	Code of Practice for Meeting Procedures <i>Policy No. GOVPOL 03</i>	Version No:	2.2
		Responsible Officer/s	Exec Support Coordinator
		Issued:	5 Feb 2018
		Next Review:	Feb 2019

1. Purpose

The statutory requirements relating to procedures at meetings of Council and its Committees are set down in the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations). Under the Regulations Council may adopt a Code of Practice that varies certain provisions where they are capable of variation. This Code of Practice sets out the principles and procedures Council must follow in relation to the preparation and availability of agendas and minutes, and general meeting procedures.

2. Introduction


This Code sets out the rules and operating procedures to be followed in relation to Council and Committee meetings. The Code has been developed in accordance with the provisions of the *Local Government Act 1999* (the Act) and the Regulations and should be read in conjunction with the provisions of these documents. While the Regulations and relevant sections of the Act outline many procedural matters in relation to the conduct of Council and Committee meetings, this Code outlines more detailed processes to guide staff and Elected Members in the arrangements for Council and Committee meetings.

In adopting this Code of Practice, Council must take into account the Guiding Principles in Regulation 5 of the Regulations:

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

3. Definitions

- Act** means the *Local Government Act 1999*;
- Clear days** means days, inclusive of Saturdays, Sundays and public holidays, which do not include:
- the day on which the notice is given
 - the day on which the meeting occurs.
- If a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.
- Deputation** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;
- Formal motion** means a motion -
- (a) that the meeting proceed to the next business; or
 - (b) that the question be put; or
 - (c) that the question lie on the table; or
 - (d) that the question be adjourned; or
 - (e) that the meeting be adjourned.

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Member means a member of the council or council committee (as the case may be);

Point of order means a point raised to draw attention to an alleged breach of the Act, Regulations or this Code of Practice in relation to the proceedings of a meeting;

Presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

Regulations means the Local Government (Procedures at Meetings) Regulations 2013

Written notice includes a notice given in a manner or form determined by the Council.

4. Agendas

4.1. Distribution of Agendas to Council and Committee Meetings

Agendas for Council meetings, including all accompanying reports and other attachments, will be provided to Elected Members in electronic format.

Agendas for other Committee meetings (ie. Committees established in accordance with Section 41 of the Act), including all accompanying reports and other attachments, will be provided to Committee members in electronic format.

4.2. Availability of Agendas to the Public


Agendas for Council and Committee meetings (excluding any items recommended to be considered in confidence pursuant to Section 90 of the Act) may be inspected at Council's Offices in Mount Gambier and Port MacDonnell during business hours, and copies or extracts purchased for the fee set out in Council's Fees and Charges.

Agendas for Council and Committee meetings can also be accessed at no cost at Council's website www.dcgrant.sa.gov.au. Agendas on Council's website include attachments to reports.

A limited number of printed agendas will be available for members of the public who attend Council and/or Committee meetings where requested.

4.3. Late Items/Amended Recommendations

Occasionally there may be a need to include an item for urgent discussion at a Council or Committee meeting after the agenda for that meeting has been distributed. Any late item or amended recommendation (which must be approved by the Chief Executive Officer), will be distributed to all Elected Members as soon as possible and uploaded onto Council's website (if it is not to be considered under the provisions of Section 90 of the Act). Generally late items will only be approved by the Chief Executive Officer for consideration if they have a detrimental impact (financial or otherwise) to Council or another party if not considered as a late item.

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5. Meeting Dates and Venues

5.1. Council Meetings

Ordinary meetings of Council are held on the first and third Monday of each month, commencing at 5.30pm.

If a scheduled meeting falls on a public holiday, the Council meeting will be held on the following Wednesday unless resolved otherwise by the Council.

All Council meetings will be held in the Council Chambers, 324 Commercial Street West, Mount Gambier, unless resolved otherwise by the Council for a specific occasion.

Special meetings of Council may be called in accordance with the provisions of the Act.

5.2. Committee Meetings

Other Committees will generally meet in the Council Chambers, but may choose to meet at alternate venues considered to be more in keeping with that Committee's purpose and functions. That decision shall be at the discretion of the relevant Committee. Committee meetings will be held in accordance with the Committee's Terms of Reference.

6. Recording of Council Meetings

All Council meetings are to be recorded using an audio recording device. Committee meetings (including Council Development Assessment Panel) will be recorded at each Committee's discretion.

The responsibility to ensure that the entire meeting is recorded rests with Council administration.

The contents of each recording may assist Council administration in preparing the minutes of such meetings.

The contents of each recorded meeting must not be deleted or taped over until the minutes of that meeting have been prepared and disseminated to members of the relevant Committee or Council, and made available to members of the public.


An Elected Member may listen to any recorded meeting at the Council Office on request to the Chief Executive Officer or in his absence, the Deputy Chief Executive Officer (however will not have access to any recording where they have left the Chamber due to a declaration of interest or confidential discussion where they have been excluded from the meeting).

7. Use of Microphones

Elected Members and Staff have been provided with microphones for use during the meeting. Microphones must be used when addressing the meeting.

8. Order of Business

The order of business for a Council will be in accordance with the attached agenda template – refer **APPENDIX A**. However, with leave from the Council, the Presiding member may, at his or her own initiative, or at the request of an Elected Member, bring forward items for debate and resolution where:-

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- A large contingent of interested parties is present in the gallery; or
- Council consultants, staff etc. are present to make presentations.

9. Presentations/Deputations

9.1. Presentations

At the discretion of the Mayor, or the Chief Executive Officer, in consultation with the Mayor, members of Community Groups or Associations, may be invited to address Elected Members either prior to, or during Council meetings.

Invitations may be extended to other persons/groups to address Council on any matters of interest.

9.2. Deputations

Members of the public may make a deputation to Council in accordance with the Regulations. A request to appear as a deputation at a meeting must be forwarded in writing to the Chief Executive Officer, indicating the reasons why the deputation wishes to appear and must include any decision that may be sought from Council, 7 clear days prior to the Council or Committee meeting.

10. Protocol for the Election of Deputy Mayor and Other Positions

10.1. Appointment of Deputy Mayor

Council may elect a Deputy Mayor pursuant to Section 51(3) of the Act and this may be for a term determined by the Council. Under Section 51(6), the Deputy Mayor may act in the office of Mayor in the absence of the Mayor.

The term of office for the position of Deputy Mayor shall be for a period of 2 years.

In selecting the Deputy Mayor, the following process will be used:-

- The method of voting will be “first past the post”
- The Mayor will take an indicative vote from Members to determine the preferred person
- Upon completion of the vote the Council will, by resolution, appoint the successful Councillor as its Deputy Mayor.


10.2. Appointment of Elected Members to Other Positions

Elected Members are appointed by Council to a number of Committees, Advisory and Community Groups.

At the commencement of each new Council, and as part of an Elected Member Induction Program, a workshop will be held to discuss the various appointments.

At the first meeting of Council, Council will, by resolution, appoint Elected Members to the various Committees, Advisory and Community Groups.

If there is a need to appoint an Elected Member to a Committee, Advisory or Community Group during the term of the Council, a report will be prepared for Council consideration and resolution.

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11. Officer Reports

Reports to Council or Council committees will be prepared using the standard format - refer **APPENDIX B**.

Reports are to be prepared to communicate the required information in a clear and succinct way. The information presented should logically lead to the officer recommendation(s). The author of the report is to be identified so that Elected Members know where to direct any enquiries for further information.

All reports are to be provided to the Executive Support Coordinator or Executive Support Officer no later than 12 noon on the Wednesday prior to the Council meeting. Reports for Committee meetings are to be provided to Council administration no later than 12 noon the day prior to the distribution of the Agenda to Committee members.

12. Items to be Considered “In Confidence”

Items to be considered “In Confidence” will be dealt with at the end of a Council or Committee meeting, as this will provide minimal disruption to any members of the gallery who would need to vacate the Council Chamber. A report containing a brief outline of the item to be discussed will be prepared for the public agenda including the recommendation for the matter to be discussed in accordance with the provisions of Section 90 of the *Local Government Act 1999*. A further report will then be prepared to be considered by Council or a Committee “In Confidence”.

13. Declaration of a Conflict of Interest

Elected Members have an obligation under the *Local Government Act 1999* to declare a conflict of interest in any matter discussed at a Council or Committee meeting. Elected Members specific obligations and the consequences for not declaring or correctly dealing with a conflict of interest have been outlined in the LGA’s Confidentiality Guidelines. In brief, there are three categories of conflict of interest – material, actual and perceived – which should be dealt with as follows:


13.1. Material Conflict of Interest

Where any of a defined list of persons (substantial list) would gain a benefit, or suffer a loss (whether directly or indirectly, personal or pecuniary) depending on the outcome of the consideration of the matter at the meeting.

Where a material conflict of interest exists, the Member must leave the meeting for all discussion and voting on the item and must not be able to view, hear or participate in any discussion or vote.

The requirements of Conflict of Interest provisions will require the minutes of (all Council and (sub)(Committee) meetings to include the following:

- the Member’s name
- the nature of the conflict of interest, as described by the Member; and
- if the Member took part in that particular item or remained in the chamber during that item under Ministerial approval

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13.2. Actual & Perceived Conflict of Interest

Actual – where a Member has a conflict (not being a material conflict of interest) between their own interests (whether direct or indirect, personal or pecuniary) and the public interest that might lead to a decision that is contrary to the public interest.

Perceived – where from the perspective of an impartial, fair-minded person it could reasonably be perceived that a Member has a conflict of interest in a matter.

Where an actual or perceived conflict of interest exists the Member must inform the meeting of the nature of the interest and how they propose to deal with the conflict of interest (including whether they intend to participate in the meeting for that item).

The requirements of Conflict of Interest provisions will require the minutes of (all Council and (sub)(Committee) meetings to include the following:

- the Member’s name
- the nature of the conflict of interest, as described by the Member; and
- the manner in which the Member dealt with the actual conflict of interest;
- if the Member voted, how he/she voted;
- how the majority of members voted.

13.3. Declaring a Conflict of Interest

A pro-forma Conflict of Interest Disclosure form is annexed to this Code of Practice at **APPENDIX C** (and located in Council’s Forms Register at GOV003). Elected Members who wish to declare a conflict of interest in any matter to be discussed at a Council or Committee meeting should do so by completing the form and submitting their completed form to the minute-taker prior to the commencement of the meeting where practicable.

14. Provisions Where Discretion may be Exercised

14.1. Petitions (Regulation 11)

Subregulation (2) states:

“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, 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”.

No variation


14.2. Motions (Regulation 13)

Subregulations (9), (10), and (11) state:

“A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion”.

“A member may only speak once to a motion except –

- a. to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
- b. with leave of the meeting; or*

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c. *as the mover in reply*”

“A member who has spoken to a motion may not at a later stage of the debate move or second any amendments to the motion”.

Variation

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

14.3. Amendments to Motions (Regulation 14)

Subregulations (1), (3), (4) and (5) state:

“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.”

“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.”

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

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

Variation

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

14.4. Addresses by Members (Regulation 16)

Subregulations (1) and (2) state:

“A member must not speak for longer than five minutes at any one time without leave of the meeting.”

“A member may, with leave of the meeting, raise a matter of urgency.”

Variation

A member shall always address the Mayor, and the Mayor, at his or her discretion, shall allow a member to speak for longer than five minutes, or raise a matter of urgency.

14.5. Voting (Regulation 17)

Subregulation (3) states:

“A person who is not in his or her seat is not permitted to vote”.


No Variation

14.6. Divisions (Regulation 18)

Subregulation (3) states:

“The division will be taken as follows:

a. the members voting in the affirmative will, until the vote is recorded, stand in their places; and

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b. the members voting in the negative will, until the vote is recorded, sit in their seats; and

c. the presiding member will count the number of votes and then declare the outcome”.

Variation

The Mayor may allow members voting in a Division to remain seated and indicate their vote by show of hands. If the vote outcome is unclear, then the above voting process will have effect.

14.7. Adjourned Business (Regulation 20)

Subregulations (1), (2) and (3) state:

“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.”

“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.”

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

Variation

The debate on any adjourned business, will, on resumption, recommence at the beginning of the discussion.

Any adjourned business will be listed as the first item for consideration in the appropriate section of the Agenda or otherwise at the discretion of the Mayor.

15. **Questions Without Notice**


Members may ask a question without notice at a meeting. However to facilitate the efficiency of meetings, members are encouraged to use the availability of senior officers prior to the meetings to clarify issues of concern. The presiding member may request that questions without notice be put in writing. Where an answer is not possible at the meeting, the questions may be taken “on notice”.

Questions/business without notice should be limited to urgent matters of importance, should be in writing and may or may not relate to a matter on the agenda. Such questions/business without notice should not relate to operational Council matters unless the Elected Member has followed due process in raising the matter with the relevant Manager and/or Chief Executive Officer before the meeting, and given that Officer a reasonable time and opportunity to respond to such question/s.

16. **Minutes**

16.1. Distribution of Minutes to Council and Committee Meetings

Minutes of Council meetings will be provided to Elected Members in electronic format. Minutes of Committee meetings will be provided to Committee members and all Elected Members in electronic format.

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16.2. Availability of Minutes to the Public

Minutes of Council and Committee meetings (excluding any items subject to confidentiality orders made by the Council or Committee pursuant to Section 91 of the Act) may be inspected at Council's offices at Mount Gambier and Port MacDonnell during business hours, and copies or extracts purchased for the fee set out in Council's Fees and Charges.

Minutes of Council and Committee meetings can also be accessed at no cost from Council's website www.dcgrant.sa.gov.au.

17. **Responsibilities**

Elected Members and Council Staff must comply with this Policy.

18. **References:**

State Legislation

Local Government Act 1999 - Chapter 6

Local Government (Procedures at Meetings) Regulations 2013

Other Related References

Code of Practice for Access to Council and Committee Meetings and Associated Documents

Code of Conduct for Council Members

Code of Conduct for Council Employees

Agenda Preparation and Minute Takers Procedure

19. **Statement of Adoption**

Regulation 6 provides that a Council may determine by a two thirds majority of the Council as a whole, that a Code of Practice be adopted that establishes the Council's own procedures to apply in substitution for a number of sub-regulations contained in Part 2 of the Local Government (Procedures at Meetings) Regulations 2013.


20. **Availability**

The Code of Practice is available for inspection without charge at the following locations during ordinary business hours:

- Principal Office, 324 Commercial Street West, Mount Gambier, 5290
- Port MacDonnell Community Complex, 5 Charles Street, Port MacDonnell, 5291
- Council website: www.dcgrant.sa.gov.au

A copy of the Code of Practice may be purchased from the Council Offices upon payment of a fee in accordance with Council's Schedule of Fees and Charges (or may be downloaded/printed without charge from Council's website).


Any enquiries regarding this Code of Practice may be directed to the Chief Executive Officer or Executive Support Coordinator.

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21. Review

This Code of Practice should be reviewed by the District Council of Grant each financial year [Regulation 6[2]]. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter the Code of Practice, or substitute or revoke the Code of Practice [Regulation 12 [4] does not apply].

Action	Date	Minute Reference
Adopted by Council	06/11/2000	00341.8
Reviewed	05/11/2001	01314.10
Reviewed	11/11/2002	02321.6
Reviewed	20/10/2003	03328.4
Reviewed	06/12/2004	04355.8
Reviewed	05/12/2005	05382.5
Reviewed	07/05/2007	07127.2
Reviewed	19/05/2008	08155.4
Reviewed	18/05/2009	09138.2
Reviewed	07/06/2010	10118.3
Reviewed	06/06/2011	11148.2
Amended	04/06/2012	12132.1
Amended	03/06/2013	13066.1.2
Amended	16/06/2014	14082.2
Amended	15/06/2015	15082.1
Minor Amendment	23/11/2015	Approved by CEO
Amended	04/04/2016	16038.3.1
Amended	21/11/2016	16148.6
Amended	15/05/2017	17067.1
Amended	05/02/2018	18011.4
Minor Amendment	19/03/2018	18038.1


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APPENDIX A

1st Meeting held in the Month

ORDER OF BUSINESS


1. **OPENING & WELCOME** _____
 - 1.1 Acknowledgment of Traditional Owners _____
2. **ATTENDANCE** _____
3. **APOLOGIES FOR ABSENCE** _____
4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING** _____
5. **BUSINESS ARISING FROM MINUTES** _____
6. **QUESTIONS ON NOTICE** _____
7. **PRESENTATIONS/DEPUTATIONS** _____
8. **ANNOUNCEMENTS BY THE CHAIR** _____
9. **DISCLOSURE OF INTERESTS** _____
10. **CONFIRMATION OF MINUTES OF COMMITTEES (AND RECOMMENDATIONS)** _____
11. **NOTICE OF MOTION** _____
12. **REPORTS FROM OFFICERS** _____
 - 12.1 Chief Executive Officer _____
 - 12.2 Deputy Chief Executive Officer _____
 - 12.3 Works Manager _____
 - 12.4 Director of Environmental Services _____
13. **CORRESPONDENCE** _____
14. **QUESTIONS WITHOUT NOTICE** _____
15. **CONFIDENTIAL ITEMS** _____
16. **CLOSURE** _____

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2nd Meeting held in the Month

ORDER OF BUSINESS

1. **OPENING & WELCOME**
 - 1.1 Acknowledgment of Traditional Owners _____
2. **ATTENDANCE** _____
3. **APOLOGIES FOR ABSENCE** _____
4. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
5. **BUSINESS ARISING FROM MINUTES**
6. **QUESTIONS ON NOTICE**
7. **PRESENTATIONS/DEPUTATIONS**
8. **ANNOUNCEMENTS BY THE CHAIR** _____
9. **REPORTS FROM REPRESENTATIVES ON OTHER ORGANISATIONS AND COMMITTEES** _____
10. **DISCLOSURE OF INTERESTS** _____
11. **CONFIRMATION OF MINUTES OF COMMITTEES (AND RECOMMENDATIONS)** _____
12. **NOTICE OF MOTION** _____
13. **REPORTS FROM OFFICERS** _____
 - 13.1 Chief Executive Officer _____
 - 13.2 Deputy Chief Executive Officer _____
 - 13.3 Works Manager _____
 - 13.4 Director of Environmental Services _____
14. **CORRESPONDENCE** _____
15. **QUESTIONS WITHOUT NOTICE**
16. **CONFIDENTIAL ITEMS** _____
17. **CLOSURE** _____

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APPENDIX B

Report Template

[Title]	
MEETING DATE:	[Date]
AUTHOR:	[Name], [Title]
RESPONSIBLE OFFICER:	[Name], [Title]
PREVIOUS MEETING:	Nil
REFERENCES:	Nil
FILE NO:	x.xx.x/x
ATTACHMENTS:	•
IN CONFIDENCE:	[Yes / No]
POLICY REFERENCE:	There are no known policy requirements related to this item. <i>[change if necessary]</i>
LEGISLATIVE REFERENCE:	There are no known legislative requirements related to this item. <i>[change if necessary]</i>
STRATEGIC MANAGEMENT PLAN REFERENCE:	Goal:
	Outcome:
	Strategy:
FINANCIAL CONSIDERATIONS:	Budget: \$
	Actual (YTD): \$
	Budget Variation Required: [Yes / No]
CONSULTATION UNDERTAKEN:	Nil

PURPOSE OF REPORT:

BACKGROUND:

COMMENT:

STAFF RECOMMENDATION:

That:-

1.

2.

at:-



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APPENDIX C

CONFLICT OF INTEREST DISCLOSURE FORM
(in accordance with Section 74 of the Local Government Act 1999)

Name: _____

Council or Committee: _____

Date of Meeting: _____ Agenda Item: _____

I hereby declare that I have the following conflict of interest with the above agenda item:

- Actual**

 Perceived

 Material


Actual Conflict

Pursuant to Section 74 of the *Local Government Act 1999*, the nature of my actual conflict of interest is as follows [*ensure sufficient detail is recorded, including the reasons why the conflict of interest between your interest and the public interests might lead to a decision that is contrary to the public interest in relation to the agenda item described above*]:

Perceived Conflict

Pursuant to Section 74 of the *Local Government Act 1999*, the nature of my perceived conflict of interest is as follows [*ensure sufficient detail is recorded, including the reasons why you consider that an impartial fair-minded person could reasonably consider that you have a perceived conflict of interest in the matter*]:

I intend to deal with my (actual or perceived) conflict of interest in the following transparent and accountable way:

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Material Conflict

Pursuant to Section 73 of the *Local Government Act 1999*, the nature of my material conflict of interest is as follows [*ensure sufficient detail is recorded, including the reasons why you (or a person prescribed in Section 73(1) of the Local Government Act 1999) stands to obtain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the meeting of the Council in relation to the agenda item described above*]:

Where a material conflict of interest has been declared, I confirm I will leave the meeting room (including any area set aside for the public) such that I cannot view or hear any discussion or vote at the meeting, and will stay out of the meeting room while the matter is being discussed and voted on.

(signature)

(date)

Notes

Section 75 of the *Local Government Act 1999* states, in relation to an **actual** or **perceived** conflict of interest:

(3) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—

(a) by reason only of—

- (i) an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or*
- (ii) membership of a political party; or*
- (iii) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or*
- (iv) the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school; or*
- (v) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council; or*

(b) in prescribed circumstances.

(4) A member of a council will not be taken, for the purposes of this Subdivision, to have a conflict of interest in a matter to be discussed at a meeting of the council if the relevant member's interest in the matter is held in common with all or a substantial proportion of the ratepayers, electors or residents of the council area.

Section 75A(3) of the *Local Government Act 1999* states, in relation to an **actual** or **perceived** conflict of interest:

If a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.