

Code of Practice for Meeting Procedures



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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
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: <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 (with the exception of the Governance & Policy **Committee**) has been determined as follows:

- a. Opening Prayer (Council only) and Welcome
- b. Acknowledgement of Country Statement (Council only)
- c. Attendance record (Present, Apologies, Leave of absence, Officers in attendance, Public 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. Mayor and Council Delegates Report (*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 **Presiding Member**, with prior notice and in consultation with an Elected Member, may delegate this role on occasion.

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 (Council only)

To be read by the **Presiding Member**. The **Presiding Member**, with prior notice and in consultation with an Elected Member, may delegate this role on occasion.

The form of words for the Acknowledgment of Country Statement will be:

“The City of Tea Tree Gully recognises this City’s considerable natural and cultural heritage, including thousands of years of Traditional Custodianship 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”.

2.3.5 Evacuation Protocols

In the event that there is a significant number of public present, the **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)

Leave of absence requests (including the relevant meeting(s)) will be considered by the Council.

2.3.7.4 Officers in Attendance and Public Gallery

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

A record in the **minutes** is to be taken of the number of members of the public 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]*

Where there are more registered speakers than the allocated time, the Council will determine whether to extend the session time, reduce the time for each speaker or reduce the number of speakers by either resolution or **Leave of the Meeting**.

After this, if the allocated time permits and where multiple speakers have indicated they wish to speak on the same topic, the Council may request a ballot draw. The names drawn will indicate people who can speak in the session. The ballot draw will be coordinated by staff present at the meeting as nominated by the **CEO**.

A person who has submitted a petition to Council (or a nominated representative) on a matter, may at the discretion of the Council, 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 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 speaker must follow these protocols for speaking at a meeting:

- a. Introduce themselves (name, suburb and subject)
- b. 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.
- c. Provide any handouts to **Elected Members** to staff prior to speaking

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. **Elected Members** are permitted to ask questions in both the public forum and deputation section of Council meetings.

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 20 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.

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.

The Deputation session will be restricted to a maximum of 20 minutes in total and each person will be restricted to a maximum of 10 minutes (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
- e. Any other criteria listed within the **Code**.

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**.

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 –
 - 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 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 Adjourned Business

Any adjourned business will be listed and included on the next meeting **Agenda** as a reminder of their status.

Legislation - Regulations 19

Regulation 19 –varied by Council

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| <ul style="list-style-type: none">(1) If a formal motion for a substantive motion to be adjourned is carried –<ul style="list-style-type: none">a. The adjournment may either be to a later hour of the same day, to another day, or to another place; andb. 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. |
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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.

2.3.13 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.

Legislation - Regulations 12(19) and (20)
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| <ul style="list-style-type: none">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. |
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2.3.14 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 unless the **Committee** resolves otherwise.

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

2.3.15 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. City Operations
3. Corporate Services
4. Strategy and Finance
5. Community Services

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

2.3.16 Notice(s) of Motions

Legislation – Regulation 12(1) to (4) and (7)
<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 7 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> <ol style="list-style-type: none">a. until the expiration of 12 months; orb. Until after the next general election, whichever is sooner. <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** 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

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.

2.3.17 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 motion to the Corporate Governance Department prior to Council's consideration.

2.3.18 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**.

2.3.19 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.

If a Question without Notice cannot be answered at the meeting, the **Presiding Member** may allow the reply to be provided to **Elected Members** separately (i.e via email) or given at the next meeting.

A member may request that the response to the question be given in writing at the next meeting.

2.3.20 Mayor and Council Delegates Reports (Council only)

2.3.20.1 Mayor's Report

The Mayor may elect to present a report of their activities since the previous Mayor's report for inclusion in the **Agenda**, including where an Elected Member has attended a meeting on behalf of the Mayor. This is generally submitted on a monthly basis. This report is provided for information and does not require a resolution.

2.3.20.2 Other Council Delegate Reports

Elected Members are invited to submit a written report for inclusion in the **Agenda**, where they have 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

- Any relevant activities undertaken by **Elected Members** as a Councillor

This report is provided for information and does not require a resolution.

2.3.21 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.

2.3.22 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.

2.3.23 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. The **Presiding Member** has the discretion to allow for other matters to be raised taking into account the Guiding Principles in the **Regulations**.

2.3.24 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).

2.3.25 Date of Next Meeting

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

2.3.26 Closure

The time of closure of the meeting will be recorded.

2.4 Meeting Practices

2.4.1 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 or where **leave of the meeting** is granted (also refer to Amendments to Motions).

It will be the responsibility of the mover of a motion, amendment or variation to provide the draft motion, amendment or variation to the **CEO** in writing.

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)
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Subregulation (1), (3), (4) and (5) - not varied by Council

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|---|
| <ul style="list-style-type: none">(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 or closing of debate 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. 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

- | |
|---|
| <ul style="list-style-type: none">(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. |
|---|

A member may suggest a variation if they have already spoken to the motion. The member must not debate the variation and may only do so with ***leave of the meeting***.

2.4.5 Voting

Legislation – Regulation 16
<p>(1) The <i>presiding member</i>, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.</p> <p>(2) The <i>presiding member</i> 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.</p> <p>(3) A person who is not in his or her seat is not permitted to vote.</p> <p>(4) Subregulation (3) –</p> <p>(a) may be varied at the discretion of the council pursuant to regulation 6; and</p> <p>(b) does not apply in relation to a member participating in a council committee meeting by telephone or <i>electronic means</i> approved in accordance with procedures determined by the council or council committee for the purpose of section 89 of the <i>Act</i>.</p>

Before calling for a vote, the ***Presiding Member*** must ensure all ***Elected Members*** have had an opportunity to speak to the motion.

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)
<p>(1) Subject to the requirements of the <i>Act</i>, 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).</p>

- (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

<p>Legislation – Regulation 15 (1) to (6)</p> <p>Subregulations (1) and (2) – has been varied by Council in relation to Committees</p>
<ol style="list-style-type: none"> (1) A member must not speak for longer than 5 minutes at any 1 time without <i>leave of the meeting</i>. (2) A member may, with <i>leave of the meeting</i>, raise a matter of urgency (3) A member may, with <i>leave of the meeting</i>, 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
<ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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
<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**.

2.4.9 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 the Council meeting 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

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 **CEO**

determines otherwise in consultation and with the support of the relevant **Elected Members**.

2. People making public forum, 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
3. During Council and **Committee** meetings employees will respond to questions from the floor at the invitation of the **Presiding Member**, via the **CEO** 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 or Mayor (Name)” and **Committee** members including the **Presiding Member** may be addressed by their first name.
6. 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.
7. 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 (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise).

Committee meetings are not recorded or live streamed.

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

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.

Record number	D23/20014
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	26 September 2023
Adoption reference	Council
Resolution number	255
Previous review dates	9/08/22, 18/01/22, 23/02/21, 14/4/20, 26/02/19, 27/11/18, 28/08/18, 8/05/18, 12/09/17. 9/08/16, 25/11/14, 11/02/14, 11/12/12, 11/10/11, 10/05/11, 08/02/11, 23/11/10, 08/06/10, 13/04/10, 19/01/10, 09/06/09, 10/02/09, 16/12/08, 12/08/08, 13/02/07, 11/10/05, 12/10/04, 25/02/03, 13/03/01
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	2024
Delegations	No

7. 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 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 Corporate Governance 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 Corporate Governance 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).