

# CODE OF PRACTICE



<b>Name</b>	<b>Meeting Procedures</b>
<b>Document Number</b>	CO05
<b>Responsible Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	14 November 2023
<b>Date of Next Review</b>	November 2026
<b>Applicable Legislation</b>	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013
<b>Related Governance Documents</b>	Behavioural Management Policy
<b>City Plan Theme</b>	Leadership

For the purposes of this document, Council may make variation to the requirements of the Local Government (Procedures at Meetings) Regulations 2013. For items which do relate to legislative obligations, where a reference to the Act or Regulations is not made within the text, the Regulation will be listed in block letters to the bottom right of the item.

This document must be read in conjunction with the Local Government (Procedures at Meetings) Regulations 2013 as the intent is to clarify and add to the requirements rather than repeating or replicating the content of the Regulations. Where this document is silent on a matter, the Regulations stand.

## Purpose

This Code of Practice has been developed in accordance with the rules and procedures set out in Chapter 6 of Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013. Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to or vary certain aspects of these provisions (with a two-third majority vote).

### *SECTION 86 and REGULATION 6*

This Code of Practice sets out the agreed procedures for the conduct of Council meetings, including the legislative obligations and the discretionary elements which Council has varied to enable the Council to operate with reference to the specific needs of this community.

The Code provides clear expectations to Elected Members, Council employees, residents, ratepayers and guests for the conduct of meetings.

The Code will be available on Council's website and Principal Office of Council and will be reviewed by the Council as necessary and in accordance with legislative timeframes.

## **Guiding Principles**

The City of Port Adelaide Enfield is committed to the principles of open, transparent and informed decision-making which encourages community participation in the business of Council.

The procedures and conduct of Council at its meetings will be in line with the Behavioural Management Policy and Regulation 29 of the Local Government (Procedures at Meetings) Regulations 2013. The meetings conducted 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.

### *REGULATION 4*

The procedures and conduct of any members of the Administration will be in line legislative requirements under the Local Government Act 1999 and the requirements of the Local Government (Procedures at Meetings) Regulations 2013. When called upon by the Presiding Member, staff will respond to any questions from the floor, through the Presiding Member.

## **PUBLIC GALLERY CONDUCT**

Any person attending a meeting of Council (as a participant or an observer) is required to comply with the following:

- Not behaving in a disorderly manner.
- Not causing disruption or interruption to the meeting.
- Be respectful in their language and behaviour.
- Show respect to the meeting, the meeting procedures and the legislative obligations of Elected Members and the Administration.
- Reserve discussion and conversation for before or after the meeting.
- Switch off any alerts or sounds on electronic devices (and keep any necessary use of devices discrete).

### *REGULATION 30*

Disrespectful or disruptive behaviour by members of the public will not be tolerated and may include a person or persons being requested to leave the meeting.

NB - Contravention of Regulation 30 is an offence and financial penalties may apply and they may be found to be guilty of an offence under Section 95 of the Act.

## **PART 1 – BEFORE THE MEETING**

### **Council Meeting times and locations**

Ordinary Council meetings except as resolved are to be held at 7.00pm on the Second Tuesday of every month.

### *SECTION 81 and REGULATION 7*

Special meetings of Council may be held at any time with at least 4 hours of notice to the Elected Members. A request to hold a Special meeting of Council must be made to the CEO and can only be made by:

- The Presiding Member of the Council or Council Committee, or
- At least three Elected Members of the Council or Council Committee

## SECTION 82

Meetings will typically be held in the Council Chamber at 62 Commercial Road, Port Adelaide.

From time to time, Council may resolve to hold a subsequent Council or Committee meeting at any one of its locations across the city. This has been determined by the Council as an important way to ensure equitable access by its residents to the decision making process that Council follows.

## SECTION 84

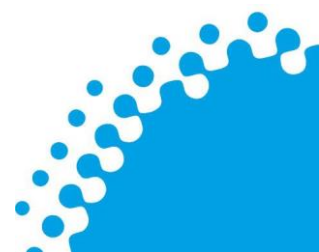
The below table represents the current committee structure of the City of Port Adelaide Enfield.

Committee Name	Formed under	Decision Making
Audit & Risk Committee	Section 125 of the Local Government Act 1999	Powers provided under the Act only - No additional Delegation.  The Audit & Risk Committee makes recommendations to the Council for endorsement.
Council Assessment Panel	Section 56A of the Development Act 1993  Section 100 of the Planning, Development and Infrastructure Act 2016	Power provided under the Act. Delegations as per the Delegations manual.
CEO Performance Review Panel	Section 41 of the Local Government Act 1999	Delegations as per the Delegations manual.
Building Fire Safety Panel	Section 157(17) of the Planning, Development and Infrastructure Act 2016	Individual Authorised Officers appointed to this committee are able to carry out the powers as an Authorised Officer

Times and frequency of meetings can be found in the relevant Terms of Reference document.

## SECTION 89

NB - From time to time, other Committees or Panels may be formed by Council. Their responsibilities, operation and decision making powers will be determined in Terms of Reference resolved by the Council.



## **Publication of the Council Agenda, Reports and Minutes**

Ordinary Council agendas and reports will be published on Council's website no later than 5pm on the Friday before the meeting on the Second Tuesday of the month.

Following the meeting, Council minutes will be published on Council's website no later than 5pm on the Friday after the meeting on the second Tuesday of the month.

Where possible Council will livestream the meeting to our website and livestream recordings will be removed at the conclusion of the meeting.

### *SECTION 87 and 132 and SCHEDULE 5*

Elected Members will receive their documents electronically (unless requested otherwise), and will receive an email with a link to the documents before 5pm the Friday before the meeting.

Elected Members will be notified via telephone or email of any variation to these timeframes.

Elected Members will also be sent appointments to their Council provided email address of the location, time and date of any meetings of Council (and any other Council event relevant to that Elected Member).

### *SECTION 91*

## **Agendas and Reports**

The Administration is responsible for providing sufficient and accurate information to the Council in order to make informed and balanced decisions. The Administration will provide to Council relevant and balanced recommendations that reflect or give consideration to:

- The legislative context or obligations of Council
- The existing financial commitment of Council and the discretionary or optional commitments
- the City Plan themes and outcomes and the level of risk associated with discretionary decisions
- the views of the community
- the best interests of the community
- the appropriate level of involvement of the Council and the effective use of Council resources.

The Administration is committed to providing sufficient time for Elected Members to access information about Council business. Predominantly this will be via the Council agenda, but where appropriate, the Administration will provide advance notice of some Council reports, or provide electronic, email or hard copy information updates for Elected Members.

In an effort to enable effective decision making at the meetings of Council, Elected Members are committed to reading agendas in advance of the meetings and addressing any questions or concerns about the content to the relevant Manager, Director or CEO.

## **Agenda Structure**

The Standard Agenda of the Ordinary Meeting of Council will follow the following general structure:

1. Apologies
2. Leave of Absence
3. Confirmation of Minutes

4. Declaration by Members of Conflict of Interest
5. Deputations
6. Adjourned Debate
7. Mayors Report
8. Petitions
9. Reports by Council Delegates
10. Questions without Notice
11. Questions on Notice
12. Director of Community Development Reports
  - 12.1 Information Reports
  - 12.2 Decision Reports
13. Director of City Assets Reports
  - 13.1 Information Reports
  - 13.2 Decision Reports
14. Director of Corporate Services Reports
  - 14.1 Information Reports
  - 14.2 Decision Reports
15. Chief Executive Officer Reports
  - 15.1 Information Reports
  - 15.2 Decision Reports
16. Notice of Motion
17. Motions Without Notice
18. Adoption of Committee Reports
19. Confidential Items
20. Closure of Meeting

### **Notice of Motion**

Elected Members may raise any matter of Council business as a Notice of Motion. An Elected Member may seek advice or information from the Administration on a proposed Notice of Motion for the next meeting of Council (if time permits). A Notice of Motion must be made to the CEO prior to 5pm seven clear days before the date of the meeting at which the motion is to be moved.

A motion which, if carried, would revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion. If the motion is lost, a motion to the same effect cannot be considered for 12 months or until after the next general election, whichever is sooner.

*REGULATION 12*

### **Questions on Notice**

If an Elected Member wishes to submit a Question on Notice, they must give written notice to the CEO of their question/s on notice at least seven clear days before the date of the meeting at which the question is to be asked. The CEO will ensure the question is included in the agenda and is accompanied by a response where time permits.

*REGULATION 9*

### **Late Items/Late Reports**

From time to time a report will be prepared for consideration of Council after the compilation of reports or the preparation of the agenda.

In the instance that a late item is not included in the Agenda, the late item will be circulated to Elected Members via email at the earliest opportunity and published on Council's website as an additional item to the Agenda.

## **Petitions**

A petition to the Council must-

- be legibly written or typed or printed; and
- clearly set out the request or submission of the petitioners; and
- include the name and address of each person who signed or endorsed the petition and;
- be addressed to the council and delivered to the principal office of the council.

If a petition is received, the CEO must ensure that a report is included in the agenda for the next ordinary meeting of the Council. The report will indicate a summary outlining the nature of the request or submission and the number of signatures. The report will indicate which Department will manage the relevant investigation and response to the head petitioner. A copy of the petition in full will be provided to Elected Members electronically.

*REGULATION 10*

## **Requests for Deputations**

A person or persons wishing to present a deputation at a meeting must provide a written request to the Council addressed to the principal office of the Council no less than 5 clear days prior to the meeting. The CEO will provide the request to the Presiding Member who will determine if the deputation will be heard at the meeting of Council or refused.

The CEO will inform the person requesting the deputation of the outcome (and provide details of the meeting to the person if the deputation is accepted and that they will be permitted to speak for up to five minutes with time after to respond to any questions from Elected Members).

If the Presiding member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the council.

Except in extraordinary circumstances, there will be a maximum of two deputations per meeting.

*REGULATION 11*

## **Confidential Reports**

Although confidential reports or items are presented in the same format as any other report under Council Business, they will appear in the agenda as the last item before the close of the meeting, unless moved otherwise by Council. This is to ensure that all other meeting content can be managed smoothly and cause minimal disruption to the gallery.

## **PART 2 - AT THE MEETING**

### **Commencement of Meetings and Quorums**

#### **Mayor or Presiding Member to chair the meetings**

If the Mayor is present at an Ordinary Council meeting or Special Council meeting, the Mayor must chair the meeting as the Presiding Member (unless other legislative circumstances prevent the Mayor from being the Presiding Member).

In the absence of the Mayor, the Deputy Mayor will chair the meeting as the Presiding Member. If the Mayor and Deputy Mayor are absent, the CEO will open the meeting and call for nominations for a chair, which shall be chosen by the Council by resolution from those present at the meeting.

The Presiding Member will chair the meeting in a fair and impartial manner and is responsible for maintaining order. This includes ensuring the appropriate adherence to this Code and the legislative requirements of Council and its members at a meeting (including the Local Government Act 1999, the Local Government (Procedures at Meetings) Regulations 2013 and the Behavioural Management Policy).

## *SECTION 86*

### **Achieving a Quorum and Adjournment of meetings**

A meeting of Council or Committees will commence as soon as practicable after the start time advertised once a quorum has been met. In the case of an ordinary meeting of Council, the meeting will commence at 7pm onwards (no later than 7.30pm) and quorum is 50% plus 1 on the membership. NB - If the CEO has received a number of apologies before the meeting indicating that quorum will not be reached, the CEO may adjourn the meeting prior to the 7pm start time, to a specified day and time.

## *REGULATION 7*

If a quorum is not met by 7.30pm, the Presiding Member (or CEO in the absence of the Presiding Member) may adjourn the meeting.

## *SECTION 85*

If the meeting is adjourned, the CEO will ensure there is a record in the minute book outlining the reason for the adjournment, the names of the Elected Members present, and the date and time at which the meeting is intended to commence.

In any instance of the adjournment of a meeting, the CEO must give notice to the Elected Members and the Public of the new date and time of the meeting and display/make available this information at the Principal office of Council and on Council's website.

## *REGULATION 7*

The meeting commences with the Presiding Member calling the meeting open, declaring that the meeting is held on Kurna land (and the Kurna Acknowledgement address is given) and the evacuation procedures are taken as read.

### **Decisions of Council**

It is the responsibility of the Council to make decisions on behalf of the City of Port Adelaide Enfield. Elected Members are elected by the community to participate in the formal voting process to form a resolution of the Council to determine a reasonable action or decision.

## Motions, Resolutions and Voting

To form a resolution, Council typically relies upon a report and recommendation/s from the Administration. One of the Elected Members may move a motion at a Council meeting which is then seconded by another Elected Member. Council is then able to debate the matter. It is the responsibility of the Presiding Member to note/state the mover, seconder and speakers in the debate. Once the debate is finished the Presiding Member puts the motion to a vote.

The Presiding Member may read the motion or ask that the CEO read the motion before the Vote. The Presiding Member will ask first for those in favour to vote, then those against, before declaring the outcome of the vote as carried or lost. A majority of votes is required to create the resolution of the meeting.

Elected Members can choose to sit or stand when addressing the Council, however, must be seated when voting on a matter, unless there are circumstances known to the Presiding Member which would impact on this being possible (such as a physical illness, injury or disability prevents them from sitting).

### *REGULATION 16*

An Elected Member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion for no longer than five minutes. A member will indicate their intention to speak to a motion by turning on the light on their microphone board.

A motion will lapse if it is not seconded at the appropriate time. If the motion is seconded, once the seconder has spoken, the Presiding Member will ask the meeting if any member wishes to speak against the motion or move an amendment, or requesting the mover, with the consent of the seconder, to vary it.

If no Elected Member indicates that they would like to speak against the motion, the Presiding Member will put the motion to a vote without debate (i.e. no member will further speak to it).

If an Elected Member indicates a desire to speak against the motion when asked by the Presiding Member, they may do so for up to five minutes. Any debate will occur in accordance with the usual practice of the Regulations. The Presiding Member will indicate to the members (that have their light on) the order in which they may speak.

Answering a question at the invitation of the Presiding Member is not considered speaking.

An Elected Member wishing to speak in favour of the motion will be required to seek leave of the meeting. A vote on whether leave of the meeting is granted may be conducted by: a show of hands.

A division may be called in relation to the vote.

Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).

An Elected Member may speak again to a motion for five minutes only, in the following circumstances -

- (a) to provide an explanation of their speech, but not to introduce any new matter; or
- (b) with leave of the meeting; or

(c) as the mover in reply.

An Elected Member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

An Elected Member who has not spoken in the debate on a question may move a formal motion.

The Presiding Member may provide a casting vote at a meeting of Council to a motion if the vote is tied. The Mayor (or any person acting as the Presiding Member) does not have a deliberative vote.

*REGULATION 12 and 16*

### **Variations**

The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary alter or withdraw the motion or amendment.

The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

*REGULATION 15*

### **Speaking to Items**

Once an Elected Member moves or seconds a motion, the Elected Member may speak for up to five minutes on the item. Members are to speak through the Presiding Member as the chair of the meeting when speaking to a motion.

Each Elected Member is entitled to contribute/comment during the debate of the matter. The Presiding Member of the meeting will determine when the debate is closed or adjourned and the vote is required to take place.

An Elected Member may, with leave of the meeting, raise a matter of urgency or make a personal explanation (which cannot be debated) providing it is relevant to the subject matter.

*REGULATION 15*

### **Divisions**

Any Elected Member may call a division which requires all members to clarify which way they are voting and the individuals (and how they vote) is minuted.

A division is taken as follows:

- (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;

Elected Members wishing to vote in the affirmative but are unable to stand due to circumstances known to the Presiding Member, may indicate their affirmative vote by raising a hand or by indicating in some other unambiguous manner, determined to be suitable by the Mayor.

Elected Members voting in the negative, who are not currently in their seats due to circumstances known to the Presiding Member may indicate their negative vote by raising a hand or by indicating in some other unambiguous manner, determined to be suitable by the Mayor.

Elected Members are able to change their vote when a division is called from their vote on the motion.

## *REGULATION 17*

### **Moving Council Business Items ‘En Bloc’**

The reports from the Administration under each directorate will be presented in accordance with the agreed agenda structure.

The relevant Director will recommend which items can be moved en bloc (one resolution to resolve all reports in accordance with their individual recommendations). Any matters which require Elected Members to consider the content separately before a resolution can be determined (or where optional resolutions are presented) will not be included to be resolved en bloc.

The Presiding Member may determine to remove items from being discussed en bloc. The Presiding Member will invite Elected Members to remove items from being discussed en bloc. Items can be removed for various reasons, including (but not limited to):

- Elected Members seeking further discussion on the item
- Elected Members seeking answers to questions
- Elected Members notice of a conflict of interest

### **Questions from Elected Members**

An Elected Member may ask a question without notice at a meeting. If indicated by the relevant Director or CEO, the Presiding Member may determine that a response can be provided during the meeting, alternatively, a response may be provided at a subsequent meeting. The Presiding Member may also determine that if the question is vague, irrelevant, insulting or improper, the question will not be answered.

Elected Members may ask questions prior to the moving of a motion or during a debate on a motion for clarification purposes only. Such questions are not considered “questions without notice.” Asking for clarification of the matter as a question will not be considered to be speaking to the motion.

The Presiding Member may indicate that a response to any question can be provided by the relevant Director, CEO or any staff member who is present.

In the consideration of the Agenda before the meeting of Council, if an Elected Member identifies any questions about the reports, they are encouraged to seek further information from the Administration prior to the meeting.

## *REGULATION 9*

## **Addressing Notices of Motion or Motions without Notice at the Meeting**

Where a Notice of Motion has been given by an Elected Member who is not present at the meeting the Notice of Motion may be moved by any other Elected Member present at the meeting.

An Elected Member may also bring forward any business by way of a motion without notice.

The Presiding Member may refuse to accept a Motion without Notice if, after taking into account the Guiding Principles, it is considered that the motion should be dealt with by way of a written Notice of Motion, or is beyond the power of the Council.

A Motion without Notice will not be accepted, where in the opinion of the Presiding Member, the motion relates to a significant issue or substantive information is required in order to make an informed decision on the motion. Such issues should be provided as written notices of motion.

### *REGULATION 12*

## **Formal Motions**

A formal motion is a motion that if carried either interrupts debate or adjourns the business. The following may occur if a formal motion is successful:

- the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
- the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate; or
- the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
- the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
- the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

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

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

If a formal motion is lost the meeting will be resumed at the point at which it was interrupted. If the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one Elected Member has spoken on the question.

#### *REGULATION 12*

### **Adjourned Business**

If a formal motion for a substantive motion to be adjourned is carried-

- the adjournment may either be to a later hour of the same day, to another day, or to another place; and
- 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 directly before the Corporate Reports at a subsequent meeting as per the Agenda structure.

#### *REGULATION 19*

### **Points of Order**

The Presiding Member may call to order an Elected Member who is in breach of this Code or the related legislation. An Elected Member may draw to the attention of the Presiding Member a breach of this Code or related legislation, and must state briefly the nature of the alleged breach.

This can be done by stating 'point of order'. A point of order takes precedence over all other business until determined and will be decided by the Presiding Member. If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.

The Presiding Member is entitled to make a statement in support of the ruling before a motion that the ruling not be agreed with is put. A resolution binds the meeting and, if a ruling is not agreed with, it has no effect and the point of order is annulled.

#### *REGULATION 28*

### **Amendments to Motions**

An Elected Member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion if it is relevant to the motion and forms a sensible alternative proposal that adds value, clarifies or improves the motion. It must not be a direct negation of the original motion.

An amendment will lapse if it is not seconded at the appropriate time.

An Elected Member who moves or seconds an amendment (and wishes to speak 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.

Amendments are to be provided to the minute taker in writing to ensure accuracy of recording.

#### *REGULATION 13*

## **Short Term Suspension of Proceedings**

If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the Elected Members present at the meeting, suspend the operation of the meeting.

The minutes must record the period of time and the purpose of any suspension of the meeting.

The meeting will only remain suspended until the purpose of the suspension is met and will officially be unsuspended if:

- the Presiding Member determines that the period should be brought to an end; or
- at least two-thirds of the Elected Members present at the meeting resolve that the period should be brought to an end.

Even though there will be no decision making during a suspension of the meeting, the Guiding Principles of this Code (and related legislation) must be adhered to during any suspension of the meeting.

*REGULATION 20*

## **Deferring an Item**

Where the Presiding Member determines it to be appropriate, they may defer an item of the agenda to another point in the meeting. The Presiding Member may also determine to consider a later item in the agenda earlier in the meeting.

Where Council determines that further information is required to assist with the decision making process, rather than adjourning the item of business, a resolution should be passed requesting that the item be deferred and that a further report be presented with additional information. This will allow for the item to be considered with any new information in the subsequent report.

## **Tabling of Information**

An Elected Member (or the CEO) may require the CEO to table (in hard copy or electronically) any documents of the Council relating to a motion that is before a meeting. The CEO must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the Elected Member who has required the tabling indicates that they are unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled.

The CEO must indicate if they believe that the information should be dealt with on a confidential basis under section 90 or 91 of the Act.

*REGULATION 18*

## **Presentation of a Deputation**

A deputation must not exceed five minutes except with the leave of the meeting. Elected Members are permitted to ask questions about the deputation after the presentation and may determine to move a motion about the deputation as part of motions without notice at that meeting.

As any refused deputations are reported to Council, the Council may resolve to allow a deputation to appear at a subsequent meeting despite a contrary ruling by the Presiding Member.

Council may refer the hearing of a deputation to a council committee.

## *REGULATION 11*

### **Presentations from Staff**

A member of staff may provide a presentation to the Council when requested by the Council via resolution at a previous meeting or when required by the CEO. There may be times when a member of staff is called upon by the Chair to provide additional information on a matter before the Council.

### **Council's Committee Reporting Obligations**

Regardless of their decision making abilities, the minutes from all Council Committee meetings will be presented to Council at the next possible meeting of Council to be received and noted.

Where there is a separate recommendation of the Committee requiring Council to make a decision, a separate resolution must be sought (i.e. in a separate report specific to that matter).

### **Resolutions and Minute Taking**

Minutes are taken as per the resolution of Council only. There will be no minutes of the discussion of the meeting. The Minutes will identify:

- The names of all Elected Members present at the meeting
- Any apologies
- Any approved leave of absences
- Any Elected Members who are absent from the meeting (who have not provided an apology or sought a leave of absence)
- Any times which Elected Members enter and leave the chamber to ensure it is clear who participated in the vote.
- If a motion, withdrawal of the motion and/or any amendments to the motion occurs as well as the mover and seconder.
- If the motion (as put, withdrawn or amended) was carried or lost.
- The details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- The details of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- The details of any adjournment of business
- The details and time taken at any legitimate suspension of the meeting
- Any questions without notice and any of the responses will not be minuted unless the Council resolves to do so.
- The name of any person (as a representor) who makes a deputation to Council (NB - the discussion or information presented will not be minuted, unless resolved that way by Council, in accordance with Councils standard minute taking practices).
- Any other matter required to be included in the minutes by or under the Act or any regulation including:
- A question on notice asked by an Elected Member of which seven clear days' notice has been given together with the reply provided.
- In the event that a division is called by an Elected Member, the names of the Elected Members who voted in the affirmative and the names of the Elected Members who voted in the negative (in addition to the result of the vote).

Draft Minutes will be taken live by a member of the Administration and will be visible by all Elected Members and members of the Gallery via electronic screens (unless the facility does not have the technology or there is a breakdown with the technology).

Where the resolution is different to the recommendation, the minute taker may seek clarification on the wording of the resolution to ensure the wishes of Council are appropriately recorded as resolved.

## *REGULATION 8*

### **Declarations of Conflict of Interest**

Minutes will record any declarations or disclosure of conflicts of interest and include any explanation provided by the Elected Member as to why they have a conflict of interest.

Before the item is discussed, Elected Members are required to provide a verbal explanation of the nature of the interest and if it is a material or general conflict of interest and how they intend to handle the conflict (e.g. leave the chamber for a material conflict, or for a general conflict, remain in the chamber or meeting and vote but not participate in the discussion).

An Elected Member is required to document this information on Council's Conflict of Interest form and provide it to the Minute taker to include in the minutes. The Minute taker will type this into the draft minutes so it is visible to the meeting. The Minute taker is also required under the Act, to record how the Elected Member managed the conflict (e.g. remained in the chamber and voted against the motion).

To ensure that the Elected Members meet the requirement to disclose the interest before the item is discussed the Presiding Member may decide to prompt members to declare their interests.

## *SECTION 73, 74, 75, 75A, 75B, 75C, 75D and 76*

### **Process of Voting for Appointment of Elected Members to Positions**

From time to time, Council will be asked to participate in a vote to appoint an Elected Member to positions, committees, boards or other internal or external vacancies or roles. As an example, Council may need to vote on:

- a nominee as Council's representative for the LGA board
- a Deputy Mayor
- Councillor as a member of a Council committee (for example on the CAP)

Where Council is required to vote, a report will be presented to Council and will include a recommendation for Council to suspend meeting procedures to take leave of the meeting to participate in an election process via secret ballot using a 'first past the post method of voting'. Suspending the meeting procedures will occur when the Presiding member asks for a show of hands or verbal indication to seek leave of the meeting and that 2/3 majority are in favour. This does not require a resolution. The nominees will leave the meeting if required due to a conflict of interest.

In this process the CEO will be the returning officer for the election. The Administration will prepare and provide the necessary voting material for submitting votes to the Elected Members. If there are equal votes counted by the returning officer, the returning officer will draw lots to determine the outcome. Names will be drawn one by one and the name of the candidate that is not drawn will be the person considered in Council's formal resolution. Upon the conclusion of the election, the returning officer will declare the successful candidate.

The Presiding Member will seek to return to the meeting procedures again by asking for a show of hands or verbal indication from the members. A 2/3 majority will allow the meeting procedures to continue. This does not require a resolution of Council.

Upon returning to the meeting, the name of the successful candidate will need to be moved and seconded as Council's nominee/appointee before Council can vote to resolve the outcome.

Depending on the nature of the appointment, the nominated Elected Member will turn their minds to any conflicts that they may have and determine any appropriate actions.

### **Deputy Mayor**

When considering the appointment of a Deputy Mayor, the Administration will include the following process as a recommendation for Council to formally adopt the selection process as detailed below to appoint a Deputy Mayor.

The proposed process will, in an informal manner, identify interested members with the result implemented by way of a formal decision by resolution.

All Elected Members are eligible for nomination, including the existing Deputy Mayor who is eligible for reappointment.

The role of the Deputy Mayor is to act in the Office of the Mayor in their absence. The process is described as:

1. The Council meeting will move into a period when the Meeting Regulations are suspended by action under regulation 20 of the Meeting Regulations. It is noted that that no formal decisions can be made during this time and hence the conflict of interest provisions of the Local Government Act 1999 do not apply during the period of suspension of the Meeting Regulations.
2. The Mayor will call for expressions of interest for the proposed appointment. Only those members expressing interest will be considered. For this reason, if an Elected Member is interested but is unable to attend the meeting, they will notify the Mayor before the commencement of the meeting of their interest and the Mayor will raise this on their behalf in the meeting.
3. If the number of expressions does not exceed the number of positions to be filled, i.e. one, that Member will be confirmed as the appointee by motion moved, seconded and voted upon when the period of suspension ends.
4. Where the number of expressions exceeds one, there will be an informal selection process for the purpose of determining the Elected Member whom the Council will later formally appoint. The selection process will be by a secret ballot overseen by the CEO. The Mayor and each Elected Member present at the meeting will write their preferred candidate's name on a supplied ballot paper. The results will be determined on the basis of the Elected Member with the greater number of votes. In the event of a tied vote the CEO will decide the issue by the drawing of lots. Names will be drawn one by one and the name of the candidate that is not drawn will be the person considered in Council's formal resolution.
5. It is noted that the results obtained from the above informal process, which was not a formal decision-making process as recognised by the Act, will be the subject of Council's deliberation and resolution when the meeting resumes as an open meeting and is no longer under the period of suspension.

6. A Member who has not expressed any interest in appointment will move a motion to appoint the Member identified through the informal process for the actual appointment.
7. Only the Member who will be formally appointed will need to turn their mind to the conflict of interest provisions. It is important to note that the Deputy Mayor allowance is paid at a higher rate than the allowance for an Elected Member.

### **Speaking to Nomination**

Candidates may address Council with a five minute time limit about their nomination for appointment to Council Committees, Deputy Mayor position and external committees and the merits of their application prior to a vote taking place

### **Closure of a Meeting**

The Council will aim to determine all matters within the agenda before the close of the meeting. Council and Council Committee meetings will finish once all items have been resolved, or at 10.30pm, whichever is met sooner.

The Presiding Member may seek leave of the meeting to extend the time of closure of the meeting past 10.30pm until all business has been resolved.

Any items not resolved at the meeting by midnight of that date will be adjourned until the next meeting of Council (Ordinary or Special).

## **PART 3 – AFTER THE MEETING**

### **Minutes of a meeting**

The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.

On the confirmation of the minutes, the Presiding Member will -

- (a) Initial each page of the minutes, which pages are to be consecutively numbered; and
- (b) Place their signature and the date of confirmation at the foot of the last page of the minutes.

### *REGULATION 8*

Original signed minutes will be managed in accordance with the State Records Act 1997. Copies of the Agenda and Minutes will be made available on Council's website and Council offices.

## **PART 4 – OTHER MATTERS**

### **Information and Briefing Sessions**

From time to time Council will meet in an informal manner.

Information or briefing sessions are not used to obtain or effectively obtain a decision on a matter outside of formal Council or Committee meetings (s90A(2) Local Government Act).

Council Information or Briefing sessions are required to be open to the public when a matter is or intended to be on the agenda for a formal meeting of the Council to be discussed (s90A(3) Local Government Act).

Sessions to consider confidential information will be closed to the public to allow attendees to receive, discuss or consider any information or matter considered confidential under s.90(3) Local Government Act. This decision can be made by the Council or the CEO.

Members may participate in the information or briefing session by electronic means so long as the public can hear the discussion between all participants.

### **Committee Meetings**

Council committee meetings are required to be open to the public unless considering confidential information under s90(3) of the Local Government Act. Committee members may participate in the meeting by electronic means so long as the public can hear the discussion between all committee members. The Council may direct a committee not to use electronic means for its meetings.

### **Addressing Elected Members**

Elected Members will be addressed as Cr \*surname during a meeting of Council, a Panel or Committee Meeting. The Mayor will be addressed as Mayor \*surname, the Chair, Your Worship or as the Presiding Member during discussion at meetings.

### **Attendance at Meetings**

Elected Members attendance at meetings is recorded in the minutes of each meeting and is reported in the annual report (which is reported to Parliament).

### **Providing Other Information to Elected Members**

In addition to the Council website, Elected Members will have access to a secure Extranet. Any information which does not require a decision of Council will be provided to Elected Members via the Extranet. From time to time, depending on the nature of the information, some of this information may be provided via another means (i.e. hard copy information or via email). The Administration will ensure that Elected Members have appropriate access to the Extranet and are available to provide support.

## DEFINITIONS

In these procedures, unless the contrary intention appears:

**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

**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.

**Elected Member** means a member of the council or council committee

**Leave of the Meeting** is a provided for under the Act which enables an Elected Member to request (and get permission) to take an action outside of the standard procedures at meeting. A motion does not need to be moved and seconded when leave of the meeting is sought, rather, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing prevents a division from being called in relation to the vote).

**Light** refers to the use of the IT equipment and microphones within the Council Chamber that assists Elected Members to indicate their intention to speak to an item and allows the Chair to identify the order of those Elected Members indenting to speak.

**Motion without Notice** means any items of business brought forward at the meeting which will require a resolution of Council and is of an urgent nature.

**Conflicts of interest - exemptions** means an item which is to be considered by the whole of Council in which conflicts of interest do not apply. These items include:

- (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
- (e) the adoption or revision of an annual business plan;
- (f) the adoption or revision of a budget;
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;
- (h) a discussion or decision of a matter at a meeting of a council if the matter—

- (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and
- (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.

**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/chairing at a particular meeting.

**Questions from the floor** Any question raised by an Elected Member during the meeting on the current item. The question may be directed through the Chair/Mayor to any member of the Executive team. The response must be provided through the Chair/Mayor.

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