



TATIARA DISTRICT COUNCIL

MEETING PROCEDURE CODE OF PRACTICE

Version:	22
Last revised date:	11 January 2022
Minutes reference:	Agenda Item 18.1 # 2022/485
Next review date:	Council will endeavour to review this policy every 4 years
Applicable Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Related Policies:	<i>Code of Practice – Access to Council Meeting and Documents</i>
Related Procedures:	Not applicable
Other relevant documentation:	Not applicable

Purpose

The purpose of the Code is to provide guidance on protocols and procedures at meetings of Council and Committees established by Council under section 41 of the *Local Government Act 1999* (Committees).

Policy Statement

This Code of Practice complements the *Local Government Act 1999* (the Act) and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) which prescribe procedures relating to Council and Committee meetings.

Regulation 6, Discretionary procedures, allows councils to vary some regulations to suit their needs through the establishment of a Code of Practice. Where Council has resolved to vary provisions, such variations are noted in the protocols set out below.

Council also has the ability to establish protocols and procedures about which the Act and Regulations are silent through the adoption of this code of practice.

In preparing this Code of Practice, Council has taken into account the Guiding Principles set out in the Regulations. The following principles (the Guiding Principles) will apply at Council and Committee meetings, procedures will:

- be fair and contribute to open, transparent and informed decision-making;
- encourage appropriate community participation in the affairs of the Council;
- reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

1. Operating Procedures – Before the Council or Committee Meeting

1.1. Meeting Times

Council Meetings are held monthly, usually on the second Tuesday of each month, commencing at 5pm, except for the January meeting which is usually held on the third Tuesday of the month.

As required by Section 81 of the *Local Government Act 1999* (“the Act”) Council will hold one ordinary meeting in each month.

Committees will schedule meetings in accordance with their Terms of Reference.

1.2. Venue for Council and Committee Meetings

Council meetings are usually held in the Council Chamber, 43 Woolshed Street, Bordertown, unless Council resolves that meetings will be held in a different location.

Within the constraints of convenience and logistics, meetings may be convened at alternative venues throughout the Council district.

Committees will determine the location of their meetings.

1.3. Notice and Agendas for Council and Committee Meetings

1.3.1. Distribution of Agendas to Elected Members and Committee Members

Agendas for meetings, including all accompanying reports and other attachments, will be provided to Elected Members and Committee Members in electronic format unless a different method is requested by an individual Elected Member or is specified by Council or the Committee.

In the case of ordinary meetings, notice of the meeting will be given at least three clear days before the date of the meeting (*Local Government Act 1999, section 83, Notice of ordinary or special meetings*).

1.3.2. Public Availability of Agendas

A copy of Agendas (excluding any items recommended by the Chief Executive Officer to be considered in confidence under section 90 of the *Local Government Act 1999*) may be inspected at Council’s Bordertown and Keith offices, and copies or extracts purchased for any fees set out in Council’s *Fees and Charges Policy*.

In the case of ordinary meetings, a copy of the agenda will be available on Council’s website at least three clear days before the date of the meeting (*Local Government Act 1999, section 83, Notice of ordinary or special meetings*). Agendas will be available on Council’s website for a minimum of three years – previous years are available in hard copy at Council’s Bordertown and Keith offices. If requested, a printed agenda will be made available for members of the public who attend a Meeting.

1.4. Working Groups, Advisory Groups and Subcommittees

Agendas for working groups, advisory groups and subcommittees will usually be distributed three clear days before the meeting or in accordance with their Statement of Purpose. Agendas will only be distributed to members of the working groups, advisory group or subcommittee.

1.5. Public Access to Meetings

Meetings are conducted in a place open to the public unless the Council or Committee makes an order to exclude the public in order to discuss a matter of confidence, in accordance with the requirements of Section 90 of the Act.

Council has adopted a '*Code of Practice for Access to Council and Committee Meetings and Associated Documents*' which outlines Council's commitment to provide public access to meetings and documents.

1.6. Length of Council and Committee Meetings

All meetings will finish no later than 10.00pm, unless Council or the Committee formally resolve (by resolution and vote) to continue past that time. When a meeting reaches two hours, without a break, a resolution will be put to consider adjourning for 10 minutes.

2. Operating Procedures at Meetings

2.1. Acknowledgement of Country

At the commencement of Council meetings, public meetings and major events, Council will acknowledge the traditional owners of the land on which we meet.

"We acknowledge the traditional owners of the land on which we meet and pay our respects to their Elders, both present and past."

2.2. Attendees, Apologies and Absences

If a Member expects to be late or be absent from a meeting, the Presiding Member or relevant Council officer is to be advised.

All apologies will be listed in the Minutes for each meeting that they relate to. Members who do not attend a meeting, and have not advised the relevant Presiding Member of an apology will not be listed in the Minutes. If a Member arrives after the meeting commences, the time of arrival will be included in the minutes.

All officers in attendance at meetings will also be recorded in the minutes.

The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda or presenting during the Public Forum.

2.3. Order of Business

Council and Committees will follow the order of business listed in the Agenda unless leave is granted to deviate from that order of business.

Examples of situations where the order of business may be adjusted are when:

- a party or parties interested in a matter listed in the Agenda is present in the gallery
- contractors or consultants are present to make presentations, or
- it may otherwise be considered expedient or appropriate.

2.4. Public Forum at Council and Committee Meetings

Up to 30 minutes is scheduled at the commencement of each ordinary meeting for members of the public to address Council or the Committee and provide information relevant to the Council or the Committee.

Members of the public may speak for no more than 10 minutes without leave of the meeting.

2.5. Petitions and Deputations at Council and Committee Meetings Deputations

Whenever possible, requests for a deputation to address Council should be received in writing by the Chief Executive Officer no later than the close of business seven days prior to the scheduled Meeting.

If the deputation relates to a matter of business on the agenda, the request should be received by 10.00am on the day of the meeting.

Requests falling outside this guideline (i.e. requests received later than specified above) will be accommodated whenever possible with the consent of the Mayor.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting that the individual/group wishes to be heard.

Whether or not a deputation may appear is to be determined on a case-by-case basis, meeting by meeting, and with regard to the particular matter upon which the person wish to address the meeting. In determining whether a deputation is allowed the following considerations will be taken into account:

- the subject matter of the proposed deputation
- whether it is within the powers of the Council
- relevance to the Council or Council Committee agenda nominated – and if not,
- relevance to the Council's or Council Committee's powers or purpose
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting.

Where a deputation is to be heard, the person/s making the deputation may speak for no more than ten minutes without leave of the meeting.

Regulation 11 - Deputations of the Local Government (Procedures at Meetings)
Regulations 2013 prescribes how a deputation can be made.

2.6. Petitions

Petitions are one way in which community members may advise Council of particular concerns regarding a specific issue or make requests of, and provide information to, Council.

A petition is a formally drawn up request to Council seeking action or special consideration of a particular matter, which is signed by more than two (2) residents/members of the public.

Petitions should be submitted by the close of business seven days prior to the scheduled Meeting.

Regulation 10 – Petitions of the Local Government (Procedures at Meetings)
Regulations 2013 prescribes how a petition can be made.

If a petition is received, the Chief Executive Officer must ensure that the petition, or 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 (variation to regulation 10(2)).

2.7. Conduct at the Public Forum and when presenting a Deputation

All addresses and deputations are to be conducted in an orderly manner and should reflect levels of formality appropriate to the nature and scope of the meeting.

As Council and Council Committee meetings are open to the public, there is unlikely to be any legal protection or other privilege attached to any statements made during an address or deputation. This means that anything said is subject to the normal laws of defamation. Consequently, care should be taken in the statements made.

The Public Forum and Deputation is not a forum for debate on a Council or Committee action, decision or response to a question.

Matters which would be more appropriately dealt with in another manner, for example: a request for review of a Council decision, matters of a personal nature, or complaints against an Elected Member, a Council employee, or a Council contractor cannot be raised during the Public Forum. Information on dealing with these matters is available in Council's policies which are available for inspection at Council's Bordertown and Keith offices during ordinary business hours, or from Council's website.

The Mayor or Presiding Member has absolute discretion on the conduct of the Public Forum and Deputations.

2.8. Elected Members' Reports at Council meetings

At each ordinary Council meeting the Mayor will present a report detailing activities or functions attended and media interactions in their official capacity for the previous month.

Elected Members may at each ordinary Council meeting provide a report on their activities for the previous month. Elected Members who are appointed as Council representatives on external organisations may give a report on their involvement in activities associated with that organisation.

2.9. Minutes, Reports and Recommendations from Committees

Council Committees will report to Council at the next Council meeting following the Committee meeting. A copy of the minutes and agenda attachments will be included in the agenda of the next Council meeting. All recommendations from the Committee will be considered by Council by receiving, noting or endorsement as appropriate.

2.10. Reports for Decision

Each Council and Committee agenda includes reports for decision prepared by officers, which will include recommendations. These recommendations are not a resolution, and have no status until moved and seconded by a Member of the Council or Committee. Members may put forward a different or amended recommendation and move this as the motion. In this instance it is preferable that the motion is presented in writing to be read to the Meeting, and provided to the Council officer recording the Minutes of the Meeting. Members may also choose not to move a motion.

2.11. Reports for Information

Each Council and Committee agenda includes reports prepared by officers for information purposes. These reports do not include a recommendation. Members may put forward a recommendation relating to the information report and move this as the motion. In this instance it is preferable that the motion is presented in writing to be read to the Meeting, and provided to the Council officer recording the Minutes of the Meeting.

2.12. Confidential Items

The conduct of all Council and Committee meetings will be in accordance with Council's *Code of Practice for Access to Council and Committee Meetings and Associated Documents*, which explains the use of confidential provisions under the *Local Government Act 1999* (Section 90) at Council and Committee meetings.

3. Conduct at the Meeting

3.1. Council and Committee Meetings

At meetings Elected Members and staff will:

- ensure that mobile phones or similar devices are switched to silent;
- dress appropriately in recognition of the dignity of their roles;
- await recognition from the Mayor or Presiding Member before speaking;
- except to move a point of order, only speak with the acknowledgement of the Mayor or Presiding Member.
- stand when addressing the Council except when ill or infirm;

- address Elected Members as “Mayor” or “Councillor” as the case may be (as opposed to addressing that Member by their first name).

3.2. Questions at Council and Committee Meetings

Questions with notice and questions without notice must relate to functional, strategic or policy issues of the Council or Committee. Questions of an operational nature are the domain of the Chief Executive Officer and should be directed to the Chief Executive Officer outside of a meeting and during business hours.

To ensure open, transparent and informed decision-making it is preferable that Members wishing to ask a question do so as a question on notice by giving the Chief Executive Officer written notice of the question at least seven clear days before the date of the meeting at which the question is to be asked (regulation 9(1)).

In accordance with regulation 9(3) a Member may ask a question without notice at a meeting but the question must not amount to a statement. A question without notice that cannot be answered at the time it is asked will not result in a later report to the council or committee unless it is resolved by motion that a report is provided.

The presiding member may use their discretion to 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 (regulation 9(6)). In the instance of ruling that a question is not answered that decision cannot be overturned by the meeting.

Unless Council or the Committee resolves by motion, the decision of the presiding member to rule that a question not be answered and the reasons for the ruling will not be included in the minutes.

Members may ask questions for clarification on agenda items before them for consideration, although in the interests of efficiency Members are encouraged to contact the Chief Executive Officer or relevant Director with those queries prior to the Meeting.

A question asked at a Council or Committee meeting in order to clarify a matter is not considered to be part of the debate on an item, but the question must not amount to a statement. The Mayor or Presiding Member will advise a Member if a question is too long or is straying from the point. A request for clarification may be asked before a motion is moved.

All questions of speakers will be directed through the Mayor or Presiding Member. All questions to staff from Members will be directed by the Mayor or Presiding Officer to the Chief Executive Officer or the appropriate Director or Manager.

Staff participation will generally relate to:

- advice on procedural matters;
- professional or technical advice;
- provision of additional information not provided in a report; and
- clarification of issues under discussion.

3.3. Motions at Council and Committee Meetings

To ensure open, transparent and informed decision-making members wishing to raise a matter at a Council or Committee meeting must do so in the form of a written notice of motion given to the Chief Executive Officer at least seven clear days before the date of the meeting at which the motion is to be moved (regulation 12(2)).

In accordance with regulation 12(5) a member may raise any business by way of a motion without notice.

The presiding member will use their discretion to refuse a motion with or without notice if the presiding member considers that the subject matter is, in his or her opinion, beyond the power of the Council or Committee or in the instance of 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 regulation 12(6) and (7)).

Unless Council or the Committee resolves by motion, the decision of the presiding member to rule that a motion not be accepted and the reasons for the ruling will not be included in the minutes.

Under regulation 12(9) a member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

Prior to a vote being taken on a motion that is at variance with a recommendation contained in the Agenda report, that motion shall be presented in writing to be read to the Meeting, and provided to the Council Officer recording the Minutes of the Meeting.

3.4. Voting at Council and Committee Meetings

Each member (including members of the public or Council officers who are members of a committee) present at a meeting (or attending via electronic means) of council or a committee must vote on a question arising for decision at that meeting.

A Member (including members of the public or Council officers who are members of a committee) present in the Council or Committee meeting room at the time a vote is taken and not in his / her seat may vote on a Motion or Amendment (variation to regulation 16(3)).

3.5. Other Matters

When appointing Elected Members to an official position (either within the Council or to an external body) that appointment will be made by motion and resolution.

4. Operating Procedures – Documentation of the Meeting

4.1. Distribution of minutes

Minutes for meetings will be provided to Members within five days after a meeting of Council or Committee. Minutes will be provided to Members in electronic format unless a different method is requested.

A copy of Minutes (excluding any items being retained in confidence under section 91(7) of the *Local Government Act 1999*) may be inspected at Council's offices, and copies or extracts purchased for the fee set out in Council's *Fees and Charges Policy*.

Council and Committee minutes will be available on Council's website within five days after a meeting (*Local Government Act 1999, section 91, Minutes and release of documents*). Minutes will be available on Council's website for a minimum of three years – previous years are available in hard copy at Council's offices.

4.2. Recording of Discussion

Discussion by Members at Meetings may be recorded in the Minutes of the Meeting.

5. Master Copy - Minutes

The master copy of the Minutes will be printed and professionally bound.

The bound master copies of Council Minutes are available for inspection during office hours at the Council's Bordertown office.

6. Leave of Absence for Elected Members

If an Elected Member is not able to attend three or more consecutive meetings the Member should request a leave of absence from the Council as follows:

- If the Member knows in advance that they will be away for three or more consecutive meetings they should advise the Chief Executive Officer.
- The Chief Executive Officer will advise the Mayor and will list the leave of absence for consideration at the next Council meeting.

Leave of Absence resolutions do not apply to Section 41 Committee meetings and non-attendance at such meetings is managed via an Apology.

The office of a member of Council becomes vacant if a member is absent from three or more consecutive ordinary meetings without leave of the council (section 54(d)).

7. Deputy Mayor

Under Section 51(3) — Principal member of council, Local Government Act, 1999, Council usually appoints a Deputy Mayor.

The role of the Deputy Mayor in the absence of the Mayor is to:

- preside at meetings of the Council
- act as the principal spokesperson of the Council
- exercise all other functions of the Council that would usually be undertaken by the Mayor including signing documents
- carry out the civic and ceremonial duties of the office of the principal member.

The method of choosing a Deputy Mayor and the term of office for the position of Deputy Mayor will be determined by a resolution of Council. The term of office may not exceed the term of the Council.

8. Legislation and Other Relevant Documents

- *Local Government Act 1999*
- *Local Government (Procedures at Meetings) Regulations 2013*
- *Tatiara District Council Code of Practice - Access to Council and Committee Meetings and Documents*

9. Policy Enquiries

All queries about this policy should be directed to the Chief Executive Officer.

10. Review and Evaluation

Under *Local Government (Procedures at Meetings) Regulations 2013, Regulation 6, Discretionary procedures*, any variation to this Code must be supported by at least two thirds of the members of Council. The Code is required to be reviewed at least once in every financial year.

11. Availability

The Code is available for inspection at Council's Bordertown and Keith offices during ordinary business hours, or via the Council website www.tatiara.sa.gov.au at no cost.

Copies or extracts of this Code may be purchased for the fee set out in Council's *Fees and Charges Policy*.

12. Record of Amendments

DATE	REVISION NO	REASON FOR AMENDMENT
2 May 2000	Rev: 00	Original Issue A&F Res No: 799
14 June 2000	Rev: 01	Updated Policy due to new Regulations, which were proclaimed and gazetted on 4 th May 2000.
13 March 2001	Rev: 02	Updated Policy to advise procedures for confidential minutes of Council and Committee Meetings.
14 October 2003	Rev: 03	Revision of document

12 October 2004	Rev: 04	Annual Revision of document – inclusion of Conflict of Interest clause
11 October 2005	Rev 05	Annual Revision of document
10 October 2006	Rev 06	Annual Revision – inclusion of Public Forum Clause
9 October 2007	Rev 07	Annual Revision of document
14 October 2008	Rev 08	Annual Revision of document
10 November 2009	Rev 09	Annual Revision of document & change Chairman to Mayor
14 December 2010	Rev 10	Annual Revision of document – change to right of reply clause pge 8 - Added in reference to attendance by telephone – pge 4
9 October 2012	Rev 11	Annual Revision of document – Addition of clauses on Dress Code, Chamber Conduct and Audio Recording of Proceedings
8 October 2013	Rev 12	Annual revision of document
14 October 2014	Rev 13	Annual revision of document. Changes to cater for a Mayor rather than a Chair.
12 May 2015	Rev 14	Revision of document relating to Formal Motions and need to have a seconder.
12 April 2016	Rev 15	Amended due to new conflict of interest provisions
14 February 2017	Rev 16	Changed Attendance at Committee meetings by Telephone clause
10 October 2017	Rev 17	Annual Review of document
12 February 2019	Rev 18	Rewrite of code, removing outdated and superfluous provisions
7 April 2020	Rev 19	Variation to allow electronic participation during public emergency – COVID-19
7 April 2020	Rev 20	As amended in Council meeting, 12.8 replace “petition” with “request to appear as a deputation”
11 January 2022	Rev: 21	Electronic participation during public emergency and Local Government Reform changes (information/briefing sessions)
12 July 2022	Rev: 22	Cessation of public emergency declaration – removal of electronic participation