

Code of Practice for Meeting Procedures



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	To be reviewed within 12 months after the conclusion of each Council election.
Legal requirement	<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	2023

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1. PURPOSE

The purpose of this Code is to establish a consistent and transparent approach and provide clear expectations for Elected Members, Council employees and members of the public regarding Council and Committee meetings.

This Code only applies to all ordinary and special meetings of Council and section 41 Committee meetings 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

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 (this Code)
4. Code of Practice – Access to Council and Committee Meetings and Documents – this determines access to meetings and documents
5. Committee Structure - Terms of Reference and Membership

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 meeting procedures..

2.2 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">a. Procedures should be fair and contribute to open, transparent and informed decision-makingb. Procedures should encourage appropriate community participation in the affairs of the councilc. Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meetingd. Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

2.3 Agenda and Order of Business

2.3.1 Order of Business

The order of business to be considered at an ordinary or special Council and Committee meetings has been determined as follows:

- a. Opening Prayer (Council only) and Welcome
- b. Acknowledgement of Country Statement

- c. Attendance record (Present, Apologies, Leave of absence, Officers in attendance, Public in attendance, Media in attendance)
- d. Confirmation of Minutes of the previous meeting (*this will not occur at a special meeting*)
- e. Public forum
- f. Deputations
- g. Presentations
- h. Petitions (*this will not occur at a special meeting*)
- i. Declaration of conflicts of interest
- j. Adjourned business (*this will not occur at a special meeting*)
- k. Motions lying on the table (*this will not occur at a special meeting*)
- l. Committee reports (for section 41 Committee recommendations to Council) (*this will not occur at a special meeting*)
- m. Management reports (*referred to as matters for discussion at a special meeting*)
- n. Notices of Motion
- o. Motions without Notice (*this will not occur at a special meeting*)
- p. Questions on Notice
- q. Questions without Notice (*this will not occur at a special meeting*)
- r. Council Delegates and Activities Report (including Mayor reports) (*this will not occur at a special meeting*)
- s. Information reports (*this will not occur at a special meeting*)
- t. Status report on resolutions (*this will not occur at a special meeting*)
- u. Other business (*this will not occur at a special meeting*)
- v. Confidential items
- w. Date of next ordinary meeting (*this will not occur at a special meeting*)
- x. Closure

For a special meeting, each agenda item listed above must relate to the agenda for the special meeting as specified in the request to the CEO to call a special meeting.

The order of agenda items may be varied 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.

2.3.2 Welcome

All present will stand as the Presiding Member takes their position in the Chambers. The Presiding Member will welcome everyone in attendance. (Note: The requirement to stand only applies to Council meetings.)

2.3.3 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.”

2.3.4 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 their 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)

2.3.5 Evacuation Protocols

In the event that there is a significant number of public present, the Presiding Member or CEO (or delegate) may 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.

2.3.6 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 meetings, they are doing so to listen to the proceedings in an observer role only. There are designated sections of the meeting (eg. Public Forum and Deputations) where members of the public can directly interact in the meeting.

As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

2.3.7 Attendance Record

2.3.7.1 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 they sit around the Council Chamber or meeting room. First name initials with surnames in full will be used.

2.3.7.2 Apologies

A record is taken of those Elected Members who have previously advised that they would not be present at 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.

2.3.7.3 Leave of Absence (Council only)

A motion may be sought by the Presiding Member for Council 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 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.

2.3.7.4 Officers in Attendance, Public Gallery and Media Present

A record in the minutes is to be taken of those employees present (physically or electronically) at the meeting, their first name initial and full last name and position title.

A record in the minutes 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.

2.3.8 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.

2.3.9 Public participation / speaking at a meeting

Similar to other levels of government, for the majority of the meeting members of the public are not able to participate in the meeting and are there to listen to the proceedings in an observer role only. However, as part of Council's desire to be open, transparent and accessible to its community, provision has been made at each meeting for a Public Forum session (specific to each council) and Deputations (provided for in legislation). This allows residents, ratepayers or guests of the City to speak to the meeting on topics of Council business, which should relate to policy, strategic type matters or items that are currently before the Council. Operational matters should be referred to Council's Customer Service during normal business hours.

Deputations are a more formal way of addressing a meeting than Public Forum (details of the Deputation are published on the meeting Agenda if known prior to the meeting). For either speaking method, speakers are required to register their request to speak in writing prior to the commencement of the meeting (preferably by [online form](#)) with the following information:

- a. The speakers name
- b. The speakers address
- c. Contact details
- d. Subject matter that the speaker wishes to address at the meeting
- e. Representation method – ie. Public Forum or Deputation
- f. Preferred meeting date
- g. Proposed duration of deputation (restricted to a maximum of 10 minutes) [*Note: relevant to Deputations only*]

Priority will be given to those person(s) who have placed a request to speak prior to the day of the meeting. Persons who have requested to speak prior to 10am on the day of the meeting will be informed of the outcome of their request.

A person who has submitted a petition to Council (or a nominated representative) on a matter, may at the discretion of the Presiding Member, be requested to speak on behalf of the signatories, instead of all individuals speaking.

A person will 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, unless leave of the meeting is granted.

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 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.

Each person allowed to speak must address the Presiding Member and state their name, suburb and the subject upon which they wish to address the meeting. Any person speaking at the meeting must seek approval from the Presiding Member before giving handouts to Elected Members.

Protocols for speaking at a meeting include:

- a. The speaker must introduce themselves (name, suburb and subject)
- b. Speakers are required to speak at the meeting with respect; use appropriate language; comments must be truthful, fair and based on facts; not include allegations or make critical remarks about people or organisations.

The Presiding Member has the authority to terminate any public forum or deputation at any time where it fails to conform to these protocols or a reasonable request of the Presiding Member.

The meeting will not debate a matter raised from the Public Forum or Deputation, although Elected Members may ask questions for clarification at the discretion of the Presiding Member.

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.

2.3.9.1 Public Forum

The Public Forum 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). A list of speakers will be provided to the Presiding Member at the commencement of the meeting.

The Presiding Member has absolute discretion as to allow or refuse a person to continue speaking in the Public Forum.

Where there are more registered speakers than the allocated maximum of 10 minutes, the Presiding Member will have the right to limit the number of speakers, or may seek leave of the meeting to extend the time accordingly. Where multiple speakers have indicated they wish to speak on the same topic, the Presiding Member may request a ballot draw. The names drawn will indicate people who can speak in the Public Forum. The ballot draw will be coordinated by staff present at the meeting as nominated by the CEO.

2.3.9.2 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.

A Deputation is to be restricted to a maximum of 10 minutes per Deputation (unless otherwise resolved by the meeting or Leave of the Meeting is granted).

Deputation requests should be submitted within the following timeframes:

- Deputation is related to matter of business on Agenda – by 10am the day of the meeting
- Deputation does not relate to a matter of business on Agenda – at least seven (7) days prior to the meeting (if approved, the deputation request will be published on the Agenda)

It is preferable that any deputation relating to a planned report should occur at the same meeting as the report that is presented to Council or Committee (where relevant).

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:

- a. The subject matter of the proposed deputation
- b. Whether the subject is within the jurisdiction of the Council
- c. Relevance to the Agenda of the meeting nominated
- d. The size and extent of the Agenda for the particular meeting

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

Any person that requires the use of presentation aids (eg. PowerPoint presentation, DVD etc) must make the presentation available to Council prior to 2pm on the day of the meeting to enable testing. External USB drives will not be inserted into any Council computers.

2.3.10 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. 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.

2.3.11 Petitions

Legislation - Regulations 10
Subregulation (2) – not varied by Council
(1) A petition to the council must – <ol style="list-style-type: none">Be legibly written or typed or printed; andClearly set out the request or submission of the petitioners; andInclude the name and address of each person who signed or endorsed the petition; andBe 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 signatures on each petition will be provided in the Agenda. The petitions will not be copied and circulated, however a copy will be available for Elected Members to inspect.

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

2.3.12 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 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.

2.3.13 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.

2.3.14 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.

2.3.15 Committee Reports (Council only)

Any Committee (or Sub Committee) recommendations or matters that need to be presented to Council will be presented 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.

2.3.16 Management Reports

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

- a. Office of the Chief Executive Officer
- b. Assets and Environment
- c. Organisational Services and Excellence
- d. 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.

2.3.17 Notice(s) of Motions

Legislation – Regulation 12(1) to (4) and (7)
12. (1) A member may bring forward any business in the form of a written notice of motion. (2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved. (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion. (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought – a. until the expiration of 12 months; or b. Until after the next general election, whichever is sooner. (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).

The Notice of Motion will be placed on the Agenda with the following information (to be considered in the prescribed form determined by Council):

- a. Subject of Notice of Motion
- b. Proposed Motion
- c. Background (must be provided prior to Notice of Motion deadline or will be considered not in the form required by Council and subsequently disallowed.)
- d. Name and Ward of Councillor that submitted the Notice of Motion
- e. CEO's comments (to be added after a Notice of Motion has been submitted by the deadline)
 - o Policy
 - o Risk
 - o Financial implications
- f. Attachments

Where regulation 12(7) is triggered, the Presiding Member will have the ability to refuse a motion as it is written. However, 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.

2.3.18 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 urgent matters . Elected Members are encouraged where possible to provide a proposed written motion without notice to the Governance & Policy Department prior to Council's consideration to expedite minute taking.

2.3.19 Question(s) on Notice

Legislation – Regulation 9 (1), (2) and (6)	
9.	
(1)	A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
(2)	If notice of a question is given under Subregulation (1) – (a) The chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and (b) The question and the reply must be entered in the minutes of the relevant meeting.
(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. 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 regulation 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 the question and on what basis.

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

2.3.20 Question(s) without Notice

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

2.3.21 Mayor and Council Delegates Reports (Council only)

2.3.21.1 Mayor's Report

The Mayor may elect to present a report of their 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.

2.3.21.2 Other Council Delegate Reports

Where an Elected Member has attended a meeting and/or function:

- On behalf of Council as a nominated Council delegate (rather than as an elected member)
- On behalf of the Mayor

they are invited to submit a written report of the attendance. It is expected that these reports will include some specific information relating to recent meetings of the relevant body. If time permits, this will be included in the Agenda otherwise the report will be tabled at the meeting and provided as an Attachment to the Minutes. This report is provided for information and does not require a resolution.

2.3.22 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.

2.3.23 Status Report on Previous Resolutions

A report that contains a summary of resolutions in progress or completed since the previous status report will be part of the Agenda for each Committee meeting and the first Council meeting of each month. This record will be used to ensure that Council and Committee decisions are enacted and the meeting is informed of any action(s) undertaken to date (with the exception of confidential items). 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.

2.3.24 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.

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

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 Meetings and 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).

2.3.26 Date of Next Meeting

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

2.3.27 Closure

The time of closure of the meeting will be recorded.

2.4 Meeting Practices

2.4.1 Motions

<p>Legislation – Regulation 12(7) to (11) – Subregulation (10)(c) – varied by Council Subregulation (9), (10)(a) and (b) and (11) – not varied by Council</p>
<p>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.</p>

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 they preside.

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

2.4.2 Formal Motions

Legislation – Regulation 12(12) to (18)

12.

(12) A member who has not spoken in the debate on a question may move a formal motion.

(13) A formal motion must be in the form of a motion set out in Subregulation (14) (and no other formal motion to a different effect will be recognised).

(14) If the formal motion is –

- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
- (b) that the question be put, then the effect of the motion, if successful, is that 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.

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

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

(17) If a formal motion is lost –

- (a) the meeting will be resumed at the point at which it was interrupted; and
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken to the question.

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

2.4.3 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.

2.4.4 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.

2.4.5 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.

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.

2.4.6 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.

2.4.7 Divisions

Legislation – Regulation 17

Subregulation (3) - varied by Council

- (2) A division will be taken at the request of a member.
- (3) 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.

2.4.8 Points of Order

Legislation – Regulation 28

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.

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.

2.4.9 Minutes

Where possible, the Minutes of the meeting will be recorded electronically on a screen that is viewable by the meeting.

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.

2.4.10 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 may follow a voting procedure in accordance with Attachment 1. This process may be varied by Council staff or by resolution as required.

2.5 Meeting Etiquette

Each meeting will follow the practice 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

The following meeting etiquette will apply to Council and Committees:

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 or CEO 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 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.

2.5.1 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.

Council is committed to providing greater accessibility to Council meetings through live streaming of Council meetings.

2.5.2 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.

2.6 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	(10)(c)	Varied by Council (<i>Motions</i>)
Regulation 12	(9) (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)(b)	Varied by Council (<i>Divisions</i>)
Regulations 19	(3)	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.

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.

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. [Petition Management Policy](#)
- e. [Code of Conduct for Council Members](#)

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 - 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. 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.

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 Presiding Member will call for candidate(s) and a paper ballot (one vote per Elected Member) will be arranged by the Governance and Policy Department
- 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 Presiding Member will invite a motion from the floor, recommending the candidate(s) with the most votes to be the appointee(s).