presiding member, a question can be directed by any member, irrespective of whether that member has spoken to the motion or not, to another member for the purpose of;*
  - (a) *Seeking clarification of that other member's submissions in the debate;*  
*or*
  - (b) *Obtaining information within the intrinsic knowledge or expertise of that other Member.*
- (2) *Members are encouraged to seek answers to questions prior to a council or committee meeting.*

**40. Motion on Notice**

*Where a member who has given notice of a motion in accordance with sub-clause 12 (2) is absent from the meeting at which the motion is to be considered, the motion will lapse unless the council or committee determines that it be deferred to the next meeting, or the member has provided written authority for the notice of motion to be moved by another member.*

**41. Questions without Notice**

- (1) *A member may ask a question without notice at a meeting.*
- (2) *If the presiding member rules that a question without notice can be answered and the meeting resolve to record an entry in the minutes, the member will be asked to supply their question in writing to the minute secretary.*

**42. Committee Reports to the council**

- (1) *Committees are to report to the council through the presentation of minutes of the committee. The confirmed minutes must be submitted at intervals as determined by the council.*
- (2) *Committee reports are to be presented to the council by the presiding member of the committee where the presiding member is also an elected member of the council. Where this is not the case an elected member on the committee nominated by the presiding member will perform this function. In presenting the*

*report, the presiding member of the committee is to merely put the motion that the report be accepted by the council and provide a general overview.*

- (3) *Where a committee makes a recommendation that differs from an officer's recommendation in any respect:
 
  - (a) *the officer's recommendation will be retained in the agenda and the recommendation of the committee will be detailed in the minutes or report placed before the council meeting; and*
  - (b) *the committee's recommendation will be marked with an asterisk ("\*\*").**
- (4) *Where a committee makes a recommendation to the council which defers a particular item, the reason for the deferment will be included in the committee's report.*
- (5) *A motion (where successful) to the effect that a committee report be accepted by the council, is sufficient to endorse the recommendations contained in the report as decisions of the council.*
- (6) *Where the presiding member of a committee is not in favour of a particular recommendation being offered to the council by the committee, they may request that another member of the relevant committee present the recommendation to the council and be offered the opportunity to speak to the motion to present the reasons why they are not in favour of a particular recommendation*

#### **43. Addresses by Members**

- (1) *A member who intends to speak at a council meeting must raise their hand to signal their intention. A member is not required to stand whilst addressing the meeting.*
- (2) *The presiding member of a committee will determine how members are to signal their intention to speak. Members are not required to stand when addressing a committee. Members must at all times address the meeting through the presiding member.*
- (3) *Where two or more members indicate their intention to speak at a meeting at the same time, the presiding member will determine in which order the members will be heard.*
- (4) *A member is at all times during a meeting to address and refer to another member or an officer or employee by their official title or designation.*
- (5) *A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee.*

#### **44. Elected member non-committee member contribution at committee meetings**

- (1) *Any elected member who is not a member of the committee is able to address members of the committee and provide contribution at any committee meeting of which they are not a member in accordance with the following process:
 
  - (a) *The committee will need to resolve to suspend the meeting procedures (by approval of at least two thirds of the committee members present).*
  - (b) *The presiding member can then invite elected members (non-committee members) to 'sit' at the table and provide contribution on any issue**



*relevant to any item of business. The contribution will be limited to 5 minutes duration per person.*

- (c) *Following conclusion of the contribution provided, the presiding member will ask that each elected member who is not a member of the committee return to the gallery to be seated. There will be no further contribution or participation in the meeting by any elected member non-committee member.*
- (d) *The period of suspension will come to an end as determined by the presiding member or at least two-thirds of the committee members present will resolve that the period should be brought to an end.*
- (e) *The meeting will resume for consideration of the balance of the agenda and then for the formal decision making function of the committee to proceed by calling for movers and seconders of any proposed motions.*

#### **45. Mobile electronic devices**

- (1) *Mobile telephones, smart devices (including but not limited to iPad's etc.) must be placed in silent mode during a meeting by members and officers so as to be contactable in case of family emergency or for the review of council documentation ONLY. Electronic devices are not to be used for texting etc. throughout council or committee meetings.*
- (2) *Mobile telephones, smart devices (including but not limited to iPad's etc.) may not be used during a meeting by media representatives or persons in the public gallery. Mobile phones, if brought into the Council chambers, or Committee room, must be switched to silent before the meeting commences.*

#### **46. Nomination/Appointment of elected members to internal and external positions**

*Procedure for nomination/appointment of elected members to internal and external positions*

- (1) *Before debate on the item, the presiding member will call for a short term suspension of proceedings to undertake a ballot process. Note - this requires the consent of two thirds of the members present.*
- (2) *The presiding member will call for nominations.*
- (3) *All elected members (including the presiding member) will record their vote by placing a 1, 2, and 3 (in the case of 3 vacancies with the 1 going to the most preferred candidate, 1, 2, 3, and 4 in the case of 4 vacancies etc.) against the preferred elected member's name (or names for more than one position) on the ballot paper.*
- (4) *A General Manager will collect the ballot papers.*
- (5) *The chief executive officer and the General Manager will count the votes separately and confirm numbers.*
- (6) *The chief executive officer will then report the numbers to the presiding member. The presiding member will confirm by counting the votes.*
- (7) *The presiding member will announce the successful candidate.*
- (8) *The presiding member will then bring the suspension of meeting procedures to an end.*
- (9) *The presiding member will ask for an elected member to move a motion in relation to the item to confirm the outcome of the ballot.*

### **Specific powers of the presiding member**

*The Regulations give specific powers and responsibilities to the presiding member in the following circumstances -*

#### **Minutes**

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

#### **Questions**

- *The presiding member may allow the answer to a question without notice to be given at the next meeting – R. 9(4).*
- *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper – R. 9(6).*

#### **Deputations**

- *A request for a deputation must be in writing to the CEO who passes it to the presiding member.*
- *The presiding member may refuse to allow a deputation to appear at a meeting. If the presiding member refuses to allow a deputation he/she must report the decision to the next meeting of the Council or committee. The Council or committee may resolve to allow the deputation to appear despite a contrary ruling by the presiding member – R. 11(5) & (6).*

#### **Motions**

- *The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of written notice of motion – R. 12(6).*
- *The presiding member may refuse to accept a motion if the subject matter is, in his/her opinion, beyond the power of the Council or committee.*

#### **Short-term suspension**

- *The presiding member, with the consent of two thirds of the members present, may suspend the operation of all or part of Division 2 of the Regulations for a short time if he/she considers that the conduct of the meeting would benefit from such a suspension. The presiding member may in his/her discretion determine that a short term suspension be brought to an end – R. 20.*

***Point of order***

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

- *The presiding member may call to order a member who is in breach of the Act or Regulations.*
- *The presiding member will rule on a point of order – R. 28.*
- *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. The presiding member is entitled to make a statement in support of his/her ruling before putting the motion to not agree with the ruling.*

**DOCUMENT HISTORY**

<b>Date</b>	<b>Council or Committee</b>	<b>Comment</b>
28/7/2008	CSP 310/08	Was policy number 48.
21/8/2008	C 149/08	
19/7/2010	CSP 341/10	
26/7/2010	C 701/10	
16/5/2011	CSP 31/11	
23/5/2011	C 135/11	
22/8/2011	C 231/11	
19/9/2011	CSP 64/11	
26/9/2011	C 240/11	
14/5/2012	CSP 108/12	
28/5/2012	C 420/12	
26/11/2012	C 601/12	
28/1/2014	C 1013/14	
26/5/2014	C 1146/14	
22/6/2015	C 165/15	Policy number COU 004 discontinued.
26/9/2016	C 599/16	