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## PART 1 - PRELIMINARY

### 1. Title

- 1.1 This document is titled the District Council of Mount Remarkable Code of Practice – Meeting Procedures at Council and Council Committee Meetings.

### 2. Commencement

- 2.1 These procedures commence on the date this document is endorsed by at least two-thirds of the members of the council entitled to vote on the resolution.
- 2.2 Refer to the last page of this document for a detailed history of its adoption and subsequent reviews, as well as other document control information.

### 3. Interpretation

- 3.1 The role of a *council* is to manage its local area by acting as an informed representative and responsible decision-maker in the best interests of its community. Council can only make decisions and act through a majority vote of the Council (or Committee). The effectiveness of Council and Council Committee Meetings directly contributes towards accountability to the community.

- 3.2 Council meeting procedures are largely determined by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations). In addition to the requirements of the Regulations, this Code of Practice identifies a number of discretionary procedures adopted by Council for Council and Council Committee meetings.

- 3.3 Definitions:

- 3.3.1 In this Code of Practice, the following definitions apply unless the contrary intention appears-

**Act** means the *Local Government Act 1999*;

**clear days**—see sub-clauses 3.3.2 and 3.3.3;

**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<sup>1</sup>;

**Guiding Principles**—see regulation 4;

**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 or these regulations 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;

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

- 3.3.2 In the calculation of **clear days** in relation to the giving of notice before a meeting—
- i. the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - ii. Saturdays, Sundays and public holidays will be taken into account.
- 3.3.3 For the purposes of the calculation of **clear days** under sub-clause 3.3.2, if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- 3.3.4 For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

**Note**—1 See regulation 12 for specific provisions about formal motions.

## 4. Guiding principles

Council's approach to the conduct of its meetings adopts the **Guiding Principles** contained within the Local Government (Procedures at Meetings) Regulations 2013 which state:

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

## 5. Application to the District Council of Mount Remarkable

5.1 Procedures at Council and Committee meetings are regulated by the Local Government (Procedures at Meetings) Regulations 2013. In accordance with these Regulations, Council is able to set discretionary procedures pursuant to Regulation 6. This Code of Practice is made pursuant to this Regulation and has been passed by a two thirds majority of Council Members.

This Code of Practice – Procedures at Meetings applies to ordinary and special council meetings and the meetings of the following Council Committees:

5.1.1 Risk and Audit Committee

5.1.2 Governance Advisory Panel

5.1.3 Airstrip Committee

5.1.4 CEO Review Committee

## PART 2 – MEETINGS OF COUNCIL AND COUNCIL COMMITTEES

### 6. Specific additional procedures adopted by the District Council of Mount Remarkable

6.1 The provisions set out in this Code of Practice reflect the provisions of the Regulations (including numbering) except where Council has utilised its discretionary powers. Regulations that have been varied by Council under these powers are highlighted in **bold** in this document.

6.2 In addition to the mandatory procedures as set out in the Regulations, the following procedures have been adopted by Council to ensure meetings are conducted in the best interests of the Mount Remarkable community.

#### 6.3 Community Question Time

~~6.3.1 As an open and transparent Council, prior to each ordinary council meeting the Mayor, Elected Members and the Chief Executive Officer will be available to receive and answer as appropriate questions from members of the community.~~

~~6.3.2 The community question time will commence 30 minutes before the allotted time for the commencement of the ordinary Council meeting.~~

#### 6.4 Council Meeting Close Time

**6.4.1 Where Council meetings continue to 9.00pm, unless there is a specific motion adopted at the meeting to continue beyond this time, the meeting will be adjourned to a date and time specified as part of the motion.**

#### 6.5 Publication of Council Agenda

**6.5.1 Council meeting Agendas will be uploaded to Council's website at least**

three clear days before the meeting and available for inspection upon request.

## 6.6 Late Items (Reports)

6.6.1 Late items (reports) listed on a circulated Agenda will be emailed and/or delivered to members prior to the scheduled meeting. Late reports will only occur where information has not been provided in time for the delivery of the Agenda and where an urgent Council decision is required.

## 6.7 Standard Council Meeting Agenda

6.7.1 Council's adopted standard agenda is provided at Appendix 1 to this document. The standard agenda will be reviewed at least once in every financial year in line with the review cycle of this document.

6.7.2 Council acknowledges the standard agenda contributes to the effective operation of Council meetings.

6.7.3 The standard agenda will include an *Acknowledgement of Country* - each meeting will commence with a *Welcome to Country* to be read by the presiding member as follows:

"We would like to acknowledge this land that we meet on today is the traditional lands of the Nukunu people and that we respect their spiritual relationship with their country. We also acknowledge the Nukunu people as the traditional custodians of the Nukunu region and that their cultural and heritage beliefs are still as important to the living Nukunu people today".

6.7.4 The standard agenda for Council Meetings will also commence with a prayer, to be read by the Mayor as follows:

"We pray for wisdom to provide good governance for the District Council of Mount Remarkable in the service of our community.

Members will stand in silence in memory of those residents who have passed away since the last meeting and those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

Lest We Forget".

6.7.5 The order of business on the Agenda may, in the interests of good governance be changed by the leave of the meeting.

## 6.8 Council Member Verbal Communications

6.8.1 Members are encouraged to not use verbal communication, and written communication and reports are considered best practise.

6.8.2 The Presiding Member reserves the right to disallow verbal

communication from a member if the Presiding Member believes the communication is best suited in a written format.

**6.8.3 Council Members reports if provided should be by way of a written Members Report, which can be included within the public agenda permitting transparent processes to be adhered to.**

**6.9 Council Committee Reporting Obligations**

**6.9.1 Council Committees will report to Council in the form of the minutes from each committee meeting. The minutes will be received and noted. Any matters discussed by the Committee where a Council resolution is required is to be considered as separate resolutions to the receiving and noting of the Committee minutes.**

## 7. Commencement of meetings and quorums

- 7.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 7.2 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- 7.3 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- 7.4 If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- 7.5 If a meeting is adjourned to another day, the Chief Executive Officer must-
  - 7.5.1 Give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - 7.5.2 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 placed on display at the principal office of the council.

## 8. Minutes

- 8.1 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.
- 8.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 8.3 On the confirmation of the minutes, the presiding member will—
  - 8.3.1 initial each page of the minutes, which pages are to be consecutively numbered; and
  - 8.3.2 place his or her signature and the date of confirmation at the foot of the last

page of the minutes.

#### 8.4 The minutes of the proceedings of a meeting must include—

- 8.4.1 the names of the members present at the meeting; and
- 8.4.2 the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; and
- 8.4.3 in relation to each member present—
  - the time at which the person entered or left the meeting; and
  - unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
- 8.4.4 each motion or amendment, and the names of the mover and seconder; and
- 8.4.5 any variation, alteration or withdrawal of a motion or amendment; and
- 8.4.6 whether a motion or amendment is carried or lost; and
- 8.4.7 any disclosure of interest made by a member; and
- 8.4.8 an account of any personal explanation given by a member; and
- 8.4.9 details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- 8.4.10 a note 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
- 8.4.11 details of any adjournment of business; and
- 8.4.12 a record of any request for documents to be tabled at the meeting; and
- 8.4.13 a record of any documents tabled at the meeting; and
- 8.4.14 a description of any oral briefing given to the meeting on a matter of council business; and
- 8.4.15 any other matter required to be included in the minutes by or under the Act or any regulation.



**8.5 The minutes of relevant Council meetings will also include:**

**8.5.1 Council Member communication reports to the following extent:**

**8.5.2 The Mayor's, Deputy Mayor's and Council Member reports (only the subject matter) where those reports have been provided in writing to the minute taker by 12 noon on the Wednesday next following the meeting.**

**8.5.3 Types of activities to be included in reports are those attended by Council Members in their Representative or Civic capacity only. Examples include:**

- Civic activities (e.g. citizenship ceremonies)
- Meetings with external bodies attended as Council Liaison
- Meetings with residents
- Training sessions attended

**8.5.4 Attendance at Council meetings will not be recorded. Attendance at Council Committee meetings will be recorded.**

**8.5.5 The name of a person or persons (representor) making a deputation. However, the details of the content of the deputation will not be included (refer also to sub-clause 11.9 of this Code of Practice).**

**8.5.6 The time at which each item commences**

**8.6 Minutes will be forwarded by email to Council Members to confirm accuracy and then placed on Council's website by 5.00pm on the Friday next following the meeting, or at the latest, within five days after the meeting.**

**8.7 The minutes of the meetings will not include:**

**8.7.1 Apologies received from Council Members**

**8.7.2 Leave of Absences (except with the leave of the meeting)**

**8.7.3 Voting Patterns other than Divisions or as required by legislation**

## 9. Questions

9.1 A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.

9.2 If notice of a question is given under sub-clause 9.1—

9.2.1 the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and

9.2.2 the question and the reply must be entered in the minutes of the relevant

meeting; and

**9.2.3 Given all questions and answers will be included in the agenda papers and the minutes, the question will not be read out at the relevant meeting.**

9.3 A member may ask a question without notice at a meeting.

**9.3.1 Members can ask a maximum of two Questions without Notice at a Council meeting except with the consent of the meeting.**

**9.3.2 To facilitate the efficiency of meetings, members are encouraged to use the availability of the Chief Executive Officer/Directors prior to the meetings to clarify issues of concern.**

9.4 The presiding member may allow the reply to a question without notice to be given at the next meeting.

9.5 A question without notice and the reply **will not be entered** in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

9.6 The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

**9.7 Questions may be asked 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” as described in sub-clauses 9.3, 9.4 and 9.5 of this Code of Practice.**

**9.8 In asking a clarification question a member will not be considered to be speaking to the motion.**

**9.9 Council Members may not express an opinion when seeking clarification but can provide factual / contextual background at the discretion of the Presiding Member.**

**9.10 A maximum of two clarification points may be asked by individual members in relation to each motion except with the consent of the Presiding Member.**

**9.11 Members are encouraged to seek answers to questions prior to the Council meeting.**

**9.12 Where an answer to a clarification question or question without notice is not possible at the meeting, the question may be taken ‘on notice’. Where this occurs, the member is required to put the question in writing and forward it to the chief executive officer.**

## 10. Petitions

10.1 A petition to the council must—

10.1.1 be legibly written or typed or printed; and

10.1.2 clearly set out the request or submission of the petitioners; and

- 10.1.3 include the name and address of each person who signed or endorsed the petition; and
- 10.1.4 be addressed to the council and delivered to the principal office of the council.
- 10.2 If a petition is received under sub-clause 10.1, the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- 10.3 Sub-clause 10.2 may be varied at the discretion of the council pursuant to regulation 6.

**10.4 Where further investigation is required on issues raised in a petition, the petition will be provided to the next meeting of Council from receipt of the petition to note the petition and a report providing further detail will be provided to Council once investigations have been completed.**

**10.5 On initial receipt of the petition, a summary and the first page only will be provided to Council. When the matter is considered the entire petition will be attached to the report.**

## 11. Deputations

- 11.1 A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- 11.2 The chief executive officer must transmit a request received under sub-clause 11.1 to the presiding member.
- 11.3 The presiding member may refuse to allow the deputation to appear at a meeting.
- 11.4 The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 11.5 If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- 11.6 The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- 11.7 A council may refer the hearing of a deputation to a council committee.

- 11.8** A deputation must not exceed five minutes except with the consent of the meeting.
- 11.9** The name of the representor will be recorded in the minutes of a Council meeting however, details of the content of the deputation will not be included (refer also to sub-clause 8.5.5 of this Code of Practice).
- 11.10** Community Members

Written requests must be received 4 hours prior to the commencement of the meeting to which the deputation is being requested, if the deputation relates to a matter of business on the Agenda.

If the matter is not already listed on the Agenda, then the written request must be received at the principal office of the council, 7 clear days prior to the day on which the meeting is scheduled<sup>1</sup>.

- <sup>1</sup> This will enable staff to liaise with the appropriate Presiding Member, prior to the Agenda for the meeting being distributed. A notation should appear on the Agenda for the meeting in relation to the deputation.

**11.11** State Government/Agencies/Organisations/Developers

When representatives from State Government Departments, various agencies, organisations or developers are seeking approval to make representation to Council, a written request outlining the details of the proposal/information is to be provided to the Chief Executive Officer.

The Chief Executive Officer will seek approval from the presiding member for the representation to be made.

A hardcopy of presentation must be provided to Executive Assistant for record purposes.

If a decision of Council is required in relation to the representation, a further report with appropriate recommendations will be submitted to the Council for consideration.

**11.12** Political Parties

Political party candidates are permitted to make representation to Council in the lead up to an election, to provide all candidates an opportunity to introduce themselves to the Council.

Council will not provide support or be seen to endorse any particular political party or candidate.

## 12. Motions

- 12.1 A member may bring forward any business in the form of a written notice of motion.
- 12.1.1 Where a notice of motion has been given by a member who is not present at the meeting the notice of motion may be moved by any other member present at the meeting**
- 12.1.2 Alternatively, if a member puts forward a written notice of motion, and they are not in attendance at the meeting at which the notice of motion is presented, the written notice of motion may with the consent of the meeting be held over until the next meeting at which the member is present.**
- 12.2 The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.
- 12.3 A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- 12.4 If a motion under sub-clause 12.3 is lost, a motion to the same effect cannot be brought—
- 12.4.1 until after the expiration of 12 months; or
  - 12.4.2 until after the next general election,
- whichever is the sooner.
- 12.5 Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- 12.6 The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- 12.6.1 For clarity, 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.**
- 12.7 The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- 12.8 A motion will lapse if it is not seconded at the appropriate time.
- 12.9 A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

- 12.9.1** Members speaking (including the mover and seconder) to the motion can speak for no longer than two (2) minutes. If further time is required, Members may seek the leave of the meeting for additional time, to a total maximum of five (5) minutes.
- 12.9.2** If the motion is seconded, the common practice of the meeting will be to put the motion without further debate/discussion unless there is a speaker against the motion.
- 12.9.3** The common practice of the meeting will be to alternate speakers for and against the motion until the debate is complete.

- 12.9.4** A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. At the time of seconding the motion, they must seek the approval of the presiding member to do so. Where a member seconds a motion and reserves their right to speak, they will not be considered to have spoken to the motion. Where a member seconds a motion, and has reserved their right to speak to the motion at a later stage, they may not move or second an amendment to the motion.

12.10 A member may only speak once to a motion except—

- 12.10.1 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
- 12.10.2 with leave of the meeting; or
- 12.10.3 as the mover in reply.

**In exercising a right of reply, the mover must confine their remarks to responding to the issues raised during debate and not introduce new material.**

- 12.11 A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- 12.12 A member who has not spoken in the debate on a question may move a formal motion.
- 12.13 A formal motion must be in the form of a motion set out in sub-clause 12.14 (and no other formal motion to a different effect will be recognised).
- 12.14 If the formal motion is—
- 12.14.1 that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

- 12.14.2 that ***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
- 12.14.3 that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
- 12.14.4 that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
- 12.14.5 that ***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.
- 12.15 If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- 12.16 A formal motion does not constitute an amendment to a substantive motion.
- 12.17 If a formal motion is lost—
- 12.17.1 the meeting will be resumed at the point at which it was interrupted; and
- 12.17.2 if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- 12.18 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- 12.19 Any question that lies on the table as a result of a successful formal motion under sub-clause 12.14.3 lapses at the next general election.
- 12.20 The chief executive officer must report on each question that lapses under sub-clause 12.19 to the council at the first ordinary meeting of the council after the general election.
- 12.21 Sub-clauses (12.9), (12.10) and (12.11) may be varied at the discretion of the council pursuant to regulation 6.

## 13. Amendments to motions

- 13.1 A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

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

- 13.2 An amendment will lapse if it is not seconded at the appropriate time.
- 13.3 A person who moves or seconds an amendment (and, if he or she chooses to do

so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

- 13.4 If an amendment is lost, only 1 further amendment may be moved to the original motion.
- 13.5 If an amendment is carried, only 1 further amendment may be moved to the original motion.
- 13.6 Sub-clauses 13.1, 13.3, 13.4 and 13.5 may be varied at the discretion of the council pursuant to regulation 6.

## 14. Variations etc

- 14.1 The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- 14.2 The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

## 15. Addresses by members etc

- 15.1 A member must not speak for longer than **two (2)** minutes at any 1 time without leave of the meeting.

**15.1.1 Members are to speak through the Presiding Member of the meeting when speaking**

**15.1.2 Members will address other members as Councillor during council meetings**

**15.1.3 Members are to stand when speaking to the meeting except when they may be unable to stand due to extenuating circumstances**

**15.1.4 A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee.**

- 15.2 A member may, with leave of the meeting, raise a matter of urgency.
- 15.3 A member may, with leave of the meeting, make a personal explanation.
- 15.4 The subject matter of a personal explanation may not be debated.
- 15.5 The contribution of a member must be relevant to the subject matter of the debate.
- 15.6 Sub-clauses 15.1 and 15.2 may be varied at the discretion of the council pursuant to regulation 6.

## 16. Voting

- 16.1 The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.



- 16.2 The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- 16.3 A person who is not in his or her seat is not permitted to vote -

**unless extenuating circumstances exist, in which case the member may be located elsewhere within the Chamber, but not in an area designated as a public area.**

**16.4 For the purpose of sub-clause 16.3 extenuating circumstances may include:**

**16.4.1 infant or dependent care**

**16.4.2 injury**

**16.4.3 infirmity**

16.5 Sub-clause 16.3—

16.5.1 may be varied at the discretion of the council pursuant to regulation 6; and

16.5.2 does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

## 17. Divisions

17.1 A division will be taken at the request of a member.

17.2 If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

17.3 The division will be taken as follows:

17.3.1 the members voting in the affirmative will, until the vote is recorded, stand in their places;

- i. Members voting in the affirmative but unable (to stand) or not currently in their seats due to extenuating circumstances may indicate their affirmative vote by raising a hand or by indicating in some other clear manner**

17.3.2 the members voting in the negative will, until the vote is recorded, sit in their seats;

- i. Members voting in the negative but not currently in their seats due to extenuating circumstances may indicate their negative vote by raising a hand or by indicating in some other clear manner**

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

- 17.4 The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- 17.5 Sub-clause 17.3 may be varied at the discretion of the council pursuant to regulation 6.

## 18. Tabling of information

- 18.1 A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer 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 member who has required the tabling indicates that he or she is 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).
- 18.2 The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

## 19. Adjourned business

- 19.1 If a formal motion for a substantive motion to be adjourned is carried—
- 19.1.1 the adjournment may either be to a later hour of the same day, to another day, or to another place; and
- 19.1.2 the debate will, on resumption, continue from the point at which it was adjourned.
- 19.2 If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- 19.3 Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- 19.4 The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

## 20. Short-term suspension of proceedings

- 20.1 If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division 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 members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- 20.2 The Guiding Principles must be taken into account when considering whether to act under Sub-clause 20.1

- 20.3 If a suspension occurs under sub-clause 20.1
- 20.3.1 a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
- 20.3.2 the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
- i. the provisions of the Act must continue to be observed<sup>1</sup>; and
  - ii. no act or discussion will have any status or significance under the provisions which have been suspended; and
  - iii. no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
- 20.3.3 the period of suspension should be limited to achieving the purpose for which it was declared; and
- 20.3.4 the period of suspension will come to an end if—
- i. the presiding member determines that the period should be brought to an end; or
  - ii. at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

**Note**—1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Local Government Act 1999.

## 21. Chief Executive Officer may submit report recommending revocation or amendment of Council decision

- 21.1 The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- 21.2 The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- 21.3 The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

## PART 3 – MEETINGS OF OTHER COMMITTEES

### 22. Application of part

- 22.1 The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2

## Notice of meetings for members

- 22.2 Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:
- 22.2.1 that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
  - 22.2.2 that notice need not be given for each meeting separately;
  - 22.2.3 that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
  - 22.2.4 that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

## 23. Public notice of committee meetings

- 23.1 Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) and (3) provided as follows:
- 23.1.1 that public notice need not be given for each meeting separately; and
  - 23.1.2 that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

## 24. Minutes

- 24.1 The minutes of the proceedings of a meeting must include—
- 24.1.1 the names of the members present at the meeting; and
  - 24.1.2 each motion carried at the meeting; and
  - 24.1.3 any disclosure of interest made by a member; and
  - 24.1.4 details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - 24.1.5 a note 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.
- 24.2 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.

## PART 4 - MISCELLANEOUS

### 25. Quorum for committees

- 25.1 The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- 25.2 For the purposes of this regulation, the **prescribed number** of members of a council committee is—
- 25.2.1 unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
- 25.2.2 a number determined by the council.

**Note**—See also section 41(6) of the Local Government Act 1999.

### 26. Voting at committee meetings

- 26.1 Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 26.2 Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- 26.3 The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

### 27. Points of order

- 27.1 The presiding member may call to order a member who is in breach of the Act or these regulations.
- 27.2 A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- 27.3 A point of order takes precedence over all other business until determined.
- 27.4 The presiding member will rule on a point of order.
- 27.5 If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- 27.6 The presiding member is entitled to make a statement in support of the ruling before a motion under Sub-clause 28.5 is put.
- 27.7 A resolution under Sub-clause 28.5 binds the meeting and, if a ruling is not agreed with—

27.7.1 the ruling has no effect; and

27.7.2 the point of order is annulled.

## 28. Interruption of meetings by members

28.1 A member of a council or council committee must not, while at a meeting—

28.1.1 behave in an improper or disorderly manner; or

28.1.2 cause an interruption or interrupt another member who is speaking.

28.2 Sub-clause 29.1.2 does not apply to a member who is—

28.2.1 objecting to words used by a member who is speaking; or

28.2.2 calling attention to a point of order; or

28.2.3 calling attention to want of a quorum.

28.3 If the presiding member considers that a member may have acted in contravention of Sub-clause 29.1, the member must be allowed to make a personal explanation.

28.4 Subject to complying with sub-clause 29.3 the relevant member must leave the meeting while the matter is considered by the meeting.

28.5 If the remaining members resolve that a contravention of Sub-clause 29.1 has occurred, those members may, by resolution—

28.5.1 censure the member; or

28.5.2 suspend the member for a part, or for the remainder, of the meeting.

28.6 A member who—

28.6.1 refuses to leave a meeting in contravention of Sub-clause 29.4 or

28.6.2 enters a meeting in contravention of a suspension under Sub-clause 29.5 is guilty of an offence.

Maximum penalty: \$1 250.

## 28A. Exclusion of Member from Meeting by Presiding Member

(1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.

(2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.

(3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—

(a) objecting to words used by a member who is speaking; or

- (b) calling attention to a point of order; or
  - (c) calling attention to want of a quorum.
- (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
- (a) censure the member; or
  - (b) suspend the member for a part, or for the remainder, of the meeting.

## 29. Interruption of meetings by others

- 29.1 A member of the public who is present at a meeting of a council or council committee must not—
- 29.1.1 behave in a disorderly manner; or
  - 29.1.2 cause an interruption.

Maximum penalty: \$500

## PART 5 – DOCUMENT ADMINISTRATION AND CONTROL

### 30. Document administration and control

|                                    |   |
|------------------------------------|---|
| Policy title:                      | Code of Practice - Procedures at Meetings   |
| Policy number:                     | 04.64   |
| Policy type:                       | Council / Statutory<br><br>Can only be adopted if resolved by at least two-thirds of the members of Council as a whole  |
| Responsible officer:               | Manager Administrative Services   |
| First issued / adopted:            | 15 December 2020, reference (377-2020)  |
| Review period:                     | <ul style="list-style-type: none"> <li>- Reviewing within 12 months following the conclusion of a periodic election, inline with legislative changes or by resolution of Council</li> <li>- Council may at any time, alter a code of practice, or substitute or revoke a code of practice</li> </ul>  |
| Last reviewed:                     | 29 November 2022 [240-2022]   |
| Commencement of Meeting Procedures | As approved by Council on 29 November 2022  |
| Next review date:                  | December 2026   |
| Date revoked:                      | n/a   |
| Applicable legislation:            | Local Government Act 1999<br>Local Government (Procedures at Meetings) Regulations 2013   |
| Related documents:                 | Code of Practice for Access to Council and Committee Meetings and Documents   |
| Public consultation required:      | No  |
| Availability:                      | <p>This Policy is available for inspection at the Council office and any person may obtain a copy of this Policy upon payment of the fee fixed by Council in accordance with Council's Fees and Charges adopted each financial year. It is also available on Council's website <a href="http://mtr.sa.gov.au">mtr.sa.gov.au</a>.</p> <p>Any grievance in relation to this policy or its application should be forwarded in writing to the Chief Executive Officer of the Council.</p> |
| File reference:                    | W:\4. Policy Manuals\Current Policy Manual  |
| Purpose                            | To ensure appropriate and efficient running of Council meetings, contributing to good decisions being made on behalf of the Mount Remarkable community.   |



31. Appendix 1 – Council Meeting Agenda (example)



COUNCIL AGENDA

## Ordinary Council Meeting

Notice is hereby given pursuant to the provision of the Local Government Act 1999 that the next meeting of the District Council of Mount Remarkable will be held **Insert location**

### **Insert: Date and Time of Meeting**

for the purpose of considering the items included in the Agenda

*As per Council's Code of Practice – Procedures at Meetings*

### **Community Question Time**

will be held 5.30pm – 6.00pm in the

**Insert location**

Sam Johnson  
Chief Executive Officer

**Insert Date**



## Community Plan 2021-2031

### Mission

- To enhance a sense of community
- To develop vibrant, sustainable townships that our people feel proud of and connected to and that visitors want to explore
- To provide quality services across all of our community
- To facilitate opportunities for the economic, social and cultural benefit of the community
- To perform regulatory functions with diligence, care and consideration
- To demonstrate sound leadership and work with our community to meet their expectations whilst operating in a financially responsible manner.

### Vision

This is a remarkable community to be part of, a remarkable place to live and a remarkable place to work or be in business. We're a 'can do' Council and what we do, we strive to do remarkably well.

### Values

- Be Remarkable
- Take Others on the Journey
- Engage, Listen, Act
- Innovate
- Adapt
- Be Open and Transparent
- Take Pride and Be Proud

### Goals

| Goal 1<br>A remarkable community to be part of                              | Goal 2<br>A remarkable place to live                   | Goal 3<br>A remarkable place to work or be in business                                 | Goal 4<br>A remarkable place to visit                                    | Goal 5<br>What we do, we strive to do remarkably well                               | Goal 6<br>A 'can do' Council          |
|---|--|--|--|---|---------------------------------------|
| 1.1 Foster a sense of pride, community participation and civic contribution | 2.1 Advocate for essential services                    | 3.1 Partner with key stakeholders on economic development and employment opportunities | 4.1 Partner with tourism stakeholders                                    | 5.1 Maintain and develop roads, stormwater, footpaths and associated infrastructure | 6.1 Demonstrate community leadership  |
| 1.2 Promote inclusiveness   | 2.2 Develop and promote a district community identity  | 3.2 Foster economic development  | 4.2 Develop our district tourism proposition                             | 5.2 Conduct sound asset management  | 6.2 Seek community feedback           |
| 1.3 Provide, maintain and enhance community facilities                      | 2.3 Maintain and enhance town presentation and amenity | 3.3 Support local business and industry  | 4.3 Develop our tourism infrastructure                                   | 5.3 Provide quality services  | 6.3 Enact strong governance           |
| 1.4 Support environmental awareness   | 2.4 Support public safety and health outcomes          |  | 4.4 Support heritage and history   | 5.4 Improve the efficiency and effectiveness of Council services                    | 6.4 Provide financial sustainability  |
| 1.5 Foster civic leadership   | 2.5 Provide planning and development services          |  | 4.5 Support protection of the natural environment while retaining access |   | 6.5 Develop organisational capability |
|   |  |  | 4.6 Support management of native flora and fauna                         |   |                                       |

## ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands of the Nukunu people and that we respect their spiritual relationship with their country.

We also acknowledge the Nukunu people as the traditional custodians of the Nukunu region and that their cultural and heritage beliefs are still as important to the living Nukunu people today.

## PRAYER AND SERVICE ACKNOWLEDGEMENT

We pray for wisdom to provide good governance for the District Council of Mount Remarkable in the service of our community.

Members will stand in silence in memory of those residents who have passed away since the last meeting and those who have made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

Lest We Forget.

## WELCOME

## ORDER OF BUSINESS

### 1. ADMINISTRATIVE MATTERS

#### 1.1 Apologies

#### 1.2 Leave of Absence

#### 1.3 Conflict of Interest

*Members to advise if they have any general or material conflict of interest in any Items on the Agenda and a Conflict of Interest Disclosure Form is to be submitted..*

#### 1.4 Confidential Provisions

*Opportunity to discuss if any item within this agenda should be discussed under Confidential provisions, or any confidential matter within the agenda that should be debated in the open.*

#### 1.5 Previous Meeting Minutes

##### 1.5.1 Ordinary Meeting of Council – **insert Date**

##### 1.5.2 Special Meeting of Council – **insert Date**

#### 1.6 Action List

1.7 Deferred/Adjourned Items

**2. PRESENTATIONS / PETITIONS / DEPUTATIONS**

**3. REPORTS OF COMMITTEES**

**4. REPORTS**

4.1 **Insert report Details**

**5. MOTIONS AND QUESTIONS**

5.1 Motions of which Notice has been Given

5.1.1 **Insert details**

5.2 Motions without Notice

5.3 Questions with Notice

5.4 Questions without Notice

**6. MEMBERS' COMMUNICATION**

6.1 Mayor's Report

6.2 Elected Members' Activities, Allowances and Reimbursements

**7. CORRESPONDENCE**

7.1 **Insert Details**

**8. CONFIDENTIAL ITEMS**

## NEXT MEETINGS

Ordinary Meeting – **Insert Date and Time** at 6.00pm in the Council Chambers, 3 Stuart Street, Melrose

## CLOSE