

Code of Practice for Meeting Procedures



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Legal requirement	<p>To be reviewed within 12 months after the conclusion of each Council election.</p> <p>Subject to the requirements of the Local Government Act 1999, and any allowable variations to the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.</p> <p>Variations made by Council to the Regulations must be reviewed once every financial year.</p>
Due date next review	2022

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1. PURPOSE

The purpose of this Code is to establish a consistent approach and provide clear expectations for Elected Members, Council employees, residents, ratepayers and guests regarding the order of business (Agenda style and format), procedures and etiquette at Council and Committee meetings. This Code will be used to assist in achieving Council's objective to ensure governance systems are open and transparent to all stakeholders.

The Code complements and is applied in conjunction with the prescribed procedures set out in the [Local Government Act 1999](#) and the [Local Government \(Procedures at Meetings\) Regulations 2013](#) except where Council has, in accordance with Regulation 6, chosen to vary the application of the Regulations.

This Code applies to all ordinary and special meetings of Council and section 41 Committees at the City of Tea Tree Gully. Council Assessment Panel (CAP) is governed by the Planning, Development and Infrastructure Act 2016 and therefore has its own meeting procedures.

2. CODE

2.1 Introduction

The Regulations allow a Council to add or vary certain provisions to meeting procedures by adopting a Code of Practice for its Council and Committee meetings. Council and Committees follow the rules and procedures outlined in the:

1. Local Government Act 1999 (Chapter 6)
2. Local Government (Procedure at Meetings) Regulations 2013
3. Code of Practice for Meeting Procedures
4. Code of Practice – Access to Council and Committee Meetings and Documents
5. Committee Structure - Terms of Reference and Membership

Subject to the matters discussed below regarding Notice 1, Council welcomes and encourages the attendance of the public at all meetings, unless a specific confidential order applies. This Code is to be read in conjunction with Council's Code of Practice - Access to Council and Committee Meetings and Documents.

2.2 Electronic Participation in Council Meetings: Public Health Emergency (Notice No 1)

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999 (Notice No 1)* varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1 which commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Code of Practice is altered as set out below and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council (as well as section 41 Committees).

2.2.1 Code of Practice – electronic meetings

The Council is not required to adopt any provision in a code of practice that would prevent or inhibit members from participating in Council meetings or Committee meetings by electronic means.

Council members may meet by electronic means to alter the code of practice of the Council, or substitute a new code of practice of the Council, even if the existing code of practice prevents or inhibits the Council members from meeting by electronic means.

2.2.2 Suspension of Other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice could be read as being inconsistent or incompatible with the ability of the Council to hold electronic meetings, the provision is suspended while any member is participating in the meeting by electronic means and while these provisions are in effect.

In circumstances where a provision is suspended under this paragraph, the Presiding Member may give directions to a member of the Council (or Committee) in respect of an alternative method of compliance with the suspended provision.

Any member who disagrees with a direction of the Presiding Member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

2.3. Guiding Principles (Regulation 4)

Legislation
<p>The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council or council committee:</p> <ol style="list-style-type: none">1. Procedures should be fair and contribute to open, transparent and informed decision-making2. Procedures should encourage appropriate community participation in the affairs of the council3. Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting4. Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

2.4 Meetings to be Held in Public Except in Special Circumstances

A Council meeting will be taken to be conducted in a place open to the public even if 1 or more Council members participate in the meeting by electronic means provided that:

- (a) the CEO (or a person nominated in writing by the chief executive officer) makes available to the public a live stream of the meeting on a website determined by the CEO and ensures that members of the public can hear the discussion between all council members present at the meeting via the live stream; or
- (b) if the CEO (or a person nominated in writing by the chief executive officer) has taken reasonable steps to make available a live stream of the meeting but is unable to make available a live stream of the meeting, the chief executive officer (or a person nominated in writing by the chief executive officer) makes available to the public a recording of the meeting as soon as practicable after the meeting on a website determined by the CEO and ensures that members of the public can hear the discussion between all Council members present at the meeting via the recording.

If the CEO (or a person nominated in writing by the chief executive officer) has taken reasonable steps but is unable to make available a live stream of the meeting, or make available a recording of the meeting as soon as practicable after the meeting (on a website determined by the CEO), the CEO (or a person nominated in writing by the CEO) must publish on a website determined by the chief executive officer the steps taken to comply and the requirement regarding live streaming and recoding is suspended.

The Council or Committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public pursuant to an order made under section 90(2) of the Act.

It is an offence for person who, knowing that an order is in force under section 90(2), to connect to a meeting of the Council or Committee by electronic means, or fail to disconnect from a meeting of the Council or Committee.

2.5 Agenda and Order of Business

Council will have a standard template Agenda for all Council or Committee meetings, allowing for variations for specific Committee needs (in accordance with the Council and Council Committee Structure -Terms of Reference and Membership). These templates will be subject to compliance with the Act, Regulations and this Code. The template Agendas for ordinary and special meetings are provided in Attachments 1 and 2 respectively. These templates may be varied by Council staff as required.

A full copy of the notice, agenda and reports will be available electronically for public inspection from Council's public website.

The order of agenda items may be varied by the Presiding Member, by Leave of the Meeting, or by resolution of the Council or Committee, in consideration of the needs of the public, employees, consultants, individual members or any person making a deputation, presentation or participating in the public forum.

2.5.1 Procedures of Agenda Items at a Meeting

Electronic Participation in Council Meetings: Public Health Emergency (Notice No 1)

- 1. Attendance at Council Meetings:** Members of the Council may participate in a meeting of the Council by electronic means.

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

- 2. Form of Participation by Electronic Means**

Where:

- (a) a Council member is to participate in a Council meeting by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard, the member must participate by being both seen and heard.

- 3. Quorum:** A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

A quorum is taken to be present even if 1 or more Council members constituting the quorum is present by electronic means.

4. **Leave of the meeting:** For the purpose of Notice No 1, a vote on whether *leave of the meeting* is granted may be conducted by:
 - (a) a show of hands; or
 - (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

A division may be called in relation to the vote.

5. **Adjourned Meetings:** If a meeting is adjourned to another day, the CEO must:
 - (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the CEO.

2.5.2 Welcome

All present will stand as the Presiding Member takes his or her position in the Chambers. This represents a sign of respect for the position of Mayor and in recognition of the strong history of the City. (Note: The requirement to stand only applies to Council meetings.)

The Presiding Member will welcome everyone in attendance.

2.5.3 Opening Prayer (Council only)

To be read by the Presiding Member. The form of words for the Council prayer will be:

“Almighty God we humbly ask you for your blessing upon this Council Meeting, direct and prosper our deliberations to the advancement of your glory and the welfare of the people of our City and of Australia. Amen.”

2.5.4 Acknowledgement of Country Statement

An Acknowledgement of Country is a way of showing respect and an awareness of Aboriginal and Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

At the City of Tea Tree Gully an Acknowledgement of Country Statement may be read by the Presiding Member, or at his or her discretion, another Elected Member, at each Council and Committee meeting (where members of the public are present). Council recognises the need for flexibility in the content of the statement to ensure it demonstrates respect for the traditional custodians. The following statements are provided as examples that can be read.

“The City of Tea Tree Gully recognises this City’s considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kurna people and the more recent contributions from all who live here. We build on this heritage today by respecting and listening to each other, being receptive to new ideas and acting wisely for the current and future well-being of our community”.

“The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors. We acknowledge the Kurna people living today as the custodians and caretakers of their land and pay our respect to elders both past and present”

“The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors.”

“We would like to Acknowledge that the land we meet on today is the traditional land for the Kurna people and that we respect their spiritual relationship with their Country. We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today.” (Statement of Acknowledgement from Reconciliation SA)

2.5.5 Evacuation Protocols

In the event that there is a significant number of people who are not aware of Council’s evacuation protocols, the Presiding Member or Chief Executive Officer (or delegate) will provide guidance on evacuation protocols at the start of the meeting. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

2.5.6 Brief Statement to Public Gallery (if members of public are present)

Where a number of members of the public are present, the Presiding Member may advise that while the public are encouraged and are welcome to attend, that Council and Committee meetings are formal meetings that are subject to specific meeting procedures. This means that there are designated sections of the meeting (eg. Public Forum and Deputations) where members of the public can directly interact in the meeting, with the remainder of the meeting only providing the public with an opportunity to listen to the meeting proceedings in an observer role. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

2.5.7 Present

A record of Elected Members present is maintained (identifying the time of arrival for any Elected Members not present at the commencement of the meeting). Names will be recorded by listing the Mayor first followed by the names of the Elected Members in the order that the Elected Members sit around the Council Chamber or meeting room. First name initials with surnames in full will be used as is recorded in each Member’s annual register of interests. Accordingly, names will be amended to take into account any official change of name by Elected Members.

2.5.8 Apologies

A record is taken of those Elected Members who have previously advised that they would not be present at the commencement of the meeting. Elected Members that are absent from meetings and have not previously advised that they would not be present, are not recorded in the Minutes.

2.5.9 Leave of Absence (Council only)

A motion must be sought by the Presiding Member for a mover and seconder to grant any requested Leave of Absence by Elected Members.

If an Elected Member requires leave of absence the following guidelines will be followed:

- a. If an Elected Member knows in advance that they will be away for a Council meeting/s they will advise the CEO in writing (e.g. by email)
- b. The Elected Member's name will be listed as an apology under the Agenda item "Leave of Absence" and include the relevant period
- c. The CEO will advise the Presiding Member of any requests for leave of absence and apologies for non-attendance at Council Meeting/s prior to the commencement of the meeting
- d. At each meeting, Council will formally consider and vote on leave of absences for those Elected Members who have requested it.

2.5.10 Officers in Attendance, Public Gallery and Media Present

A record is to be taken of those employees present (physically or electronically) at the meeting, their name and position and these details are to be recorded in the Minutes.

A record is to be taken of the number of members of the public and media organisations present (physically) at the meeting. This does not form any part of the formal Agenda but is recorded in the Minutes.

2.5.11 Confirmation of Minutes of the Previous Meeting

Legislation - Regulation 8
(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, 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.

Notice No 1: For the period Notice No 1 has effect, on confirmation of the minutes the Presiding Member may initial or sign the minutes in hardcopy or electronically.

The minutes of the proceedings of a meeting must include in relation to each member present at the meeting the method of attendance by the person.

Example:

The following are examples of methods of attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

2.5.12 Mayor's Report (Council Only)

The Mayor may elect to present a report of his or her activities since the previous Mayor's report. This is generally submitted on a monthly basis. The Mayor's report will only be included in full as an attachment to the Council Minutes where it has not been provided in the Agenda. This report is provided for information and does not require a resolution.

2.5.13 Public Forum

A Public Forum session will be held to allow residents, ratepayers or guests of the City to speak to the meeting on topics of Council business as part of Council's desire to be open, transparent and accessible to its community. Speakers are required to register their request to speak prior to the commencement of the meeting. The Public Forum session should relate to policy, strategic type matters or items that are currently before the Council.

Operational matters should be referred to Council Customer Service during normal business hours.

This session will be restricted to a maximum of 10 minutes in total and each person will be restricted to a maximum of 2 minutes (unless otherwise resolved by the meeting or Leave of the Meeting is granted). Each person allowed to speak must address the Presiding Member and state their name and suburb and the subject upon which they wish to address the meeting. This session will occur after adjourned business or matters that lay on the table and before any items of business are considered, except by Leave of the Meeting being granted.

The Presiding Member has absolute discretion as to allow or refuse a person to continue speaking should they breach the Public Forum Guidelines.

Where there are more registered speakers than could be comfortably accommodated within the allocated maximum of 10 minutes, the Presiding Member may request a ballot draw, especially when there are multiple speakers on the same topic. The names drawn will indicate people who can speak in the Forum. The ballot draw will be coordinated by staff present at the meeting as nominated by the CEO.

At the discretion of the Presiding Member a person may not be allowed to speak about a matter if they have already made a previous submission in relation to the same matter, particularly where the matter has been to the community for consultation or is part of a community engagement process. A person(s) who have submitted a petition to Council on a matter or a representative, may at the discretion of the Presiding Member, be requested to speak on behalf of the signatories, instead of all individuals speaking.

During an election period (as defined by Local Government (Elections) Act 1999), the Presiding Member may not allow a person to speak about a matter during the Public Forum where the subject matter is a matter which a candidate has made public statements about, or if the person speaking is a candidate in the local government elections.

The meeting will not debate a matter raised from the Public Forum, although Elected Members may ask questions for clarification at the discretion of the Presiding Member. Public Forum Guidelines have been developed to identify how this process will be managed.

The Minutes of the meeting will include a record of the name of the person addressing the meeting, and a brief description on the nature of the matter discussed.

Notice No 1: For the period Notice No 1 has effect, a person(s) wishing to speak in the Public Forum session at a meeting must make a request to the CEO prior to the meeting. Priority will be given to those person(s) who have placed a request to speak prior to the day of the meeting. A person(s) wishing to speak in the Public Forum session at a meeting may appear by electronic means.

The CEO will (with respect to a request that has not been refused), when informing the person(s) who requested the Public Forum session of the outcome of their request, indicate the method by which the person(s) are to appear at the meeting. This will be up to a maximum of five (5) people. The Governance and Policy Department will ensure that the person(s) name are recorded in the Public Forum book before the commencement of the meeting.

2.5.14 Deputations

Legislation - Regulations 11
(1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
(3) The presiding member may refuse to allow the deputation to appear at a meeting.
(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
(7) A council may refer the hearing of a deputation to a council committee.

Notice No 1: For the period Notice No 1 has effect, a person or persons wishing to appear as a deputation at a meeting must deliver a written request to the Council either by email (customerservice@cttg.sa.gov.au), by post (571 Montague Road, Modbury) or via the electronic form on Council's website. A person(s) wishing to appear as a deputation at a meeting may appear by electronic means.

The CEO will (with respect to a request that has not been refused), when informing the person(s) who requested the deputation of the outcome of their request, indicate the method by which the person(s) are to appear at the meeting.

Deputation Guidelines have been developed to identify how deputations will be managed, including that deputations are to be received within a timeframe that allows for gaining approval from the Presiding Member.

It is preferable that any deputation relating to a planned Management Report should occur at the same meeting as the Management Report is presented to Council or Committee. If the deputation

relates to a matter of business on the Agenda, the written request must be to Council administration by 10am on the day of the meeting.

If the deputation does not relate to a matter of business on the Agenda, then the written request must be received by Council administration at least seven (7) days prior to the meeting for which the deputation is being requested, prior to the deadline for preparing the Agenda.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting where the deputation is to be heard.

Whether or not a deputation may be allowed or refused is to be determined on a case by case basis. In determining whether a deputation is allowed, the following considerations will be taken into account:

1. The subject matter of the proposed deputation
2. Whether the subject is within the jurisdiction of the Council
3. Relevance to the Agenda of the meeting nominated
4. The size and extent of the Agenda for the particular meeting

During an election period (as defined by *Local Government (Elections) Act 1999*), the Presiding Member may refuse a deputation request where the subject matter of the proposed deputation is a matter which a candidate has made public statements about, or if the deputation is to be made by a candidate in the local government elections.

The Presiding Member must report the decision to refuse a deputation at the next meeting of the Council or Committee (if relevant).

Any person making a deputation to the meeting must seek approval from the Presiding Member before giving handouts to Elected Members.

A Deputation is generally to be restricted to a maximum of 10 minutes (unless otherwise resolved by the meeting or Leave of the Meeting is granted). The Presiding Member has the authority to terminate any deputation at any time where it fails to conform to the Deputation Guidelines or any other reasonable request of the Presiding Member. Deputations will occur after public forums, adjourned business or matters that lay on the table and before any items of business are considered, except by Leave of the Meeting being granted.

The Minutes of the meeting will include a record of the name of the individual making a deputation and a brief description on the nature of the matter being discussed.

2.5.15 Presentations

Employees, consultants, government agencies or other organisations that work with Council, may make presentations to a meeting on matters relating to the Council or Committee at the discretion of the CEO or Presiding Member. The meeting may request specific presentations from employees (with reasonable notice). A general limit of two presentations per Council meeting applies unless other priorities are identified.

The Minutes of the meeting will include a record of the name and role of the employee or consultant making the presentation, together with a brief description on the nature of the presentation.

Notice No 1: For the period Notice No 1 has effect, a person or persons wishing to make a presentation to Council at a meeting must make a request to the CEO prior to the meeting. A person or persons wishing to present at a meeting may appear by electronic means.

The CEO will (with respect to a request that has not been refused), when informing the person or persons who requested the Public Forum session of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

2.5.16 Petitions

Legislation - Regulations 10 Subregulation (2) – not varied by Council
(1) A petition to the council must – (a) Be legibly written or typed or printed; and (b) Clearly set out the request or submission of the petitioners; and (c) Include the name and address of each person who signed or endorsed the petition; and (d) Be addressed to the council and delivered to the principal office of the council. (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council. (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Any petition lodged with Council in accordance with Council’s Petition Management Policy will be reported to the next available Council or Committee meeting. A report containing a statement as to the nature of the petition, along with the number of valid signatures on each petition will be provided in the Agenda. The petitions will not be copied and circulated, however a copy of each petition will be available for Elected Members to inspect at the relevant meeting and prior to the meeting.

This report is provided for information purposes, and does not require a resolution. The Minutes will record that the Petition was received by Council.

Notice No 1: For the period Notice No 1 has effect, a petition must be addressed to the Council and delivered to the Council by means determined by the Chief Executive Officer. Petitions must be provided either in an electronic format and delivered by email (customerservice@cttg.sa.gov.au) or provided in hardcopy by post (571 Montague Road, Modbury).

2.5.17 Declaration of Conflicts of Interest

Elected Members will be invited to nominate any item on the Agenda where they are of the view that they have a conflict of interest (material, actual or perceived) in order for the Presiding Member to allow the Member the appropriate opportunity to identify the details of the conflict of interest immediately prior to any discussion occurring on the relevant item.

The Minutes will record a reference to the Agenda item to which the interest relates. Details on the specific nature of the conflict of interest will be recorded in the Minutes in accordance with the Act as part of consideration of the Agenda item itself and will also record if the Member was present or not for the vote.

2.5.18 Adjourned Business

Any adjourned business will be listed on the next meeting Agenda as a reminder of their status. A copy of any adjourned business is to be included in the Agenda.

Legislation - Regulations 19 Regulation 19 –varied by Council
(1) If a formal motion for a substantive motion to be adjourned is carried – (a) The adjournment may either be to a later hour of the same day, to another day, or to another place; and (b) The debate will, on resumption, continue from the point at which it was adjourned. (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted. (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting. (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 19(3) is varied to allow the Presiding Member, in determining order of business, to consider whether it is appropriate for business adjourned from a previous meeting to be dealt with before any new business.

2.5.19 Motions Lying on the Table

Any motions currently lying on the table will be listed on the next meeting Agenda as a reminder of their status. A copy of any motion lying on the table is to be included in the Agenda.

Legislation - Regulations 12(19) and (20)
12. (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election. (20) The chief executive officer must report on each question that lapses under subregulation (19) to council at the first ordinary meeting of the council after the general election.

2.5.20 Committee Reports (Council only)

Any Committee (or Sub Committee) recommendations or matters since the last Council meeting, that need to be presented to Council for endorsement will be presented to Council for consideration at the next available meeting.

Presiding Members of Committees may present to Council on relevant matters in accordance with the Terms of Reference for that Committee.

2.5.21 Management Reports

Management Reports will be listed on the Agenda in accordance with the management structure of Council:

1. Office of the Chief Executive Officer
2. Assets and Environment
3. Organisational Services and Excellence
4. Community and Cultural Development

This listing will be varied as required to ensure consistent alignment with Council's management structure at any point in time:

2.5.22 Notice(s) of Motions

Legislation – Regulation 12(1) to (4)
<p>12.</p> <p>(1) A member may bring forward any business in the form of a written notice of motion.</p> <p>(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.</p> <p>(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.</p> <p>(4) If a motion under Subregulation (3) is lost, a motion to the same effect cannot be brought –</p> <p>(a) until the expiration of 12 months; or</p> <p>(b) Until after the next general election, whichever is sooner.</p> <p>(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).</p>

The Notice of Motion will be placed on the Agenda in the manner and form detailed in Attachment 3. This form will be applied to new motions, as well as a motion to vary or rescind/revoke a previous resolution.

Where section 12(7) is triggered the Presiding Member will have the ability to refuse a motion as it is written. Instead the Presiding Member may work with the Elected Member to amend the wording to bring it within the power of Council, or may refuse the Notice of Motion within the agenda.

As a matter of probity and governance best practice, the Presiding Member should not submit Notices of Motions at the meeting over which he or she presides.

2.5.23 Motion(s) without Notice

Legislation – Regulation 12(5) and (6)
12. (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice. (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

In order to assist Council in maintaining an open and transparent approach to governance these motions should be restricted to matters closely related to Agenda items, house-keeping issues or matters of extreme urgency. Elected Members are encouraged where possible to provide a proposed written motion to the Governance & Policy Department prior to Council’s consideration to expedite minute taking.

2.5.24 Question(s) on Notice

Legislation – Regulation 9 (1), (2) and (6)
(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 Subregulation (1) – (a) The chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and (b) The question and the reply must be entered in the minutes of the relevant meeting. (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 and improper.

The Question on Notice will be placed on the Agenda in the manner and form detailed in Attachment 4. Where possible, answers to the Questions on Notice will also be included in the Agenda.

Questions on Notice will not be debated in the meeting.

In accordance with section 9(6), the Presiding Member has the ability to refuse the answering of the Question on Notice. Where the answering the question is refused, no response will be provided either in the agenda or minutes, but there will be a record that the Presiding Member refused the answering of he question.

A copy of the Question(s) on Notice and answers will be included in full as an attachment to the Council or Committee Minutes.

2.5.25 Question(s) without Notice

Legislation – Regulation 9(3) to (6)
12. (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.

Unless otherwise determined by resolution, the Minutes will only record for transparency purposes the number of questions, the Elected Member that asked the question(s), and reference to the question topic.

2.5.26 Council Delegate Reports and Activities (Council only)

Elected Members are invited to verbally report any attendance at meetings and functions on behalf of Council where they have filled an official Council representative role or a role on behalf of the Mayor (as the nominated Council delegate). It is expected that these reports will include some specific information relating to recent meetings of the relevant body. An Elected Member, with leave of the meeting, may request the tabling of a written report as part of this which will then be provided in the minutes.

Elected Members will be given an opportunity at each Council meeting to speak for a maximum of up to two minutes, at the discretion of the Presiding Member, to report on any activity where they have attended such a function in their role as an Elected Member. This should be limited to the date and name of the function and a brief comment about the event itself. This session is not to be used for reporting on activities of representing individual ratepayers on operational matters. As this is not necessarily Council business it may not be recorded in the Minutes, which is in line with the requirements of the Regulations.

Throughout an Elected Member's term on Council, each Member will attend numerous community functions either personally or simply as part of their role in representing their community. In line with the Guiding Principles of the Regulations relating to openness and transparency Elected Members may choose to have this activity appropriately recorded and recognised. Accordingly this information will be recorded by each member through a written submission (including email) to the CEO. The information will be made available in the next Elected Member Weekly Summary. The CEO will maintain a standard format for reporting this information in summary form.

2.5.27 Information Reports

The Minutes will record a list of those Information Reports that have been distributed to Elected Members in the Agenda. While these reports are provided for information and do not require a resolution, Elected Members may ask questions or move motions in relation to the Information Reports. The Presiding Member will make a determination whether to accept a motion in this regard, after taking into account the Guiding Principles.

2.5.28 Status Report of Council or Committee Resolutions

A report that contains a summary of resolutions in progress or completed during the previous month will be presented, along with notes of any action undertaken to date (with the exception of confidential items). This record will be used to ensure that Council and Committee decisions are enacted and the meeting is informed of action(s) taken. This report will become part of the Agenda for each Committee meeting and the first Council meeting of each month. This report is provided for information purposes, and does not require a resolution. At the meeting, Council or Committee members will have the option of asking questions or querying outstanding items.

2.5.29 Other Business

Any late correspondence that needs to be circulated to Elected Members promptly, relating to Council business, may be recorded at this point in the meeting. This item is restricted to Council business considered to be of a minor housekeeping nature or matters of extreme importance that are unable to be deferred to the next meeting. These items have not been advertised to the broader community and therefore it is considered to not be good governance practice, however the Presiding Member has the discretion to allow for other matters to be raised. It is generally contrary to the Guiding Principles in the Regulations to have items that do not fit into the above criteria considered during this part of the meeting.

2.5.30 Section 90(2) Local Government Act 1999 Matters - Confidential Items

Any item that has been identified as potentially confidential may include a report from the CEO that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

Council or Committee will consider the recommendation of the CEO and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council's Code of Practice – Access to Council and Committee Meeting Documents, which outlines how Council or Committee may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

2.5.31 Date of Next Meeting

This is to be recorded in the Minutes to remind Elected Members of the scheduled date for the next meeting.

2.5.32 Closure

The time of closure of the meeting will be recorded.

2.6 Meeting Practices

Each meeting will follow the practices as detailed below:

- Where Council or a Committee has been meeting for two and a half hours without adjournment a resolution may be invited by the Presiding Member for the meeting to adjourn for 10 minutes
- Meetings will conclude approximately on or before 10.30pm unless there is a specific resolution adopted at the meeting to continue beyond that time

2.6.1 Motions

Legislation – Regulation 12(7) to (11) – Subregulation (10)(c) – varied by Council Subregulation (9), (10)(a) and (b) and (11) – not varied by Council
12. (7) The Presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be). (8) A motion will lapse if it is not seconded at the appropriate time. (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion. (10) A member may only speak once to a motion except – (a) to provide an explanation in regard to material part of his or her speech, but not so as to introduce any new matter; or (b) with leave of the meeting; or (c) as the mover in reply. (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

Council has varied Regulation 12(10)(c) above as follows:

- A Member may only speak as the mover in reply (closing the debate) to a motion where another Elected Member has spoken against the motion (also refer to Amendments to Motions).

All motions submitted by Elected Members will be in writing and it will be the responsibility of each mover of a motion or amendment that varies from a recommendation, to provide the draft motion or amendment to the CEO in writing to ensure that the Minutes of each meeting are recorded accurately and efficiently.

As a matter of probity and governance best practice, it is preferable that a Presiding Member not move any Motions at the meeting over which he or she presides.

Notice of Motions must be in a written form as approved by Council as set out in Attachment 3. This includes that a background must be provided in time for inclusion in the agenda. If the Background is not supplied within the time allowed for Notice of Motions, the motion will be considered not in the form required by Council and subsequently disallowed.

All resolutions will be consecutively numbered throughout a Council term starting at 1 at the beginning of each term for both Council and Committee.

2.6.2 Formal Motions

Legislation – Regulation 12(12) to (18)
<p>12.</p> <p>(12) A member who has not spoken in the debate on a question may move a formal motion.</p> <p>(13) A formal motion must be in the form of a motion set out in Subregulation (14) (and no other formal motion to a different effect will be recognised).</p> <p>(14) If the formal motion is –</p> <ul style="list-style-type: none">(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 the 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 consideration of further business. <p>(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).</p> <p>(16) A formal motion does not constitute an amendment to a substantive motion.</p> <p>(17) If a formal motion is lost –</p> <ul style="list-style-type: none">(a) the meeting will be resumed at the point at which it was interrupted; and(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken to the question. <p>(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.</p>

2.6.3 Amendments to motions

Legislation – Regulation 13(1) to (5) Subregulation (1), (3), (4) and (5) - not varied by Council
(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion. (2) An amendment will lapse if it is not seconded at the appropriate time. (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates. (4) If an amendment is lost, only 1 further amendment may be moved to the original motion to which the amendment relates. (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

The following has been added to assist in the clarification of the Regulations:

1. Any Elected Member who has spoken to the original motion cannot speak to any amendments
2. A second amendment can only be considered by the meeting once the first amendment has been resolved.
3. Any Elected Member who has not spoken previously to the original motion or the first amendment may move, second or speak to a second amendment
4. The mover of an amendment does not have right of reply prior to voting of the amendment.
5. After any amendments have been resolved, other members who have not moved, seconded or spoken to the original motion or amendments should be invited to speak to the motion (as may be amended) before the debate concludes
6. During the debate an Elected Member who has not moved, seconded or spoken previously to the motion or amendments may foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the Minutes.
7. There is no closing of the debate prior to voting on an amendment.
8. The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted.

2.6.4 Variations to motions

Legislation – Regulation 14
(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment. (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

2.6.5 Voting

Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3) –
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purpose of section 89 of the Act.

All members of the meeting must vote if they are in attendance, including the Presiding Member of a Committee.

While a tied vote cannot occur at Council meetings with the Mayor having a casting vote, it can occur at Committee meetings. In the event that a vote is tied the matter will be referred to the parent body for deliberation; i.e. if it is a Committee then Council will consider the matter, or if the matter is being considered by a sub-committee then the parent Committee will consider the matter.

Legislation – Regulation 6(1) to 6(4)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

Council’s understanding, based on legal advice obtained in July 2018, of sections 6(1) and 6(3) of the *Local Government (Procedures at Meetings) Regulations* direction relating to resolving to alter, substitute or revoke a Code of Practice requires a resolution supported by at least two thirds of the members of the Council entitled to vote on the resolution. This is interpreted as being the number of Members who are present in the meeting room for the vote, excluding the Mayor who is only entitled to vote in the event of a tie. The Mayor should only be included in the calculation in the event of a tie. Any member who is an apology or is absent from the meeting or if a member declares a conflict of interest and leaves the meeting or is otherwise not in his/her seat is to be excluded for the purposes of the calculation.

Notice No 1: Voting

For the period Notice No 1 has effect, a vote in relation to a question for decision before the Council may be taken:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal or written indication of voting in the affirmative or voting in the negative.

The Presiding Member, or any other member, may ask the CEO to read out a motion or amendment before a vote is taken.

In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

2.6.6 Addresses by Members

Legislation – Regulation 15 (1) to (6) Subregulations (1) and (2) – has been varied by Council in relation to Committees
(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting. (2) A member may, with leave of the meeting, raise a matter of urgency (3) A member may, with leave of the meeting, make a personal explanation (4) The subject matter of a personal explanation may not be debated. (5) The contribution of a member must be relevant to the subject matter of the debate (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6

Elected Members will stand when addressing Council. However, to provide for sufficient flexibility, the Mayor will have the discretion to determine whether Elected Members are required to stand or may remain seated while speaking. This may occur for various reasons (whether it be to assist with voice projections through the audio system or to take into account other limitations). At Committee meetings Members may remain seated while they are speaking.

For Committee meetings, regulation 15(1) & (2) are varied at the discretion of the Presiding Member as informal dialogue is encouraged concerning Agenda matters insofar as is permitted within the Regulations and the Committee’s Terms of Reference.

A Member may also seek Leave of the Meeting to speak more than once to an Agenda item. This is generally an undesirable practice and should only be considered in limited circumstances (e.g. where additional material information comes to light during debate or an accepted amendment materially varies an original motion). Leave of the Meeting should be sought by a Member for each instance.

The Presiding Member should generally refrain from entering the debate until the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of chairing meetings, from asking questions and adding valuable information or clarification to assist the debate when required.

Notice No 1: Voting

For the period Notice No 1 has effect, will not be required to stand when addressing Council.

2.6.7 Divisions

Legislation – Regulation 17 Subregulation (3) - varied by Council
(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 member voting in the affirmative will, until the vote is recorded, stand in their places; (b) the members voting in the negative will until the vote is recorded, sit in their seats; (c) the presiding member will count the number of votes and then declare the outcome. (4) The chief executive officer will record in the minutes the names of those members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Council has varied (3)(b) above as follows:

- (b) then the members voting in the negative will, until the vote is recorded, stand in their place

In a Committee meeting, the Presiding Member's vote will be counted at the time of taking the Division.

It is noted, that a Division cannot be called on an amendment as it is not a motion.

Notice No 1: Divisions (varied in accordance with regulation 17(5))

For the period Notice No 1 has effect, a division is taken as follows:

- (a) except for a member participating in a meeting by electronic means which has audio only:
 - (i) the members voting in the affirmative will, until the vote is recorded, stand in their places (or provide verbal indication of voting in the affirmative);

- (ii) the members voting in the negative will, until the vote is recorded, stand in their places (or provide verbal indication of voting in the negative);
- (iii) the Presiding Member will count the number of votes and then declare the outcome;
- (b) where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

2.6.8 Points of Order

Legislation – Regulation 28
<p>(1) The presiding member may call to order a member who is in breach of the Act or these regulations.</p> <p>(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.</p> <p>(3) A point of order takes precedence over all other business until determined.</p> <p>(4) The presiding member will rule on a point of order.</p> <p>(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.</p> <p>(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.</p> <p>(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –</p> <ul style="list-style-type: none"> (a) the ruling has no effect; and (b) the point of order is annulled.

The Minutes will record all Points of Order called by a member and the Presiding Member’s ruling on the Point of Order, along with the reason for the ruling (if provided). Any Points of Order that do not comply with regulation 28(2) will be recorded in the Minutes along with a notation that it did not comply, if so determined by the Presiding Member.

2.6.9 Minutes

The Minute Takers Handbook for Local Government and Local Government Association of South Australia Council Meeting Procedures Handbook may be used as a guideline for preparation of Minutes for Council and Committee meetings, unless varied in this Code.

Where possible, the Minutes of the meeting will be recorded electronically on a screen that is viewable by Elected Members and members of the public.

A copy of the minutes of a meeting of the Council must be placed on public display on a website determined by the CEO within five days after the meeting and kept on display for a minimum period of one month.

2.6.10 Appointment to role

In the event that there is an item for appointment where more than one member expresses an interest in occupying a role (e.g. Deputy Mayor) the Council will follow a voting procedure in accordance with Attachment 5. This process will be varied by Council staff or by resolution as required.

2.7 Meeting Etiquette

The following meeting etiquette will apply to Council and Committees (subject to the matters referred to regarding Notice No 1):

1. At the beginning of each Council term, the Mayor will determine the seating arrangements of Elected Members in the Council Chamber (for Council Meetings only). These seating arrangements will remain until the end of a Council term, unless the Presiding Member determines otherwise.
2. Elected Members and people making deputations, presentations or participating in the public forum, except when ill or infirm, will rise when speaking as a mark of respect at all Council meetings and Committee meetings
3. During Council and Committee meetings employees will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member before replying.
4. Elected Members, Committee members and employees are to use respectful language and adopt civil behaviour.
5. At a Council meeting the Principal Member will be addressed as “Mr or Madam Mayor” and Committee members including the Presiding Member should be addressed by their first name.
6. For Council or Committee meetings that are held in the Chamber, if a member needs to leave the Chamber, he or she should indicate this to the Presiding Member e.g. by standing, facing the chair and making eye contact before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Chamber. Members should be aware that as soon as they leave their seats they have left the meeting.
7. Any mobile telephones brought into the meeting are to be switched to silent or vibration alert mode. Text messaging and emailing is tolerated, however the taking of telephone calls in a meeting is unacceptable.
8. Elected Members are expected to afford respect to the meeting, the people they represent and all ratepayers of the City by being appropriately dressed when attending meetings. The standard of dress commonly referred to as “business” is the minimum accepted standard for Council meetings or casual business attire for Committee meetings.

2.7.1 Visual or Audio Recordings

Members of the public who wish to record audio or visual footage of a Council or Committee meeting must first obtain the approval of the Presiding Member.

Council employees may take visual footage (including photographs) for the purposes of Council business. Elected Members must seek and obtain approval from the Presiding Member, and permissions of all people included in footage, before taking visual footage (including photographs) or audio recordings and/or publishing images that feature any other individual. Any other provisions for audio recordings by staff may be included in the Code of Practice – Access to Council and Committee Meeting Documents.

An audio recording of each Council meeting (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise) will be taken to support the accurate recording of the Council Meeting minutes and be managed in accordance with the State Records Act. Where an Elected Member requests a copy of a recording prior to its destruction, a copy will be provided and the request recorded in a register and all Elected Members will be informed.

Notice No 1: Visual or Audio Recordings

For the period Notice No 1 has effect, visual or audio recordings or live stream will be undertaken in a manner determined by the CEO, this includes whether a matter is recorded or live streamed.

2.7.2 Family and Worker Friendly Meeting Times

This section incorporates consideration of family and worker friendly meeting times to enable the opportunity for people to attend. The requirement is that:

1. All Committees establish a meeting schedule that incorporates a minimum of 50% of meetings held outside of normal business hours (that is outside of 8.30am – 5.00pm)
 2. Any decrease from this 50% position for any individual Committee must be referred to Council for consideration along with a justification / explanation for the request.

2.8 Table of variations

The following table is a list to show the regulations available to be varied and where Council has varied its meeting procedures, and the relevant page number for further information.

Regulation	Sub-regulation	Variation
Regulation 10	(2)	Not varied by Council (<i>Petition</i>)
Regulation 12	(9)	Varied by Council (<i>Motions</i>)
Regulation 12	(10)(c)	Varied by Council (<i>Motions</i>)
Regulation 12	(10)(a) (10)(b) (11)	Not varied by Council (<i>Motions</i>)
Regulation 13	(1), (3), (4) (5)	Not varied by Council (<i>Amendments</i>)
Regulation 15	(1) and (2)	Varied by Council in relation to Committees (<i>Addresses by Members</i>)
Regulation 17	(3)	Varied by Council (<i>Divisions</i>)
Regulations 19		Varied by Council (<i>Adjourned Business</i>)

3. DEFINITIONS

For the purpose of this Code the following definitions apply:

Act

Local Government Act 1999.

Agenda

As defined in the Local Government Act 1999 means a list of items of business to be considered at a meeting.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Clear Days

As defined in the Regulations. Means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

Code

Code of Practice for Meeting Procedures.

Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

Connect

Means able to hear and/or see the meeting, including via a live stream or recording of the meeting.

Disconnection of the electronic includes:

- (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard
- (b) ending a video conferencing such that the discussion and voting at the meeting cannot be seen or heard
- (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard
- (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard
- (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

Elected Members

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

Electronic Means

Includes a telephone, computer or other electronic device used for communication.

Leave of the Meeting

As defined in the Regulations. Approval is determined by a majority show of hands of the meeting by members of Council or Committee.

Live stream

Means the transmission of audio and/or video from a meeting at the time that the meeting is occurring.

Minutes

A written record of the proceedings at every meeting of the Council or a Committee in accordance with the Act and Regulations.

Notice of a meeting (Notice)

Pursuant to section 83 of the Act in the case of an ordinary meeting of Council or Committee, the CEO must give each member of the Council or Committee notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting of Council or Committee, the CEO must give each member of Council or Committee notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Council Meeting must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the Meeting. For Committees, the Notice is not required to be signed by the CEO.

Presiding Member

As defined in the Regulations. The person who is the Presiding Member of a council or committee (as the case may be) and includes any person who is presiding at a particular meeting.

Public Gallery

The area in Council or Committee meetings designated for members of the public who wish to observe the meeting proceedings.

Regulations

Local Government (Procedures at Meetings) Regulations 2013

Written Notice

A notice given in accordance with the requirements prescribed within the Regulations.

4. LEGISLATIVE FRAMEWORK

This Code reflects the requirement and intentions of the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.

The following legislation applies to this Code:

Local Government Act 1999

Each meeting will be held in accordance with the provisions of Chapter 6 of this Act.

Local Government (Procedure at Meetings) Regulations 2013

The Regulations applies to the meetings of councils and key (section 41) committees.

Regulation 6 allows councils to vary some Regulations to suit their needs, by adopting a Code of Practice. If there are variations, then Council is required to review the operation of this Code at least once in every financial year.

Subject to the requirements of the Local Government Act 1999, and any allowable variations to the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.

(Note: for Council purposes, this vote is to be recorded separately in detail in the Council Minutes).

4.1 Other references

Council's documents including:

- a. [Code of Practice – Access to Council and Committee Meeting Documents](#)
- b. [Committee Structure –Terms of Reference and Membership](#)
- c. [Fees and Charges Register](#)
- d. [Public Forum and Deputation Guidelines](#)
- e. [Petition Management Policy](#)
- f. [Code of Conduct for Council Members](#)

External documents including:

- a. [Local Government Association of South Australia Council Meeting Procedures Handbook](#)
- b. [Minute Takers Handbook for Local Government 2014](#)

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the opportunity to speak on matters that may affect them.

6. POLICY IMPLEMENTATION

This Code will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

Attachment 1 - Meeting Agenda Template

CITY OF TEA TREE GULLY

ORDINARY MEETING

AGENDA

1. Opening Prayer and Welcome

Prayer - to be read by the Presiding Member

Acknowledgement of Country Statement - to be read out as arranged by the Presiding Member

2. Attendance Record:

2.1 Present

2.2 Apologies

2.3 Leave of Absence – A resolution granting leave of absence is to be considered by Council
(Council Meeting Only)

2.4 Record of Officers in Attendance

2.5 Record of Number of Persons in the Public Gallery

2.6 Record of Media in Attendance

3. Confirmation of Minutes of the Previous Meeting

That the Minutes of the *Name of Meeting* held on *Date* be confirmed as a true and accurate record of proceedings.

4. Mayor's Report *(Council Meeting Only)*

5. Public Forum

Available to the public to address Council on policy, strategic matters or items that are currently before the Council. Total time 10 mins with maximum of 2 mins per speaker. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

6. Deputations

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Mayor. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

7. Presentations

Requests to present to the meeting must be approved by the Mayor or Chief Executive Officer. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

8. Petitions

9. Declaration of Conflicts of Interest

Members are invited to declare any material, actual and/or perceived conflicts of interest in matters appearing before the Council.

10. Adjourned Business

11. Motions Lying on the Table

12. Committee Reports *(Council Only)*

Audit Committee

Policy and Strategic Development Committee

CEO Performance and Remuneration Review Committee

Traffic Management Safety Committee

Service Reviews Committee

13. Management Reports

Office of the Chief Executive Officer

Assets & Environment

Organisational Services & Excellence

Community & Cultural Development

14. Notice(s) of Motion

15. Motion(s) without Notice

16. Question(s) on Notice

17. Question(s) without Notice

18. Council Delegates and Activities Reports *(Council Only)*

Members are invited to report any attendance at meetings and functions on behalf of Council where they have filled an official Council representative role or a role on behalf of the Mayor.

19. Information Reports

20. Status Report on Resolutions

21. Other Business

22. Section 90(2) Local Government Act 1999 – Confidential Items

A record must be kept on the grounds that this decision is made.

23. Date of Next Ordinary Meeting

Date of next meeting

24. Closure

The Council meeting shall conclude on or before 10.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

Attachment 2 - Special Meeting Template

CITY OF TEA TREE GULLY

SPECIAL MEETING

AGENDA

1. Opening Prayer and Welcome

Prayer - to be read by the Presiding Member

Acknowledgement of Country Statement - to be read out as arranged by the Presiding Member

2. Attendance Record:

2.1 Present

2.2 Apologies

2.3 Leave of Absence – A resolution granting leave of absence is to be considered by Council
(*Council Meeting Only*)

2.4 Record of Officers in Attendance

2.5 Record of Number of Persons in the Public Gallery

2.6 Record of Media in Attendance

3. Public Forum

Available to the public to address Council on policy, strategic matters or items that are currently before the Council. Total time 10 mins with maximum of 2 mins per speaker. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

4. Deputations

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Mayor. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

5. Presentations

Requests to present to the meeting must be approved by the Mayor or Chief Executive Officer. For more information refer to [Council's website](http://www.cttg.sa.gov.au) www.cttg.sa.gov.au

6. Declaration of Conflicts of Interest

Members invited to declare any material, actual and/or perceived conflicts of interest in matters appearing before Council.

7. Matters for Discussion

8. Notice(s) of Motions

9. Question(s) on Notice

11. Section 90(2) Local Government Act 1999 – Confidential Items

A record must be kept on the grounds that this decision is made.

12. Closure

The Council meeting shall conclude on or before 10.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

Attachment 3 - Notice of Motion – Manner and Form

[This first page is to be completed by the Elected Member submitting the motion]

City of Tea Tree Gully

(NAME OF MEETING)

(DATE OF MEETING IS TO BE SUBMITTED)

NOTICE OF MOTION

Subject of the motion

(The subject is to form the title of the motion)

I, (Name), give notice of my intention to move the following motion at the next (Meeting) of (Council or relevant Committee) of the City of Tea Tree Gully:

That <Enter the recommendation>

Background

(Background must be provided in time for inclusion in the agenda. If the Background is not supplied within the time allowed for Notice of Motions, it will be considered not in the form required by Council and subsequently disallowed)

<Enter text>

Councillor (Name)

Ward

(Date)

[This page is to be completed by employees]

City of Tea Tree Gully

(NAME OF MEETING)

NOTICE OF MOTION

CEO'S COMMENTS

Subject of the motion

Policy

<Brief comment on policy implications>

Risk

<Brief comment on any risks that have been identified with the motion>

Financial Implications

<Brief comment on the financial impact of the motion >

Attachments

N/A

Report Authorisers

John Moyle
Chief Executive Officer

Attachment 4 - Question on Notice – Manner and Form

[This first page is to be completed by the Elected Member submitting the motion]

City of Tea Tree Gully

(NAME OF MEETING)

(DATE OF MEETING IS TO BE SUBMITTED)

QUESTION ON NOTICE

Subject of the question

Councillor <Enter name> asked the following question on notice:

<Enter question>

Councillor (Name)
(Ward)
(Date)

:

Attachment 5 - Voting Matters

When Council is faced with voting on a matter there are several methods available to assist Council in making the decision.

The formal method involves a mover / seconder of a motion followed by debate and then the matter is voted upon – this is provided for in the Local Government (Procedures at Meetings) Regulations 2013 and in Council’s Code of Practice for Council and Committee Meeting Procedures. Sometimes one or two amendments are used as a slight variation to this method.

There are a number of other options available to assist Council to get to the above position.

These do not form part of the formal procedures for Council meetings, but are purely a means of getting to a position of being ready to present a recommendation to Council.

Some of these alternative options are:

- A show of hands of which option the Elected Members prefer
- Suspension of formal proceedings and allow open discussion
- A secret ballot - with this option the views of an individual member is not public until it is followed with a public vote.

It must be stressed that none of these methods form part of the Council resolution process.

In summary these alternative processes assist with the vote and are only a means to getting to the end of a preferred candidate’s name being put forward. They assist in limiting the risk of having a recommendation being defeated and being publicly recorded.

It is important that Elected Members agree to a process prior to a formal resolution for appointment.

A suggested process to assist Council is a secret ballot where:

- The Mayor (or Presiding Member) will call for candidate(s) and a paper ballot (one vote per Elected Member) will be arranged by the Governance Officer
- The candidate(s) with the highest number of votes will be taken to be the preferred candidate(s) for the position(s) of appointee(s)
- Following the secret ballot, which is to be counted by a staff member of the Governance and Policy Department and scrutineered by the CEO (or delegate), the Mayor (or Presiding Member) will invite a motion from the floor, recommending the candidate(s) with the most votes to be the appointee(s).