

## **Code of Practice**

### **Formal Proceedings of Council and Committee Meetings**

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Related Policies	
Related Procedures / Documents	Code of Practice for Access to Meetings and Documents Local Government Association Meeting Procedures Handbook for Elected Members, 2013

## **Chapter 1**

### **Part 1 – Preliminary Matters**

The Local Government (Procedures at Meetings) Regulations 2013 (the 'Regulations') stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings, and allow Council to develop its own code of practice that add to or vary certain provisions of the regulations.

Sections 86(8) and 89(1) of the *Local Government Act 1999* provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures provided it is not inconsistent with the Act or Regulations.

This document is the District Council of Yankalilla's Code of Practice – Formal Proceedings of Council and Committee Meetings. This Code of Practice provides:

- the Local Government (Procedures at Meetings) Regulations 2013 in full as part of the Code of Practice;
- variations to the prescribed meeting procedures which have been adopted by Council (inserted in **blue text** to enable them to be read in conjunction with the formal requirements of the Regulations);
- clarifications to the meeting regulations to assist members in their understanding of the meeting procedures (inserted in **blue text**);
- supplementary meeting procedures apply to both Council and Committee meetings (unless stated otherwise);
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

This Code incorporates the Meetings Regulations as Chapter 2 of this Code of Practice and incorporates the variations made to the regulations by the District Council of Yankalilla.

As recommended by the regulations, this Code of Practice is reviewed annually, and the Council may at any time, by resolution supported by at least two-thirds of members, alter, substitute or revoke the Code of Practice.

# Chapter Two

## Part 1 – Preliminary

### 1. Citation

These regulations may be cited as the Local Government (Procedures at Meetings) Regulations 2013.

### 2. Approval

These procedures were approved by the District Council of Yankalilla in December 2012.

### 3. Interpretation

(1) In these procedures, unless the contrary intention appears:

**“Act”** means the Local Government Act 1999

**“clear days”** — see clause 3(2) and 3(3)

**“deferment”** means to delay a motion until the next meeting as long as there is no question for determination before the meeting. It cannot be used in substitution for a formal motion

**“Deputation”** means a person or group of persons who wish to appear personally before the Council or a Council Committee in order to address the Council or the Committee (as the case may be) on a particular matter

**“formal motion”** means a motion:

- (a) that the meeting proceed to the next business
- (b) that the question be put
- (c) that the question lie on the table
- (d) that the question be adjourned, or
- (e) that the meeting be adjourned

**“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 procedures in relation to the proceedings of a meeting

**“Presiding Member”** means the person who is the Presiding Member at a Council or Council Committee meeting (as the case may be) and includes any person who is presiding at a particular meeting

**“regulations”** means the Local Government (Procedures at Meetings) Regulations 2013

**“written notice”** includes a notice given in a manner or form determined by the Council.

- (2) In the calculation of 'clear days' in relation to the giving of notice before a meeting:
  - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account
  - (b) Saturdays, Sundays and public holidays will be taken into account
- (3) For the purposes of the calculation of clear days under *sub-regulation (2)*, if a notice is given after 5 pm on a day, the notice will be taken to have been given on the next day
- (4) For the purposes of these meeting procedures, a vote on whether leave of the meeting is granted may be conducted by a show of hands (nothing in this sub-regulation prevents a division from being called in relation to the vote).

#### **4. Guiding Principles**

- (1) The following principles (Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of the Council or a Council Committee:
  - (a) procedures should be fair and contribute to open, transparent and informed decision- making
  - (b) procedures should encourage appropriate community participation in the affairs of the Council
  - (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting
  - (d) procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

## **Part 2 - Meetings of Councils and committees (to which Part 2 applies)**

### **Division 1 – Preliminary**

#### **5. Application of Part 2**

- (1) The provisions of this Part apply to:
  - (a) the meetings of the Council
  - (b) the meetings of a Council Committee performing regulatory activities
  - (c) the meetings of any other Council Committee if the Council has, by resolution, determined that this Part should apply to that committee

#### **6. Discretionary Procedures**

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this procedure, then a Council may, by a resolution supported by at least two-thirds of the Members of the Council entitled to vote, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A Council should, at least once in every financial year, review the operation of a code of practice under this procedure.
- (3) A Council may at any time, by resolution supported by at least two-thirds of the Members of the Council entitled to vote, alter a code of practice, or substitute or revoke a code of practice.
- (4) A Council must, in considering the exercise of a power under this procedure, take into account the Guiding Principles.
- (5) Regulation 12(4) does not apply to a motion under sub-regulation (3)
- (6) This regulation does not limit or derogate from the operation of regulation 20(2) – Short-term suspension of Proceedings.

### **Division 2 - Prescribed Procedures**

#### **7. Commencement of Meetings and quorums**

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

- (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.
- (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.
- (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.
- (5) If a meeting is adjourned to another day, the Chief Executive Officer must:
  - (a) give notice of the adjourned meeting to each Member setting out the date, time and place of the meeting.
  - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council.

## 8. Minutes

- (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.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will:
  - (a) initial each page of the minutes, which pages are to be consecutively numbered
  - (b) place their signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include:
  - (a) the names of the Members present at the meeting.
  - (b) in relation to each Member present:
    - (i) the time at which the person entered or left the meeting
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting.
  - (c) each motion or amendment, and the names of the mover and seconder
  - (d) any variation, alteration or withdrawal of a motion or amendment

- (e) whether a motion or amendment is carried or lost
- (f) any disclosure of interest made by a Member which must, in the case of a material conflict of interest, include the details specified under Section 74(5) of the Act (name, nature of the interest and if the Member participated in the meeting) and, in the case of a general or material conflict of interest, include the details under Section 75A(4) of the Act (name, nature of interest, way the Member dealt with the interest, way that the majority voted)
- (g) an account of any personal explanation given by a Member
- (h) details of the making of an order under section 90(2) of the Act (meetings are to be held in the public except in special circumstances) see 90(7) of that section
- (i) a note of the making of an order under Section 91(7) of the Act (minutes and release of documents) in accordance with the requirements of Section 91(9)
- (j) details of any adjournment of business
- (k) a record of any request for documents to be tabled at the meeting
- (l) a record of any documents tabled at the meeting
- (m) a description of any oral briefing given to the meeting on a matter of Council business
- (n) any other matter required to be included in the minutes by or under the Act or any regulation or procedure.

#### **District Council of Yankalilla Variations and Additions**

- (1) The minutes will record:
  - (a) the opening and closing time of the meeting;
  - (b) the names and titles of officers in attendance;
  - (c) apologies and approved leave of absence;
  - (d) Members who have not previously provided an apology or been granted a leave of absence as being absent;
  - (e) if a decision is unanimous;
  - (f) the name(s) of a person(s) wishing to appear as a Deputation and the subject matter of the Deputation will be recorded, noting that the detail of the content of the Deputation will not be recorded;
  - (g) Questions on Notice and the answer given;
  - (h) details of any short-term suspension of proceedings; and

- (2) The minutes will not record:
  - (a) details of the debate;
  - (b) voting patterns unless a division is called or the decision is unanimous;
  - (c) Questions without Notice and the reply unless specifically resolved by Council

## 9. Questions

- (1) A Member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least seven (7) days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under *sub-regulation (1)*:
  - (a) 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
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A Member may ask a question without notice at a meeting.
- (4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting; *in which case the answer will appear as a question on notice in the agenda of the next ordinary meeting of Council.*
- (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.
- (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.

## District Council of Yankalilla Variations and Additions

- (1) *Answers to Questions on Notice will be provided in the agenda of the relevant meeting provided that the questions are submitted to the Chief Executive Officer by close of business at least seven (7) clear days prior to the meeting date. If the Question on Notice is received after this time the question will be held over until the next meeting of Council.*
- (2) *A Member may ask a question without notice at a meeting.*
- (3) *If the Presiding Member rules that a question without notice can be answered and the meeting resolve to record an entry in the minutes, the Member will be asked to supply their question in writing to the minute secretary.*
- (4) *If the Presiding Member rules that a question without notice may be answered, the Chief Executive Officer may take the question on notice, in which case the answer will appear as a Question on Notice in the agenda of the next meeting of Council.*



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## 10. Petitions

- (1) A Petition to the Council must:
  - (a) be legibly written or typed or printed;
  - (b) clearly set out the request or submission of the Petitioners;
  - (c) include the name and address of each person who signed or endorsed the Petition; and
  - (d) be addressed to the Council and delivered to the principal office of the Council via post or in person.
- (2) If a Petition is received under sub-regulation (1), the Chief Executive Officer must ensure that a summary of the Petition including a statement as to the nature of the request of submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the Council or appropriate Committee of the Council (as determined by the Chief Executive Officer), and that access to a copy of the full Petition will be provided to all Elected Members.

### District Council of Yankalilla Variations and Additions

- (1) Petitions received, in addition to the legislative requirements in 10 (1), must:
  - (a) Include the name and address of the person submitting the Petition (the Head Petitioner)
  - (b) The cause, being the request or plea, should be stated at the top of each page of the Petition
  - (c) Relate to a matter within Council's jurisdiction, taking into account Council's role as an advocate on behalf of its community
  - (d) The signatories **must** complete the address field with a residential or business address (not an electronic address)<sup>4</sup>
  - (e) Be directed to Council either by mail, or attached as a document and emailed to [govadmin@yankalilla.sa.gov.au](mailto:govadmin@yankalilla.sa.gov.au)
  - (f) An online Petition is a compliant Petition provided it satisfies the criteria prescribed by regulation 10(1) of the Regulations as set out above and this Code of Practice.
- (2) The Petition must be received by the Chief Executive Officer at least seven (7) clear days before the meeting at which the Petition is presented to Council. The Chief Executive Officer will acknowledge receipt of the Petition to the Head Petitioner and advise of the Council meeting date at which the Petition will be considered.

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- (3) The Head Petitioner should be invited to make a Deputation to Council regarding the Petition. An application for a Deputation will need to be made separately.
- (4) A report will be prepared stating the nature of the request or submission, and the total number of valid signatures or number of persons endorsing the Petition.
- (5) Where a petition does not comply with the requirements of the Regulations and this Code of Practice, only the first page of the Petition will be included in the agenda. Council will receive and note such petitions.
- (6) Council will consider whether to receive the report and whether they require a subsequent report on the subject matter contained in the Petition.

## **11. Deputations**

- (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 via email to [govadmin@yankalilla.sa.gov.au](mailto:govadmin@yankalilla.sa.gov.au).
- (2) The Chief Executive Officer must transmit a request received under sub-regulation (1) to the Presiding Member.
- (3) The Presiding Member may refuse to allow the Deputation to appear at a meeting.
- (4) The Chief Executive must take reasonable steps to ensure that the person or persons who requested a Deputation are informed of the outcome of the request.
- (5) The Chief Executive Officer will (with respect to a request that has not been refused), when information the person or persons who requested the Deputation of the outcome of their request.
- (6) 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).
- (7) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (8) A council may refer the hearing of a deputation to a council committee.

## **District Council of Yankalilla Variations and Additions**

- (1) Requests for Deputations must be received by the Chief Executive Officer by 5.00pm five (5) clear days prior to the Council meeting.
- (2) Late requests to make a Deputation may be considered if they relate to an item of business to be considered at the upcoming Council meeting. Such requests must be received by 12.00noon of the day of the meeting.

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- (3) A maximum of five minutes (5) minutes is permitted for each Deputation, following which the Elected Members may ask questions. The matter will not be debated.
- (4) A person may seek leave of Council to speak for a maximum of 10 minutes per Deputation.
- (5) If a person wishes to distribute or present information, including visual presentations, to the Council in support of their Deputation, then the person must provide the information to the Chief Executive Officer by 5.00pm on the Friday immediately prior to the Council meeting. If the information is not provided to the CEO for distribution it will not be distributed or presented to the Council.
- (6) Written notification will be forwarded to the person(s) who made the request for a Deputation notifying them of the outcome of the request. If approved, they will be notified of the time and date of the meeting at which the deputation will be heard and the method by which the person(s) are to appear at the meeting.
- (7) Elected Members may ask questions of the Deputee.
- (8) Should Council resolve to allow a Deputation, (that has previously been refused by the Presiding Member), to be presented, it will be placed as an item of business on the agenda of the next ordinary Council meeting.

## **12. Motions**

- (1) A Member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the Chief Executive at least seven (7) days before the date of the meeting at which the motion is to be moved.
- (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.
- (4) If a motion under *sub-regulation (3)* is lost, a motion to the same effect cannot be brought:
  - (a) until after the expiration of 12 months
  - (b) until after the next general election whichever is the sooner.
- (5) Subject to the Act and these procedures, a Member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, they consider that the motion should be dealt with by way of a written notice of motion.

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- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in their opinion, beyond the power of the Council or Council Committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time. [The Presiding Member is to ask for a seconder on two \(2\) separate occasions, before declaring that a motion has lapsed.](#)
- (9) (a) A Member moving a motion will speak to the motion at the time of moving the motion.
- (10) A Member may only speak once to a motion except:
  - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter. [Members who have already spoken to a motion may also speak to an amendment to that motion.](#)
  - (b) with leave of the meeting. [Members who speak to an amendment may, if they have not spoken to the original motion, also speak to the amended substantive motion.](#)
  - (c) as the mover in reply. [Members who indicate they have a question, then make a statement or comment, will be taken to have spoken to the motion.](#)
- (11) (a) 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.
- (b) A Member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9), may not move or second an amendment to the motion
- (12) A Member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-regulation (15) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:
  - (a) 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

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- (b) 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
  - (c) 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
  - (d) 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
  - (e) 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.
- (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).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost
- (a) the meeting will be resumed at the point at which it was interrupted; or
  - (b) 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 Member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-regulation (14)(c) lapses at the next general election.
- (20) The Chief Executive Officer must report on each question that lapses under sub-regulation (22) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-regulation (9), (10) and (11) may be varied at the discretion of the Council pursuant to regulation 6.

### **District Council of Yankalilla Variations and Additions**

#### **(1) Motions on Notice:**

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- (a) Prior to lodging a motion, Members may liaise with the Chief Executive Officer (or delegate) on the content of the proposed motion to explore options and implications.
  - (b) When placing a Motion on Notice in an agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist Members to make informed decisions.
  - (c) Motions on Notice have the same status as any other motion and may be amended during the debate.
  - (d) A Motion on Notice may only be withdrawn from the agenda if the Member does not move the Motion at the Council or Committee Meeting.
- (2) Where a Member who has given Notice of a Motion in accordance with regulation 12(2) and is absent from the meeting at which the motion is to be considered, may be moved by any other Member.
- (3) Motions without Notice
- (e) A Member wishing to move a motion without notice is encouraged to make available a written copy of their Motion to assist the Presiding Member in the conduct of the meeting.
  - (f) Where possible, Motions without Notice should be discussed with the Chief Executive Officer and be provided to the Presiding Member and Minute Taker prior to the commencement of the meeting.
- (4) Questions of clarification during the debate
- (a) A question seeking clarification must not amount to a statement. There can be no explanation or personal comment. The Presiding Member of the Committee or Council will advise a Member if a question is too long or is straying from the point.

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**13. Amendments to Motions**

- (1) Subject to sub-regulation 11(a), 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.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (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.
- (4) If an amendment is lost, only one (1) further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one (1) further amendment may be moved to the original motion.
- (6) Sub-regulation (1), (3) (4) and (5) may be varied at the discretion of the Council pursuant to regulation 6.

**District Council of Yankalilla Variations and Additions**

- (1) The Presiding Member is to ask for a seconder, twice, before declaring that an amendment has lapsed.
- (2) A Member moving an amendment will speak to the amendment at the time of moving the amendment.
- (3) A Member seconding an amendment may elect to either speak to the amendment at the time of seconding or may reserve their right to speak to the amendment until a later stage of the debate. Where a Member seconds an amendment and reserves their right to speak to it, they will not be considered to have spoken to the amendment.
- (4) During the debate a Member who has not moved, seconded or spoken previously to the motion or amendments may foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the minutes.

**14. Variations etc.**

- (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.
- (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.**

- (1) A Member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.



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- (2) A Member may, with leave of the meeting, raise a matter of urgency.
- (3) A Member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a Member must be relevant to the subject matter of the debate.
- (6) Sub-regulation (1) and (2) may be varied at the discretion of the Council pursuant to regulation

**District Council of Yankalilla Variations and Additions**

- (1) A Member may seek leave of the Meeting to speak more than once to an agenda item.
- (2) The Presiding Member should refrain from entering the debate until the end of the debate (immediately before the mover speaks in reply) to avoid any suggestion of 'leading' the meeting.
- (3) If a Member making a personal explanation wishes the full text of that personal explanation included in the Minutes, it may be included by a resolution of Council. If not, only the topic and a limited description of the explanation will be included in the Minutes.

**16. Voting**

- (1) The Presiding Member, or any other Member, may ask the Chief Executive Officer to read out a motion before a vote is taken.
- (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.
- (3) A vote in relation to a question for decision before the Council will be taken by show of hands.
- (4) The Presiding Member, or any other Member, may ask the Chief Executive Officer to read out a motion or amendment before a vote is taken.
- (5) A person who is not in his or her seat is not permitted to vote.
- (6) A vote on whether leave of the meeting is granted may be conducted by a show of hands.

**17. Divisions**

- (1) A division will be taken at the request of a Member.
- (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.



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- (3) The division will be taken as follows:
- (a) the Members voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) the Members voting in the negative will, until the vote is recorded, sit in their seats;
  - (c) the Presiding Member will count the number of votes and then declare the outcome;
  - (d) A Member who is unable to stand due to injury, illness, infirmity, disability or other cause, must advise the Presiding Member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and so that such vote is accurately recorded in the minutes. The Presiding Member may, in consultation with the Member concerned, determine the manner in which the Member is to signal their vote.
- (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).
- (5) Sub-regulation (3) may be varied at the discretion of the Council pursuant to regulation 6.

**18. Tabling of Information**

- (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).
- (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**

- (1) If a formal motion for a substantive motion to be adjourned is carried:
- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place, and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.

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- (c) 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.
- (2) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (3) The provisions of this procedure may be varied at the discretion of the Council pursuant to regulation 6.

**20. Short-term Suspension of Proceedings**

- (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.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub- regulation (1).
- (3) If a suspension occurs under sub-regulation (1):
  - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes
  - (b) 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
    - (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.
  - (c) the period of suspension should be limited to achieving the purpose for which it was declared
  - (d) 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.

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

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- (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.
- (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.
- (3) The provisions of this procedure may be varied at the discretion of the Council pursuant to regulation 6.

**Part 3 - Meetings of other Committees (to which Part 2 does not apply)**

**22. Application of Part 3**

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 of the Regulations.

**23. Notice of meetings for Members**

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:

- (1) That notice of a meeting of the Committee must be given in writing, at least three (3) clear days prior to the date of the meeting.
- (2) That notice will be given for each meeting separately except where the Chief Executive Officer considers that it is more appropriate in the circumstances to provide notice of multiple meetings in a single notice (for example where a series of meetings are required within a short period of time), and
- (3) That, where reasonably practicable, the notice of meeting will be accompanied by the agenda and any associated papers.
- (4) In the event that notice of meeting is not accompanied by the agenda and any associated papers, adequate time will be provided during the meeting for Members to read additional documents prior to distribution of them.
- (5) 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.

**24. Public Notice of Committee meetings**

- (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), (3) and (4) provided as follows:
  - (a) that public notice need not be given for each meeting separately, and

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- (b) 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.

**25. Minutes**

- (1) The minutes of the proceedings of a meeting must include:
  - (a) the names of the Members present at the meeting.
  - (b) each motion carried at the meeting
  - (c) any disclosure of interest made by a Member
  - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section), and
  - (e) 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.
- (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.

**26. Quorum for committees**

- (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.
- (2) For the purposes of this regulation, the **prescribed number** of Members of a Council Committee is:
  - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of Members of the Committee by two (2), ignoring any fraction resulting from the division, and adding one (1), or a number determined by the Council.

Note – See also section 41(6) of the Act.

**27. Voting at committee meetings**

- (1) Subject to the Act and these procedures, 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.
- (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.
- (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.

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**28. Points of Order**

- (1) The Presiding Member may call to order a Member who is in breach of the Act or these procedures.
- (2) A Member may draw to the attention of the Presiding Member a breach of the Act or these procedures and must state briefly the nature of the alleged breach.

A point of order takes precedence over all other business until determined.

- (3) The Presiding Member will rule on a point of order.
- (4) 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.
- (5) The Presiding Member is entitled to make a statement in support of the ruling before a motion under sub-regulation (5) is put.
- (6) A resolution under sub-regulation (5) binds the meeting and, if a ruling is not agreed with:
  - (a) the ruling has no effect, and
  - (b) the point of order is annulled.

**29. Interruption of meetings by Members**

- (1) A Member of the Council or Council Committee must not, while at a meeting:
  - (a) behave in an improper or disorderly manner, or
  - (b) cause an interruption or interrupt another Member who is speaking.
- (2) *Sub-regulation (1)(b)* does not apply to a Member who is:
  - (a) objecting to words used by a Member who is speaking
  - (b) calling attention to a point of order, or
  - (c) calling attention to want of a quorum.
- (3) If the Presiding Member considers that a Member may have acted in contravention of sub-regulation (1), the Member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-regulation (3), the relevant Member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining Members resolve that a contravention of sub-regulation (1) has occurred, those Members may, by resolution:
  - (a) censure the Member, or

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(b) suspend the Member for a part, or for the remainder, of the meeting.

(6) A Member who:

(a) refuses to leave a meeting in contravention of sub-regulation (4), or

(b) enters a meeting in contravention of a suspension under sub-regulation (5),  
is guilty of an offence.

Maximum penalty: \$1,250.

**30. Interruption of meetings by others**

(1) A Member of the public who is present at a meeting of the Council or Council committee must not:

(a) behave in a disorderly manner, or cause an interruption.

Maximum penalty: \$500.

## **Chapter 3 – District Council of Yankalilla and Council Committee Protocols**

### **Matters relating to the Order of Business**

#### **District Council of Yankalilla provisions - Agendas and Minutes**

##### Location of the Agenda and Minutes for Inspection

- (a) The Agenda and Minutes are displayed and available for inspection at the Civic Centre Building, and on the District Council of Yankalilla website.
- (b) Hard copies will be charged as per the Fees and Charges Schedule.

#### **Order of Business**

- (a) The Council and its Committees shall generally adhere to the order of business of the published Agenda, being the items of which the members of the public have been notified.
- (b) The Presiding Member may seek leave of the meeting to change the order of business and Members may request the Presiding Member to seek leave of the meeting to change the order of business.
- (c) The meeting may resolve to change the order of business, despite a contrary ruling by the Presiding Member.

#### **District Council of Yankalilla Provisions - Role of the Presiding Member - Speaking in the Debate**

- (a) The Presiding Member is the regulator and facilitator of a meeting and in that role must be impartial.
- (b) If the Presiding Member wishes to speak, it should be either at the beginning of the debate (after the motion has been moved and seconded) or after all other Members who wish to speak have done so, and before the mover in reply.

#### **District Council of Yankalilla Provisions - Meetings**

##### Acknowledgement of Country

- (a) At the beginning of every Council meeting the Presiding Member will read an acknowledgement of country.

##### Debate on a motion

- (a) The Presiding Member may adopt a system whereby alternate speakers will provide a different and alternative point of view until all points of view are exhausted.

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Reports from Elected Members

- (a) Verbal and written reports from Elected Members with relation to Conferences or as representatives on external bodies, from the Principal Member in relation to their monthly reports will not be minuted. Any issues raised can be the subject of a separate motion if required.

Finish times for Council and Council Committees

- (a) Council or Committee Meetings may include a short 'comfort' break, a maximum of 10 minutes, by resolution specifying the duration of the break and the recommencement of time. A 'comfort' break will be called after two (2) hours of sitting time.
- (b) Meetings of Councils, Council Committees or forums shall not exceed 3 hours without an extension of time to conclude the business of the meeting.
- (c) Extension of time can be only for a maximum of 30 minutes and there can only be one (1) extension.
- (d) A resolution is required before 7.00 pm for a decision whether to continue with the meeting for another 30 minutes or adjourn the remaining business to another day.

Apologies

- (a) Apologies for non-attendance at a meeting or advice of lateness in attending a meeting should be tendered at the earliest opportunity and before the meeting begins, to enable the Chief Executive Officer to determine that there will be a quorum for the meeting. Elected Member apologies should be forwarded to the Principal Member, Presiding Member or Chief Executive Officer prior to the meeting.

Absent

- (a) If an apology is not received before the commencement of the meeting, the Member will be noted in the minutes as absent.

Leave of Absence

- (a) Leave of absence is a formal request made by an Elected Member to the rest of Council at a Council Meeting, where the Elected Member is going to miss three or more consecutive ordinary meetings of the Council.
- (b) It can also be made by another Member on behalf of the Member seeking leave. (e) Leave of absence should be formally endorsed by Council in the form of a resolution.
- (c) Members requesting a leave of absence must declare a conflict of interest in the decision in the Chamber for that item.
- (d) Elected Members on an approve leave of absence are not able to attend Council or Committee meetings without having their leave of absence declared completed.



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- (e) Elected Members are not able to include items on the agenda for meetings at which they will not be in attendance.
- (f) The tendering of an apology to Council for a meeting is not the same as the granting of leave of absence.

**District Council of Yankalilla Provisions - Meeting Protocols**

Forms of Address

- (a) The Principal Member should be referred to as “Presiding Member” or “Mayor”.
- (b) Councillors should be referred to by their surname, prefixed with ‘Councillor’ and independent/community members by their surname prefixed with ‘Mr’, ‘Mrs’ or ‘Ms’ for both Council and Committee Meetings.
- (c) Staff present at the meeting should be referred to by either their position title or surname prefixed with ‘Mr’, ‘Mrs’, or ‘Ms’.

Declarations of Interest

- (a) There is an opportunity at the beginning of the Council and Committee meetings for Members to declare an interest in any of the items on the Agenda.
- (b) Notwithstanding, if a Member has an interest in a matter before Council, that interest must be declared at the earliest opportunity, as soon as the Presiding Member announces item.
- (c) A Member must make a full and accurate disclosure for recording in the minutes.
- (d) A Member declaring an interest is able to make a comment or statement in relation to disclosure before leaving the room.
- (e) Determining whether a Member has an interest in a matter is available for the Chief Executive Officer prior to the Council meeting or LGA Conflict of Interest Guidelines.

Speaking during meetings

*Council and Committees*

- (a) Members shall await recognition from the Presiding Member before speaking.
- (b) When speaking during a meeting the member is required to address the Presiding Member and direct all discussion, comments and questions to them.
- (c) All comments provided by the Administration will be done so via the Presiding Member.
- (d) The Presiding Member has discretion to request that a member physically address the Presiding Member.

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Use of Mobile Telephones and Electronic Equipment

- (a) Mobile telephones are to be switched off or turned to silent during meetings of Council or its Committees.

Behaviour in meeting

- (a) Elected members should not engage in behaviour that distracts other Elected Members.
- (b) Behaviour should be consistent with the new Model Behavioural Management Policy.

Communication during a meeting

- (a) During a meeting Members entitled to vote must be respectful to other Elected Members, the Mayor and the debate and must not respond to any other communication, nor seek to communicate with the community, another Member or staff, other than in the course of the open debate in the chamber.
- (b) Members made aware of a private matter which distracts their attention should leave the Chamber to deal with the matter.
- (b) The Presiding Member is able to confer with the Chief Executive Officer regarding the Chairing of the meeting or any matter which supports the Presiding Member in Chairing the meeting.

**District Council of Yankalilla Provisions - Informal Gatherings**

- (a) Informal gatherings are conducted in accordance with the Informal Gatherings Policy.

**District Council of Yankalilla Provisions - Access to Staff**

- (a) Access to staff by Elected Members shall be in accordance with the Nominated Contact list provided by the Chief Executive Officer pursuant to Sections 2.12 and 2.13 of the Elected Member Code of Conduct.

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**1. Further Information**

This Code of Practice will be available for inspection at the Council office listed below during ordinary business hours and provided to interested parties as per Council's Fees and Charges Register. Copies are available to be downloaded, free of charge, from Council's internet site: [www.yankalilla.sa.gov.au](http://www.yankalilla.sa.gov.au)

District Council of Yankalilla  
1 Charles Street  
Yankalilla 5203

Phone: (08) 8558 0200  
Fax: (08) 8558 2022  
Email: [council@yankalilla.sa.gov.au](mailto:council@yankalilla.sa.gov.au)  
Office hours: Monday to Friday, 9.00am to 5.00pm (except public holidays)

**2. Grievances**

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

**3. Review Cycle**

This document is subject to review within 12 months after the conclusion of each periodic election.

**4. Document History**

Date	Version	Council Resolution No.	Description of changes
December 2012		C	Adoption of Policy
February 2014			Review of Policy
November 2015			Review of Policy
February 2020	3	C20022	Amendments to Policy
April 2020	4	C20063	Adoption of amended policy following the implementation of Electronic Participation in Council Meetings Notice (No 1) 2020

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<b>October 2021</b>	<b>5</b>	C21220	Adoption of amended policy following change to Section 90A regarding Information and Briefing Sessions replacing Informal Gatherings.
<b>March 2022</b>	<b>6</b>	C22049	Minor amendment to clear days notice for Questions and Motions on Notice
<b>July 2022</b>	<b>6.1</b>		Removal of Electronic Participation in Council Meetings Notice (No 1) 2020 due to cessation of notice.
<b>November 2022</b>	<b>7</b>		Review of policy following Council Elections
<b>February</b>	<b>7</b>	C23021	Adopted revised policy

## **5. APPENDIX 1**

### **AGENDA (Generic)**

Agendas for Council and Elected Member Forums to be approved by Mayor and Chief Executive Officer.

Agendas for Council Committee meetings to be approved by Chairperson and Executive Officer of the Committee.

*(The headings listed in this generic agenda need only to be included if there is business to be considered under that heading.)*

Commencement

Apologies

Urgent Business

Leave of Absence

Confirmation of the Minutes

Declaration of Interest

Mayor's Report

Reports of Members, Delegates and Working Parties

Deputations (This only applies to Council meetings)

Petitions (This only applies to Council meetings)

Questions on Notice

Questions without Notice

Motions on Notice

Motions without Notice

Reports of Officers

Regional Subsidiaries and other Organisations/Entities

Other Business/Admission of Late Items

Confidential Items

Review of Confidential Items

Closure

## 6. APPENDIX 2

### DEPUTATION GUIDELINES

**The Procedures for the conduct of Deputations are as follows:**

1. A person or persons wishing to appear as a deputation at a meeting must deliver (to the principle office of the Council) a written Deputation request to the Council via [govadmin@yankalilla.sa.gov.au](mailto:govadmin@yankalilla.sa.gov.au) or in person by 12noon on the day of the meeting, if the deputation relates to a matter of business on the Agenda.
2. If the matter is not already listed on the Agenda, then the written Deputation request must be received at the principle office of the Council, five (5) days prior to the day on which the meeting is scheduled.
3. This will enable staff to liaise with the Mayor, prior to the Agenda for the meeting being distributed. A notation should appear on the agenda for the meeting in relation to the deputation. The Mayor may refuse to allow the deputation to appear at a meeting or may offer those requesting a deputation the opportunity to appear at a relevant Committee. If the Mayor refuses to allow a deputation to appear at a meeting, the Mayor must report the decision to the next meeting of the Council. The Council may resolve to allow a deputation to appear despite a contrary ruling by the Mayor. A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of 5 minutes. The Mayor may allow for additional time or speakers.