

	Code of Practice for Meeting Procedures <i>Policy No. GOVPOL 03</i>	Version No:	12
		Responsible Officer/s:	Governance Officer
		Issued:	5 February 2018
		Next Review:	June 2021

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.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the Local Government Act 1999 varying or suspending the operation of the specified provisions of the Local Government Act 1999. Such Notice was issued in response to the State Co-ordinator for the State of South Australia declaring, on 22 March 2020, pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia (**COVID-19 declaration**).

For the duration that the COVID-19 declaration is in place, the provisions outlined in Appendix C of this Code of Practice will apply. So far as there is inconsistencies between the provisions outlined in the Code of Practice and the provisions outlined in Appendix C, the provisions outlined in Appendix C will apply.

At the expiration of the COVID-19 declaration, the provisions outlined in Appendix C will become obsolete and will no longer apply.

3. Definitions

Act means the *Local Government Act 1999*;



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- 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.
- 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. Meeting Procedures

4.1. Seating Arrangements

4.1.1. Council Meetings

Whilst participating and voting in a formal Council meeting, Council Members, including the Presiding Member, are permitted to sit only in the seat allocated to them within the chamber. Seat allocations are identified by a name plaque placed at the head of each place at the table. At the last ordinary Council meeting of each calendar year, the CEO will reallocate seat placements for all Council Members (not including the Presiding Member) for the following 12 months by way of a random name draw.

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4.1.2. Voting

Pursuant to the Regulations (Regulation 16), a member who is not in his or her seat at a formal Council Meeting is not permitted to vote. Similarly, pursuant to Section 86 of the Act, a member who is in his or her seat at a formal Council meeting must vote on an item put before the Council for a decision when the Presiding Member calls for such a vote.

4.1.3. Committee Meetings

The above clause 4.1 will not apply to meeting of committees of Council. Members are permitted to sit in any seat during the meeting of a Committee.

4.2. **Agendas**

4.2.1. 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.

4.2.2. 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.

4.2.3. 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.

4.3. **Meeting Dates and Venues**

4.3.1. Council Meetings

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

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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.

4.3.2. 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.

4.4. **Recording of Council Meetings**

Refer to the Recording of Meetings Policy.

4.5. **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.

4.6. **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:-

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

4.7. **Presentations / Deputations**

4.7.1. Presentations

At the discretion of the Presiding Member, or the Chief Executive Officer, in consultation with the Presiding Member, 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.

4.7.2. 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.

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

4.8.1. 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.

4.8.2. 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.

4.9. Officer Reports

Reports to Council or Council committees will be prepared using the standard format.

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.

4.10. 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.

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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 Act. A motion that a matter be discussed “in confidence” including which part of Section 90 of the Act (parts “a” through to “n”) the Council is relying on to discuss the matter in confidence, must be moved, seconded and voted on before members of the public gallery are asked to vacate the Council Chamber.

A further report will then be prepared to be considered by Council or a Committee “In Confidence”.

No further items that do not fall within the subject matter of the report will be discussed whilst the Council meeting is “in confidence” without the inclusion of a separate report in the agenda.

4.11. 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:

4.11.1. 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

4.11.2. 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

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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.

4.11.3. Declaring a Conflict of Interest

A pro-forma Conflict of Interest Disclosure form is 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.

4.12. 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. 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, must be in writing to the Presiding Member with a copy provided to the Minute Taker, 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.

5. Provisions Where Discretion may be Exercised

5.1. Petitions (Regulation 10)

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

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5.2. Motions (Regulation 12)

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*
- (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.

5.3. Amendments to Motions (Regulation 13)

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.

5.4. Addresses by Members (Regulation 15)

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

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5.5. Voting (Regulation 16)

Subregulation (3) states:

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

No Variation

5.6. Divisions (Regulation 17)

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*
- (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 Presiding Member 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.

5.7. Adjourned Business (Regulation 19)

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 Presiding Member.

6. Minutes

6.1. 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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6.2. 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.

7. Responsibilities

Elected Members and Council Staff must comply with this Policy.

8. References / Other Documents

8.1. Legislation

Local Government Act 1999 - Chapter 6

Local Government (Procedures at Meetings) Regulations 2013

8.2. Council Policies / Procedures

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

9. 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*.

10. 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 Governance Officer.



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11. Review

This Code of Practice will 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 November 2000	00341.8
Reviewed	05 November 2001	01314.10
Reviewed	11 November 2002	02321.6
Reviewed	20 October 2003	03328.4
Reviewed	06 December 2004	04355.8
Reviewed	05 December 2005	05382.5
Reviewed	07 May 2007	07127.2
Reviewed	19 May 2008	08155.4
Reviewed	18 May 2009	09138.2
Reviewed	07 June 2010	10118.3
Reviewed	06 June 2011	11148.2
Amended	04 June 2012	12132.1
Amended	03 June 2013	13066.1.2
Amended	16 June 2014	14082.2
Amended	15 June 2015	15082.1
Minor Amendment	23 November 2015	Approved by CEO
Amended	04 April 2016	16038.3.1
Amended	21 November 2016	16148.6
Amended	15 May 2017	17067.1
Amended	05 February 2018	18011.4
Minor Amendment	19 March 2018	18038.1
Amended	24 June 2019	19078.4
Amended	18 November 2019	19156.3
Minor amendment	09 December 2019	Approved by CEO
Amended	06 April 2020	20042.1.2
Minor formatting amendments	4 May 2020	Governance Officer
Amended	7 October 2020	20127.3

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APPENDIX A

1st Meeting held in the Month

ORDER OF BUSINESS

1. OPENING & WELCOME

- 1.1 Acknowledgment of Traditional Owners
- 1.2 Recording of Meetings

2. APOLOGIES

3. LEAVE OF ABSENCE

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6. PRESENTATIONS/DEPUTATIONS

7. QUESTIONS:

- 7.1 On Notice
- 7.2 Without Notice

8. CONFIRMATION OF MINUTES OF COMMITTEES (AND RECOMMENDATIONS)

9. NOTICE OF MOTION

10. REPORTS FROM OFFICERS

- 10.1 Chief Executive Officer
- 10.2 Deputy Chief Executive Officer
- 10.3 Works Manager
- 10.4 Director of Environmental Services

11. CORRESPONDENCE

12. CONFIDENTIAL ITEMS

13. CLOSURE



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2nd Meeting Held in the Month

ORDER OF BUSINESS

1. OPENING & WELCOME

- 1.1 Acknowledgment of Traditional Owners
- 1.2 Recording of Meetings

2. APOLOGIES

3. LEAVE OF ABSENCE

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6. PRESENTATIONS/DEPUTATIONS

7. MAYORAL REPORT

8. QUESTIONS:

- 8.1 On Notice
- 8.2 Without Notice

9. ANNOUNCEMENTS BY THE CHAIR

10. REPORTS FROM REPRESENTATIVES AS NOMINEES OF COUNCIL

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. CONFIDENTIAL ITEMS

16. CLOSURE

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APPENDIX B

Guiding Principles for Council and Committee Meetings

Elected Members agree that it is a priority that Council and Committee Meetings at District Council of Grant follow appropriate formalities and operate within the statutory framework provided by the *Local Government Act 1999* (the Act) and *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). Additionally, all members contributing to Council and Committee Meetings show respect and demonstrate similar agreed behaviours. These are outlined below.

1. General Meeting Procedures

1.1. Speaking to an agenda item or issue

Pursuant to the variations in this Policy, and the procedures outlined in the Act and the Regulations, Elected Members will raise their hand to speak to an item and will wait to be invited to speak through the Presiding Member of the meeting. The Presiding Member will ensure he/she allows all Elected Members equal opportunity to speak. Elected Members will also afford each other the opportunity to speak without interruption or speaking over the top of one another.

1.2. Motions Without Notice / Questions Without Notice

Elected Members will ensure any Motions or Questions without notice are provided in writing to the Presiding Member at the meeting, with a copy provided to the minute taker. Any Motions or Questions without notice will be limited to items of an urgent nature that constitute Council business (not an operational nature that can and should be dealt with by Council officers). The Presiding Member may refuse to accept a Motion Without Notice if:

- after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of written notice of motion; or
- the subject matter is, in his/her opinion, beyond the power of the Council or committee.

1.3. Disclosure of Interest

Where a disclosure of interest has been made by an Elected Member in relation to an agenda item, the Elected Member making the disclosure will ensure the disclosure of interest form is completed and submitted prior to the beginning of the meeting.

1.4. Laying an item on the table vs. adjournment of an item of business

Elected Members, where possible, will adjourn an item of business rather than “lay it on the table”, particularly where the intention is to simply seek further information. The purpose of this clause is for ease of bringing the matter back to a future meeting for discussion at a later date, and not having matters contained on Council’s “Register of Items Laying on the Table” (which is a statutory requirement) unnecessarily.

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1.5. Questions between Elected Members and Council Employees

During meetings, employees will respond to questions from Elected Members at the invitation of the Presiding Member and will acknowledge the Presiding Member before replying.

1.6. Vacating the Council Chamber

Where meetings are held in the Council Chamber, if an Elected Member needs to leave the Chamber, he or she should indicate this to the Presiding Member (e.g. by standing, facing the chair and making eye contact) before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Chamber (as is a statutory requirement). Elected Members should be aware that as soon as they leave their seats they are taken to have left the meeting.

1.7. Presiding Member to preserve order at meetings

It is the responsibility of the Presiding Member to ensure that:

- the provisions of the Act and Regulations and any Council determined meeting procedures are adhered to;
- the business of the meeting is conducted in a proper and orderly manner;
- the views of the meeting on the business before it are determined;
- all members who wish to contribute to the debate have an opportunity to do so;
- all motions moved are legal, clear and able to be implemented; and
- the discussions are kept to the subject being discussed and irrelevant and repetitious discussions are prevented.

The Presiding Member is to preserve order, and may call any Member or other person in attendance to order, whenever, in the Presiding Member's opinion, there is cause for so doing.

2. Meeting Etiquette

2.1. Mobile phones

Elected Members and staff agree that mobile phones will be turned off or to "silent" while in the Council Chambers and will not be kept on the tables where they can cause distraction. Elected Members and staff will vacate the chamber if there is a need to take or make a phone call during a meeting.

2.2. Casual conversation during Council meetings

Elected Members and staff will refrain from participating in conversations amongst each other, either in relation to items on the agenda or otherwise, until outside of a formal meeting.

3. Confidential Items

- ### 3.1.
- The Presiding Member will ensure no members of the public or staff are asked to leave the Council Chamber until after the motion to discuss an item in confidence has been moved, seconded and carried.



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- 3.2. A confidential item not contained on the agenda will not be discussed at a Council meeting in confidence unless of an urgent nature or in exceptional circumstances.
- 3.3. An Elected Member who wishes to discuss a confidential item in confidence not included on the agenda as per clause 3.2 above, will provide to the Presiding Member and the Minute Taker, a copy of all motions in writing (including the motion to discuss the item in confidence, with the Sections of the Act under which the item will be discussed in confidence and an explanation).

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APPENDIX C

Public Health Emergency: Electronic Participation in Council Meetings

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

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

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

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

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.

Alterations To This Code Of Practice To Facilitate Electronic Participation

1. Definitions

- | | |
|----------------------|--|
| Act | the <i>Local Government Act 1999</i> . |
| electronic | includes a telephone, computer or other electronic device used for communication. |
| regulations | the <i>Local Government (Procedures at Meetings) Regulations 2013</i> . |
| disconnection | of the electronic includes: <ul style="list-style-type: none"> (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard; (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard; (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or |

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- (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

2. Attendance at Council Meetings

Members of the Council may participate in a meeting of the Council by electronic means.

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

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

3. Quorum

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

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

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

4. Leave of the Meeting

A vote on whether ***leave of the meeting*** is granted may be conducted by:

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

A division may be called in relation to the vote.

5. Adjourned Meetings

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;
- (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

6. Minutes

On confirmation of the minutes the presiding member may initial or sign the minutes in hardcopy or electronically.

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

The presiding member, or any other member, may ask the Chief Executive Officer to read out a motion or amendment before a vote is taken.

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

10. Divisions

A division is taken as follows:

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

11. Form of Participation by Electronic Means

Where:

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

the member must participate by being both seen and heard.

12. Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

In circumstances where a provision is suspended under this paragraph, the presiding member may give directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.

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