

Code of Practice Proceedings of Council and Committee Meetings

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| Related Policies | Code of Practice for Access to Meetings of Council and Committees and Council Documents Code of Conduct for Elected Members Code of Conduct for Council Employees Informal Gatherings Policy |
| Related Documents | Confidentiality Guidelines: How to Apply Section 90 of the Local Government Act 1999, LGA(SA) Council Meeting Procedures Handbook 2013 (with amendments 2015) LGA(SA) Conflict of Interest Guidelines – October 2016 |

1. Purpose

This document provides an overview of Council's procedures (formal and informal) for the conduct of Council and Council Committee meetings.

Section 86 of the Local Government Act 1999 (the Act) provides that the procedure to be observed at a meeting of a Council will be as prescribed by Regulation. If a procedure is not prescribed by Regulation it can be determined by the Council.

In addition Regulation 6 of Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) stipulates that certain of the regulations can be varied by a resolution of the Council supported by two thirds of those entitled to vote. These must be recorded in a 'Code of Practice'. This document sets out where Coorong District Council has made these determinations.

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While this Code of Practice for Proceedings of Meetings is not intended as a transcription of the mandatory provisions of the Act and Regulations, distinctions have been made throughout the Code between **legislative requirement** and **Council practice**.

In setting the procedures in this document Council has applied the Guiding Principles as set out in the *Local Government (Procedures at Meetings) Regulations 2013*, Regulation 4 as printed below:

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

2. Local Government Legislation for the Conduct of Council and Committee Meetings

2.1 Interpretations

Clear days in the calculation for giving notice before a meeting: the day on which the notice is given and the day on which the meeting occurs will not be taken into account; and Saturdays, Sundays and public holidays will be taken into account. If notice is given after 5pm on a day, the notice will be taken as given on the next day.

Leave of the Meeting: a vote on whether leave of the meeting is granted may be conducted by a show of hands – but nothing in sub regulation r3(4) prevents a division from being called in relation to the vote.

2.2 The Local Government Act 1999

The provisions for the conduct of meetings of Council and Council Committees and the decision making processes at Council and Committee meetings are prescribed by the Local Government Act 1999 (the Act).

Chapter 6 of the Act and in particular section 86 contain the provisions for procedures at Council meetings; section 89 contains the provisions for proceedings at committee meetings.

2.3 The Local Government (Procedures at Meetings) Regulations 2013

The Local Government Meeting Regulations are in 4 parts. Council has resolved that parts 1 – 4 apply to all Council and Council Committee Meetings. The meeting practices in this Code therefore apply to both Council and Council Committees unless stated otherwise in a Committee Terms of Reference. For example Council Assessment Panels (CAP) are established in accordance with the provisions of the *South Australian Development Act 1993 and Planning, Development & Infrastructure Act 2016*, and therefore the provisions of the *Local Government Act 1999* do not apply to CAP meetings.

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3. Overview of Council and Council Committee Meeting structure

3.1 Composition of Council

The Council consists of the Principal Member/Mayor (from this point to be referred to as 'Mayor') and eight (8) Council Members who represent residents and ratepayers in three (3) Wards: Lakes, Mallee and Parks.

3.2 Council Meetings

Council meetings will be held at the Coorong Civic Centre Chambers, 95-101 Railway Terrace, Tailern Bend as determined by resolution of Council and will commence at 6.00pm on the third Tuesday of each month (unless otherwise resolved by Council). *Note: This time is being trialled for a period of six (6) months, after which this time (June 2019), the Council will re-evaluate this time slot for Council meetings.*

3.3 Council decisions

Decisions of the meeting are expressed in the form of a resolution which is decided by a majority of votes of the Members present (majority is interpreted as half of those present plus one). The Council or Council Committee cannot make a decision, unless it is done by resolution. Once a resolution is reached all Members should respect the Council decision despite their individual opinion.

3.4 Council Committees

Legislative requirement

Council appoints Committees under Section 41 of the Local Government Act 1999.

Council practice

Committees are appointed by Council, and have their own Terms of Reference.

4. Council and Council Committee Meeting Practices

4.1 Pre-meeting processes (Council and Committee Meetings)

Council practice

Council Members are encouraged to contact senior staff prior to Council and Committee meetings to clarify matters appearing on the agenda as well as seeking information which might otherwise lead to a Question without Notice at a Council Meeting. The preferred method of contact is email. All emails should include a copy to the relevant Director and all Council Members. A response to the query will be provided via email to all Council Members.

4.2 Commencing a Council Meeting

Council practice

After the opening of the Council Meeting the following statements are delivered by the Mayor:

Civic Prayer

'Almighty God, help us to duly and faithfully carry out our duties to the best of our judgement and ability for the advancement of this district and the benefit of all whom we are here to serve. Amen.'

Indigenous Acknowledgement

'The Coorong District Council acknowledges the traditional owners of the land on which we meet'.

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This does not apply to meetings of Committees.

4.3 Addressing the Chair

Council practice

In Council meetings the following form of address should be used:

- Mayor – Mayor and last name, e.g. Mayor Bloggs
- Council Member – Councillor and last name, e.g. Councillor Bloggs

At Council meetings the Mayor will stand to introduce visitors.

4.4 Order of speaking

Council practice

At Council and Committee meetings Council Members (and other Committee appointments) will raise their hand and wait to be acknowledged by the Chair of the meeting.

This will apply for:

- questions on reports
- determining the order of speaking on an agenda item.

Staff will respond to questions from the floor by invitation of the Mayor.

4.5 Meeting conduct for Council Members and staff

Council practice

Council Members are expected to abide by the principles of Council's Code of Conduct for Elected Members, and staff, according to the Code of Conduct for Council Employees.

In the Chamber and during Committee meetings, Council Members and staff should:

- be respectful in their language and behaviour
- show respect to the Meeting and members of the community
- be appropriately attired
- speak clearly for the benefit of the gallery
- limit the amount of distracting activities such as passing of notes, speaking to other Members etc.
- turn to silent any mobile/electronic devices, unless permission has been sought from the Chair, e.g. for security or emergency requirements
- respond to questions from the floor at the request of the Chair and acknowledge the Chair

4.6 Leaving the Meeting

Council practice

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A Member who leaves either a Council or Council Committee meeting should indicate this to the Chair, e.g. by standing, facing the chair and making eye contact before leaving the meeting. This will also allow the Minute taker to note the absence.

4.7 Attendance at Meetings, apologies and leave of absence

4.7.1 Council Meetings

Legislative requirement

Members should seek leave of the Council meeting ('Leave of Absence') if they intend being absent for more than three (3) consecutive Ordinary Council meetings in a three-month period. This provides a record of attendance that may be of evidential value if a Member is absent without leave for three (3) or more consecutive meetings, such that it may trigger action under section 54 (1)(d) of the *Local Government Act 1999* (forthwith referred to as the *Act*).

Council practice

Apologies for non-attendance at a Council meeting should be forwarded to the Chief Executive Officer before the time of the meeting and will be recorded in the Minutes.

Council Members seeking a Leave of Absence should provide a motion with notice which includes the dates of the planned absence, e.g.:

Cr. Bloggs moves that Council grant a leave of absence to Cr. Joe Bloggs from 5 December 2018 for a period of three (3) months.

4.7.2 Committee Meetings

Council practice

The Mayor is an ex-officio member of all Council Committees, with the exception of those Committees where appointment by Council has occurred, and will be provided with a copy of all Committee agendas and minutes.

Apologies for non-attendance at a Committee meeting are forwarded to the Chief Executive Officer and are recorded in the Minutes.

Council Members who are not members of a particular Committee may attend as observers only, unless the Committee passes a resolution allowing them to participate in discussion (only) on a particular agenda item.

4.8 Quorum

Legislative requirement

Section 85, Local Government Act 1999

Regulation 7, Local Government (Procedures at Meetings) Regulations 2013

The quorum for a Council meeting is ascertained by dividing the total number of members in office by two (2), ignoring any fraction resulting from the division and adding one (1). The quorum for a committee meeting is the total number of members of the committee divided by two (2), ignore any fraction, and add one (1); or (where permitted by the Act and Regulations) a number determined by the Council and set in the Committee's Terms of Reference.

No business can be transacted at a Council or Committee meeting unless a quorum is present.

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If the number of apologies received by the Chief Executive Officer before the meeting indicates that a quorum will not be present, the CEO may adjourn the meeting to a specified day and time.

If at the expiration of 30 minutes from the time specified in the notice of meeting a quorum is not present, the presiding member (or in his/her absence the CEO) will adjourn the meeting to a specified day and time.

If a quorum is lost because a member cannot participate in a particular matter pursuant to section 74 of the *Local Government Act 1999* (disclosure of material conflict of interest), the matter must be adjourned (so that the remainder of the meeting may proceed).

If a quorum at a meeting cannot be formed because a member proposes to exclude himself or herself from the meeting in a particular matter pursuant to section 75A of the Act (disclosure of actual or perceived conflict of interest), the member will not be taken to have contravened the Act by participating (including by voting) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.

4.9 Conflict of Interest

Legislative requirement

Sections 73-75A, Local Government Act 1999

It is a Member's responsibility to make sure they are aware of and understand the provisions of Sections 73 to 75A of the *Local Government Act 1999* in relation to declaration of interest, conflict of interest and disclosure.

A Member who has an interest in a matter before the Council must disclose the interest to the Council or Committee and deal with the interest in accordance with the provisions of the *Local Government Act 1999* (material, actual and perceived conflicts of interest are all dealt with differently).

Council practice

If Council Members wish to seek advice about a possible conflict of interest before a meeting they should contact the Chief Executive Officer.

4.10 Order of business

Council practice

The order of business shall be in accordance with the published agenda (as resolved by a new Council at its first ordinary meeting). However the Council or Committee may, by resolution or by leave of the meeting amend the order of business as set out in the agenda.

The Mayor or Chairperson may (at their own initiative or at the request of a Member of Council) seek leave of the meeting to bring forward items for debate and resolution where for example:

- a large gallery is present for the item
- contractors or consultants are present to make presentations.

4.11 The Presiding Member (Mayor or Chairperson)

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Legislative requirement

Section 86(1), Local Government Act 1999

When the Mayor is present at an Ordinary Council meeting they must Chair the meeting. In the absence of the Mayor, the Deputy Mayor will Chair the meeting. If the Deputy Mayor is not available, a Member of the Council is chosen by resolution of those present.

Council practice

Chairpersons and Deputy Chairpersons of Council Committees are appointed by Council for the term of the Council.

The Chairperson has a duty to be fair and impartial to all.

For both motions and amendments the Chairperson should note the mover, seconder, questioners and speakers in the debate.

The Chair may request that a lengthy motion without notice be presented in writing for accuracy of recording.

4.12 Reports from Council Members

Council practice

The Mayor is required to provide a report each month for distribution with the agenda. The report should include events of a civic nature that have occurred since the last report, and information about future important activities or other civic matters of interest to the community.

Council Members are required to provide a summary list of meeting attendances for distribution with the agenda at least every three (3) months. Additional reports including other relevant documentation and information are encouraged to advise Council on activities undertaken by Council Members during the course of their business.

In the interest of efficient meeting practice, Members are not expected to speak to their reports at the meeting, but can be asked questions from the floor.

4.13 Questions on Notice

Legislative requirement

Regulation 9, Local Government (Procedures at Meetings) Regulations 2013

A Question on Notice:

- must be received by the Chief Executive Officer at least five (5) clear days before the meeting (see 2.1 Interpretations)
- will be placed on the agenda, and if time permits a written response will be provided in the agenda by the relevant officer
- will be entered into the minutes with the reply
- should generally relate to an operational, strategic or policy matter of the Council
- the Mayor may rule that a question with or without notice not be answered if it is vague, irrelevant, insulting or improper.

4.14 Questions without Notice

Legislative requirement

Regulation 9, Local Government (Procedures at Meetings) Regulations 2013

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Council Members may ask Questions without Notice at a meeting. Questions should be direct and not used as an additional means to extend debate.

A Question without Notice and the reply will not be entered into the minutes unless the members present at the meeting resolve that an entry should be made.

The Mayor may allow the reply to be given at the next meeting or may seek advice from the CEO for a direct response.

Council practice

Staff are available to answer questions before meetings.

A subject heading denoting the nature of a Question without Notice and the name of the officer who provides the reply will be entered into the minutes.

Council must resolve to record an answer within the minutes.

4.15 Motions and debating

Legislative requirement

Regulation 12, Local Government (Procedures at Meetings) Regulations 2013

A motion is a formal proposal and usually results in an action. It should be presented clearly and unambiguously.

A motion lapses if it is not seconded at the appropriate time.

Council practice

Motions without notice and amendments from the floor are encouraged to be provided to the Chair of the meeting in writing.

4.15.1 The rules for speaking to a motion

These rules apply to both Council and Council Committee meetings unless stated otherwise.

Legislative requirement

Regulations 12-14, Local Government (Procedures at Meetings) Regulations 2013

No Member is permitted to speak for more than five minutes at any one time without leave of the meeting. When a Member requests leave of the meeting, the question is put to the meeting, if the majority vote in favour, leave is granted.

At a Council meeting a Member may only speak once to a motion except:

- to provide an explanation, but not to introduce any new matter
- with leave of the meeting
- as the mover in reply.

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.

Once a motion is moved and seconded it can be varied by seeking leave of the mover, consent of the seconder and leave of the meeting (see 2.1 Interpretations) to vary the

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wording. To gain leave of the meeting the presiding member asks the meeting - 'is leave granted?' If the majority of members indicate in the affirmative, leave is granted for the action to occur. If either the mover or the seconder of the motion do not accept the variation an amendment can be moved.

If an amendment is moved and seconded only one further amendment can be moved.

If the amendment or a further amendment is lost the original motion is put and voted on.

Council practice

All speakers must address the Chair ("speaking through the Chair").

Members must refer to each other by their respective titles, e.g. Cr Bloggs.

A Member must move a motion before commencing their five (5) minutes of speaking.

Motions with or without notice should be clearly written down and presented to the Minute Taker.

Once a seconder is identified the Chair will invite the mover of the motion to speak to the motion. The mover of a motion can speak at this time or reserve their right to speak later. The seconder may reserve their right to speak to the motion at the time of seconding.

Once the motion has been moved and seconded, balanced debate should ensue. The Mayor or Chairperson may ask if there are any members who wish to speak for or against the motion. If there are none, then the motion may be put to the vote.

A Member who has moved a motion may 'close the debate' by replying to those who have spoken on the motion. After that right is exercised, the debate is closed and the motion must be put to vote. The reply should not introduce new material to the debate.

With leave of the meeting a variation may be requested of the mover by a member who has already spoken in the debate.

The mover of a motion can also speak to an amendment without losing the right of reply in relation to the original motion.

4.16 Report of Officers

Council practice

A report is provided by Officers on an agenda item. All reports include a recommendation(s). These recommendations are **not** a resolution; they have no status until moved and seconded by the meeting.

Members may reject the report recommendation altogether and move a motion with their own words.

Authors of reports will ensure that:

- reports contain recommendations which are complete statements and which may form part or all of a resolution able to be adopted at the meeting
- recommendations are outcome oriented and provide clear direction

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- requirements such as signing and sealing of documents and the appropriate delegations and authorisation are clearly identified

When a recommendation in a report refers to another document:

- the document or an extract will be attached
- the complete name of the document will be cited.

If a recommendation has several parts a Member may request the Chair to handle one or all parts as separate motions.

4.17 Petitions

A petition is a formal tool that provides individuals or groups in the community with an opportunity to present their opinions to the meeting. Petitions are received at Ordinary Council meetings only.

Legislative requirement

Regulation 10, Local Government (Procedures at Meetings) Regulations 2013

Petitions to Council must:

- be legibly written, typed or printed
- clearly set out the request or submission of the petitioners
- include the name and address of each person who signed or endorsed the petition; and
- be addressed to the Council and delivered to the Principal Office of the Council.

Once the petition is received at the principal office the CEO must ensure that the petition or, if the Council has determined, a statement as to the nature of the request or submission and the number of signatures or persons endorsing the petition, on the agenda of the next Council meeting or, if so provided by a policy of the Council, a committee of the Council.

Council practice

The petition should include, for each person who has signed the petition, their name, address and normal signature.

Petitions received addressing Development Applications will be referred for the information of the Council Assessment Panel (CAP).

Following the receipt of a petition, an item will be listed on the Agenda for the next Ordinary Meeting of Council addressing the matter raised by the petitioners.

The first page of the petition will be included as an attachment to the report. The complete petition will be tabled at the meeting.

If the petition is received after the agenda has been finalised, it will be presented at the following meeting.

A request for a petition to be withdrawn from the Agenda will be accepted if received from the Head Petitioner before the agenda has been finalised.

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The petition will be reviewed by Council staff for errors, duplicate names and invalid entries.

4.18 Deputations

Legislative requirement:

Regulation 11, Local Government (Procedures at Meetings) Regulations 2013

A Deputation may be made by a person or persons who wish to appear personally before a Council or Council Committee meeting in order to speak on a particular matter.

A person wishing to appear as a Deputation must deliver a written request to the Principal Office of the Council.

The request is forwarded to the Mayor who will decide if the request is granted or refused. If it is refused the Mayor must report the decision to the next meeting of the Council or Council Committee. The CEO must take reasonable steps to ensure the person(s) who requested the deputation are informed of the outcome of the request. The Council may resolve to allow a Deputation to appear despite a contrary ruling by the Mayor.

Council practice

Deputations are limited to a maximum of three (3) per Council Meeting.

A request for a Deputation must be received at the Principal Office of the Council by mid-day on the day of the meeting at which the Deputation wishes to appear. Any request for a Deputation received after this time will be treated as a request to appear at the next ordinary meeting of the Council.

The hearing of a Deputation may be referred to the relevant Council Committee unless the person(s) seeking the deputation request to be heard at a Council meeting.

Attendance or non-attendance must be notified in writing with details of the date and time of the meeting as well as the length of time to speak (if approved). Persons are allocated a 10 minute time limit in which to address the meeting excluding questions. This time can be extended by a resolution of the Council or Committee.

Council Members will be invited to ask questions after the Deputation.

4.19 Public Question Time

Council practice

To promote community participation and engagement in the business of Council and to improve openness, transparency and accountability there shall be a public open forum – question time at each ordinary meeting of Council.

The guidelines for Public Question Time are available to view under **Appendix 1**.

4.20 Addresses by Members

Legislative requirement

Regulation 15, Local Government (Procedures at Meetings) Regulations 2013

The procedures in relation to members addressing the Council are:

- (1) A member must not speak for longer than five minutes at any one 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.

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- (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.

Regulation 8 requires that an account of any personal explanation given by a member will be recorded in the minutes.

4.21 Notice of Motion

Legislative requirement

Regulation 12, Local Government (Procedures at Meetings) Regulations 2013

A Notice of Motion requires written notice from a Member to the Chief Executive Officer at least five clear days (see 2.1 Interpretation) before the date of the meeting at which the motion is to be moved. Written notice includes facsimile and email.

Notices of Motion will be dealt with whether or not the Member who submitted it is present at the meeting. The meeting may resolve to defer consideration of the Notice of Motion until the Member is present.

A rescission motion is a motion that, if carried, would revoke or amend a resolution passed since the last periodic election of the Council.

A rescission motion must be brought forward by written Notice of Motion and will be treated in the same manner as any other Notice of Motion. However, if a rescission motion is lost, a notice to the same effect cannot be brought again for a twelve month period or until after the next periodic election, whichever is the sooner.

4.22 Motion without Notice

Legislative requirement

Regulation 12, Local Government (Procedures at Meetings) Regulations 2013

A Member may bring forward any business by way of a Motion without Notice.

The Mayor or Chairperson may refuse to accept a Motion without Notice if they consider that the motion should be dealt with as a written Notice of Motion, or if the subject matter is, in his or her opinion, beyond the power of the Council or Council Committee (as the case may be).

4.23 Amendment to Motions

An amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right. The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or to contradict it.

Legislative requirement

Regulation 13, Local Government (Procedures at Meetings) Regulations 2013

An amendment to the substantive motion is moved after the motion has been moved and seconded.

The presiding member will not accept a proposed amendment that is a direct negative of the motion, substantially changes the motion or the intent of the motion.

An amendment will lapse if it is not seconded at the appropriate time.

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

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

Any debate on an amendment must be confined to the amendment and not the substantive motion.

There is no right of reply to an amendment because it is not motion. The right of reply is the prerogative of the mover of the motion even if the motion has been amended. Likewise, no division can be called on an amendment because it is not a motion.

Council practice

In the interest of practicality, and in acknowledgement of the small number of Members taking part in the debate, Council has determined that the following discretionary principles will be applied to the debate of amendments:

A member (other than the mover or seconder of the motion) who has spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

A member who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment), will not, in so doing be taken to have spoken to the motion to which the amendment relates.

A member (other than the mover or seconder of the motion or a previous amendment) who has spoken to a motion at an earlier stage of the debate may move or second another amendment to the motion, if the first amendment is lost.

Members are requested to indicate an intention to move an amendment early in the debate, and can then reserve the right to speak at a later time.

4.24 Voting

Legislative requirement

Regulation 16, Local Government (Procedures at Meetings) Regulations 2013

As the Mayor is selected from amongst the Council Members he/she has a deliberative vote at the Council meeting, but does not, in the event of an equality of votes, have a casting vote.

Likewise the Chairperson of a Committee has a deliberative vote but does not in the event of an equality of votes have a casting vote.

Each Member present at a Council or Committee meeting and seated at the time that the motion is put must vote on a motion.

Motions are decided by a majority of votes.

The Presiding Member (Mayor or Chairperson) will, in taking a vote, ask for the votes of those Members in favour of the motion, then for the votes of those Members against the motion and then declare the outcome.

A Member who is not in their seat is not permitted to vote.

Council practice

If a Member is within the meeting room and in immediate proximity to their chair, the Chair of the meeting may allow the Member to vote on a motion (seated or not seated).

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The Minute Taker will record the names of Members who voted in the affirmative and the negative, and whether the vote was carried (or carried unanimously), lost, lapsed or tied.

- (a) Members voting in the affirmative will raise their hand until the vote is recorded.
- (b) Members whose hand is not raised will be recorded as voting in the negative.
- (c) All Members are responsible for checking that their name is correctly recorded on the screen displayed at the meeting before moving to the next item of business.

4.25 Tied Vote in Meetings of Committees of Council

Council practice

The result of a tied vote is that the Motion lapses because it is neither carried nor lost. When a vote on a Motion is tied at a Council Committee the Committee Chairperson will declare that the result of the vote was tied. The Committee Chairperson will then call for the matter to be voted upon again. If the vote again is tied the Committee Chairperson will advise the meeting “as a result of the tied vote the matter will (in accordance with Council Policy) be referred to the Council for determination”.

When a vote on an Amendment is tied at a Council Committee meeting the Amendment lapses (and that amendment (or the intent thereof) can not be put again).

When a vote on an Amendment is tied at a Council Committee the Committee Chairperson will declare that the result of the vote was tied. The Committee Chairperson will then call for the Amendment to be voted upon again. If the vote again is tied the Committee Chairperson will advise the meeting “as a result of the tied vote the Amendment will (in accordance with Council Policy) lapse”. The Motion will then be put or a further Amendment moved (provided that there are no more than a total of two (2) Amendments).

4.26 Divisions

There are two purposes for a division:

- to achieve a new vote on the question, in which case the previous decision on the question of the motion being ‘carried’ or ‘lost’ is set aside; and
- to achieve the recording in the minutes of the names of the members voting for and against the question.

Legislative requirement

Regulation 17, Local Government (Procedures at Meetings) Regulations 2013

A division will be taken at the request of a member once the vote on a motion has been taken and does not require a seconder. If the meeting has moved on to the next agenda item, a Division cannot be called.

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.

There is no legal obligation upon a Member to vote in a Division in the same manner that he/she voted on the immediately preceding decision.

The division will be taken as follows—

- (a) Members voting in the affirmative will, until the vote is recorded, stand in their places.

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- (b) Members voting in the negative will, until the vote is recorded, remain seated.
- (c) The Presiding Member (Mayor or Chairperson) will count the number of votes and declare the outcome.

The CEO will record the names of Members who voted in the affirmative and the negative as well as the result of the vote (Division).

4.27 Tabling of Information

Legislative requirement

Regulation 18, Local Government (Procedures at Meetings) Regulations 2013

A Member may require the CEO to table any documents of the Council relating to a motion that is before a meeting. The CEO must then table the documents within a reasonable time, or at a time determined by the Mayor or Chairperson after taking into account the wishes of the meeting.

If the Member who has made the request 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.

The CEO 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 s90 or s91 of the Act.

A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.

Council practice

Requests for the tabling of information should be reasonable and:

- accurately specify the document or documents being sought to enable them to be identified and located
- establish the relevance of the document/s or documents to the motion that is before the meeting.

If a Member is unable to satisfy these criteria, the Mayor or Chairperson can refuse to accede to the request and not defer the vote on the motion.

Unless otherwise determined by the meeting, the information requested is to be provided to the next ordinary meeting of Council.

4.28 Formal motions/adjourned business

Formal motions are procedural, and are moved/seconded during the course of the debate on a motion. If seconded, a formal motion takes precedence and will be put by the Mayor without discussion. If carried formal motions —

- interrupt (stop) or suspend the debate; or
- adjourn the debate; or
- adjourn the meeting.

Legislative requirement

Regulation 12, Local Government (Procedures at Meetings) Regulations 2013

A “formal motion” is that:

- the meeting proceed to the next business

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- the question be put
- the question lie on the table
- the question be adjourned
- the meeting be adjourned.

If a formal motion to adjourn is carried the debate will, on resumption, continue from the point at which it was adjourned.

If debate is interrupted due to the lack of a quorum, and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

Council practice

Items of business that are “laid on the table” remain “on the table” and no staff action is required in relation to reviewing those items of business other than recording the names of those who have already spoken. It requires a motion from an Elected Member (& subsequent resolution by the Council) for the item to be “lifted from the table”. A Member who has already spoken may not speak again except as a right of reply or by leave of the meeting.

Items of business that are adjourned must be recorded with a reason for the adjournment and a trigger of either a date or a set of circumstances for resumption. Staff then list the item on a Council meeting agenda when the date or set of circumstances is reached.

Where Council or a Committee has been meeting for an extended period of time without an adjournment, the Mayor may, with the leave of the meeting, adjourn the meeting for a short period of time.

A resolution is required at 9:30 pm for a decision whether to continue with the meeting or adjourn the remaining business to another day.

4.29 CEO may submit a report recommending revocation or amendment of a Council decision

Legislative requirement

Regulation 21, Local Government (Procedures at Meetings) Regulations 2013

The CEO may submit a report to the Council recommending revocation or amendment of a Council resolution passed since the last general election of the Council.

The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

Council practice

In this instance it is still necessary for the Council to make a decision on the recommendation.

A motion at the Council meeting to revoke or amend a previous decision moved, seconded and carried is required for the revocation or amendment of the previous resolution to be implemented.

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If the motion is lost the provisions of Regulation 12(4) would apply; 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

4.30 Close of Meetings

Council practice

Ordinary meetings of Council should finish at the end of business but no later than 9.30pm (see Clause 4.28) with an extension of time only when necessary to conclude the business of the meeting.

4.31 Minutes of Meetings

Legislative requirement

Regulation 8, Local Government (Procedures at Meetings) Regulations 2013

The Minutes of a Council meeting should include:

- the names of the Members present at the meeting
- 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
- each motion or amendment, and the names of the mover and seconder; and
- any variation, alteration or withdrawal of a motion or amendment; and
- whether a motion or amendment is carried or lost; and
- any disclosure of interest made by a member; and
- an account of any personal explanation given by a member; and
- details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- 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
- details of any adjournment of business; and
- a record of any request for documents to be tabled at the meeting; and
- a record of any documents tabled at the meeting; and
- a description of any oral briefing given to the meeting on a matter of council business; and
- any other matter required to be included in the minutes by or under the Act or any regulation.

Where resolutions include amendments to documents, they should, where possible, record the details of those amendments in the wording of the resolution.

The Minutes of a Committee meeting should include:

- the names of the members present at the meeting; and
- each motion carried at the meeting; and
- any disclosure of interest made by a member; and

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- details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- 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.

Council practice

Minutes are a formal record of decisions made at Council and Committee meetings. They are not a transcript of the meeting.

Other matters can be recorded if requested by the meeting.

The Minutes of Committee meetings are placed on the next available Council Agenda in accordance with the Committee Terms of Reference. An accompanying report highlights matters for Council to note and/or adopt specific recommendations.

Council may adopt or vary the recommendations of a Committee.

4.32 Confidential items

Legislative requirement

Section 90, Local Government Act 1999

Confidential items are managed in accordance with Section 90 of the Local Government Act (1999).

When a resolution is passed to consider an item in confidence:

- members of the public gallery (and staff when required) shall be asked to leave the Chamber
- the doors of the Chamber are closed.

Once the item has been considered, the meeting is re-opened and the public invited to return.

Council practice

Confidential reports are scheduled toward the end of the agenda.

All confidential items will be clearly identified as confidential. A bin will be provided in the Council Chamber for Members to discard confidential papers after the meeting.

4.33 Workshops/Briefings

Council practice

Briefings for Council Members on a variety of topics relevant to the business of Council are arranged as necessary or requested by Council. These 'designated informal gatherings' do not aim to obtain a decision on a matter outside a formally constituted Council or Committee meeting. Refer to Council's Informal Gatherings Policy for further information.

Briefings or workshops are generally held twice a month, occurring on the first and third Tuesday of the month. Members are provided with a 'Briefing Notification' within three days of the session which incorporates an outline of the matters for discussion.

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Where possible Workshops and Briefings will be held in the same location and same day as the Council meeting.

4.34 Special Council Meetings

Legislative requirement

Sections 82-83, Local Government Act 1999

Special meetings of Council may be held at any time in accordance with the provisions of s82 of the Local Government Act 1999.

A request for a Special Meeting must be made to the Chief Executive Officer. It may be made by:

- the Mayor
- at least three Members of the Council
- a Council Committee at which three members of the Council vote in favour of making the request.

An agenda is required to be provided to the Chief Executive Officer at the time of request.

At least four hours notice is required for a Special Meeting of Council.

4.35 Special Committee Meetings

Legislative requirement

Section 87, Local Government Act 1999

Special meetings of Committees may be held at any time in accordance with the provisions of s87 of the Local Government Act 1999.

A request for a Special Meeting must be made to the Chief Executive Officer. It may be made by:

- the Chairperson of the Committee
- at least two Members of the Committee.

At least four hours notice is required for a Special Meeting of Committee.

5. Further information

As per Regulation 6, Council will review the operation of this Code of Practice at least once in every financial year.

This code of practice will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: www.coorong.sa.gov.au.

Coorong Civic Centre

95-101 Railway Terrace
Taillem Bend
Phone: 1300 785 277
Fax: 8572 3822

Meningie Information Hub

49 Princes Highway
Meningie
Phone: 1300 785 277

Tintinara Customer Service Centre

37 Becker Terrace
Tintinara
Phone: 1300 785 277

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Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au.

Any grievances in relation to this code of practice or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

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Appendix 1

Public Question Time Guidelines

The following Guidelines apply:

- Council will allocate a maximum of thirty (30) minutes in the Council agenda for each ordinary meeting for the purpose of public question time.
- The question time will be held after 'Deputations', and listed as Item 6.1 on the agenda.
- The Mayor shall ascertain at the commencement of question time the number of persons desiring to speak. The time available shall be allocated to speakers on an equal basis up to a maximum of five (5) minutes, unless extended by leave of Council.
- Question time shall be chaired by the Mayor and speakers will be asked to observe rulings by the Mayor.
- Each speaker is to appear at the front of the room to ask their question.
- The Mayor will have discretion to not accept a particular question. Questions are to be restricted to matters relating to Council reports, policy or operation. Those of a personal nature will not be accepted.
- It is the Mayor's discretion whether questions are:
 - a) answered immediately at the meeting and by whom;
 - b) taken on notice and answered at a subsequent meeting;
 - c) answered in writing by Council staff;
 - d) not replied to for reasons of confidentiality, or being vexatious, time wasting, trivial, irrelevant or of a personal nature.
- Each Council member will be given the opportunity to ask one question of each person utilising question time.
- No discussion on questions and answers will be permitted, with all questions and answers being as brief as possible. The Mayor will determine when a sufficient response to a question has been provided.
- A list of questions asked and brief response given will be recorded in the Council minutes.
- Should no-one attend the public question time segment Council will proceed with the next agenda item and the minutes will reflect that there was nil attendance/questions.
- Members of the public will if necessary be reminded by the Mayor of Section 30 of the Local Government (Procedures at Meetings) Regulations 2013 which confirm members of the public must not behave in a disorderly manner, or cause interruption.