

CODE OF PRACTICE FOR MEETING PROCEDURES

Adopted September 2023

Legislative

Updated November 2023

ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

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1. GUIDING PRINCIPLES

The City of Adelaide (Council) supports the guiding principle that the procedures to be observed at meetings of Council or a Council Committee should contribute to open, transparent and informed decision making, and encourage appropriate public participation in the affairs of the Council.

Meeting procedures should:

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

Regulation 4 - Local Government (Procedures at Meetings) Regulations 2013

2. SCOPE

The Code of Practice for Meeting Procedures (the Code) is written for the information of the public, members of Council, members of Council Committees and staff of the City of Adelaide.

It applies to:

- a. ordinary and Special Council meetings
- b. Council committees performing regulatory activities
- c. other Council Committees if the Council has agreed that these rules apply to that committee.

The Code of Practice has been informed by the:

- a. *Local Government Act 1999 (SA)* (the Act)
- b. *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the LG Regs)
- c. *Local Government (General) Regulations 2013 (SA)*
- d. Behavioural Standards for Council Members (as gazetted 17 November 2022)

The meeting procedures are intended to summarise the legislation and include any Council specific requirements. Where appropriate a reference to the legislation has been provided.

2.1 Behavioural Standards

The *Local Government Act 1999* section 75E requires that members observe the Behavioural Standards as determined by the Minister. The Behavioural Standards are a public declaration of the principles of good conduct and standards of behaviour that the Lord Mayor and members of Council are expected to demonstrate in the performance of their responsibilities as elected community representatives and within the Council Chamber.

2.2 Members of the Public

Transparency and accountability of Council decision making is a key aim of *the Local Government Act*. Public access to Council Meetings underpins this. To enable this any person attending a meeting of Council is required to:

- a. not behave in a disorderly manner
- b. does not disrupt or interrupt the meeting
- c. be respectful in their language and behaviour
- d. reserve discussion and conversation for before or after the meeting
- e. observe the protocol for electronic devices to be switched off or switched to silent
- f. limit the number of distracting activities.

The Presiding Member may remind any person attending a meeting of Council (as a participant or an observer) of the expectation of behaviour standards at the beginning of the meeting.

3. BEFORE THE MEETING

3.1 Frequency and Times of Meetings and Locations

Council and Committee meetings will be held at a time and frequency determined by Council.

All ordinary meetings of Council will be held in the Council Chamber, Town Hall, King William Street, Adelaide, unless determined otherwise by Council.

All ordinary meetings of Council Committees will be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless otherwise determined by Council or the Chief Executive Officer.

All special meetings of Council, and Committees will take place in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless determined otherwise by the Council, or the Chief Executive Officer (subject to any prevailing decision of the Council)

Information or briefing sessions convened by the Chief Executive Officer will generally be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, or at a place open to the public unless the discussion is one that the Council or the Chief Executive Officer has declared may be held in confidence.

3.1.1 Notice of Meetings

The Chief Executive Officer must, so far as is reasonably practicable, make available for inspection on the Council's website an up-to-date schedule of the dates, times and places set for meetings of the Council and Council Committees.

Notice of information or briefing sessions will also be made available on Council's website. If the briefing is to be held in confidence, the reasoning for this decision will also be communicated.

The Notice of Meetings will be published on www.cityofadelaide.com.au.

3.2 Publication of the Council Agenda

An agenda for ordinary Council or Council Committee meetings will be distributed to members and published on the Council website by Friday 12:00 pm of the week before the meeting.

The agenda for every meeting will be available when the notice of meeting is issued and will identify any matters recommended to be considered in confidence. The agenda for meetings, including reports or workshop/discussion items and excluding any items recommended to be received and discussed in confidence, will be made accessible to the public via, the City of Adelaide website at www.cityofadelaide.com.au.

If the nature of a matter requires that it remains confidential, the matter will be marked 'Confidential' by the Chief Executive in agendas, reports and any other meeting papers dealing with the matter prior to distribution to meeting participants.

The agenda for a special meeting of Council or Committee will, wherever possible, be distributed with at least 24 hours' notice of the meeting.

3.3 Developing the Agenda

The Chief Executive Officer is responsible for the development and publication of Council and Committee meetings. To enable effective decision-making at the meetings of Council, members must commit to reading agendas in advance of the meetings and addressing any questions or concerns about the content to the relevant Director or to the Chief Executive Officer.

The Chief Executive Office may change the structure of the agenda at any time.

Agenda structures for Ordinary Meetings of Council and meetings of Council Committees are provided below.

Ordinary Meeting of Council Agenda:

1. Acknowledgement of Country
2. Acknowledgement of Colonel William Light
3. Prayer
4. Pledge
5. Memorial silence
6. Apologies and Leave of Absence
7. Confirmation of Minutes
8. Declaration of Conflict of Interest
9. Deputations
10. Petitions
11. Recommendation/Advice from Committee/s and Advice from Kadaltilla (if required)
12. Reports for Council (Chief Executive Officer Reports)
13. Lord Mayor's Report
14. Councillors' Reports (including external representative reports) (Monthly)
15. Motions on Notice
16. Motions without notice

17. Questions on Notice
18. Questions without Notice
19. Exclusion of the public (if required)*
20. Confidential Reports (if required)*
21. Closure

**Note - Items 17 and 18 will only be listed on the Agenda when an Item is presented to Council with a request for consideration in a meeting closed to the public*

Special Meeting of Council

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Declaration of Conflict of Interest
4. Deputations
5. Reports for Council (Chief Executive Officer Reports)

Council Committees Agenda

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Confirmation of the Minutes
4. Declaration of Conflict of Interest
5. Deputations
6. Workshops
7. Reports for recommendation to Council
8. Reports for not in Exclusion of the Public
9. Confidential workshops
10. Confidential reports for noting

Special Meeting of Committee

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Declaration of Conflict of Interest
4. Deputations
5. Reports for Council (Chief Executive Officer Reports)

Information and Chief Executive Officer Briefing Sessions do not require agendas.

3.4 Motion on Notice

Members may bring forward business during a Council meeting as a Motion on Notice.

Before a Motion on Notice is submitted, it is preferred that the member speaks to the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the

context. Members should consider alignment with strategic priorities as well as budget impacts when presenting a Motion on Notice.

Motions on Notice can be submitted to the Lord Mayor via the Council Liaison Officer. To support the publication of an agenda within Council timelines, a Motion on Notice must be received by 5:00 pm on the Monday before the publication of the agenda. Any motion received after that time will be listed on the next Council Agenda.

The Lord Mayor may only accept a motion if the subject matter is within the power of the Council.

A member can circulate a proposed motion to other members prior to the meeting to contribute to fully informed decision-making, however, members should not act in a way that could be perceived as seeking a decision.

There can be no debate on the merits of the motion, which may result in a decision being obtained before the formal meeting of the Council (or a committee)

Regulation 12 - Local Government (Procedures at Meetings) Regulations 2013

3.5 Question on Notice

To support the publication of the agenda, a Question on Notice for a Council meeting must be submitted via the Council Liaison Officer by 5:00 pm on the Monday before the publication of the agenda.

Before a Question on Notice is submitted, it is preferred that the member speaks to the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the context. Questions and answers will be taken as read, unless otherwise raised with the Lord Mayor prior to the meeting.

Regulation 9 - Local Government (Procedures at Meetings) Regulations 2013

3.6 Confidential Reports

Confidential items are scheduled toward the end of the agenda to minimise disruption to the meeting and the public gallery.

To support transparency and accountability, Council prefers to receive reports in public wherever possible and any reports considered in confidence will be in line with relevant legislation.

Section 90 and 91 Local Government Act 1999

3.7 Late Reports

From time to time, a report will be prepared for the consideration of Council after the compilation of reports for the preparation of the agenda. This will only occur when there is a matter of urgency that requires a timely decision of Council.

If the late item is not able to be included in the agenda, it will be circulated to members via email and published on Council's website at the earliest opportunity.

3.8 Public Access to the Council

The public can present to a Council meeting via a petition or a deputation.

3.8.1 Petitions

The public can communicate with Council in a meeting by presenting a petition. A petition to the Council must:

- a. identify a head petitioner and the contact details of that person
 - b. be legible
 - c. set out the request or submission of the petitioners
 - d. include the name and address of each person who signed the petition
 - e. be addressed to the Council and delivered to the principal office of the Council.
- Council will accept Electronic Petitions where the above criteria have been met.

A petition must be addressed to the Council and delivered via email to COAGovernanceTeam@cityofadelaide.com.au in person at the Customer Service Centre at 25 Pirie Street, Adelaide.

The petition must be received by 5:00 pm Wednesday prior to the publication of the agenda to allow it to be included in the public agenda.

Regulation 10 - Local Government (Procedures at Meetings) Regulations 2013

If a petition is received, the Chief Executive Officer must ensure that the petition complies with Council specifications. The petition is then placed on the agenda for the next ordinary meeting of Council or a Council Committee as relevant.

If a petition is received after the deadline but prior to the next Ordinary Meeting of Council, verbal notification will be provided to the meeting of receipt of a petition.

If a petition is scheduled for the meeting, a report identifying the topic, the subject of the petition, the number of signatories and the purpose of the petition (being the nature of request or submission) will be presented, with a recommendation acknowledging the number of signatories and the petition to be received.

The original petition will be distributed to the Lord Mayor and members separately.

Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.

Regulation 10 - Local Government (Procedures at Meetings) Regulations 2013

3.8.2 Requests for Deputations

The public can appear personally before Council to address the meeting via a deputation.

A person, or persons, wishing to appear via a deputation at a meeting must complete a Registration Form and forward it to the Council by email to COAGovernanceTeam@cityofadelaide.com.au.

For a matter not on the agenda, the request for a deputation must be received by 5:00 pm Wednesday prior to the publication of the agenda to allow for publication in the Council Agenda.

A deputation for a matter on the agenda must be received by 12:00 pm on the business day before the meeting.

A deputation to a special meeting of Council must relate to the purpose of the special meeting. The registration form for a deputation to a special meeting must be lodged no later than two hours prior to the commencement of the special meeting.

Any person(s) wishing to appear via a deputation on behalf of an organisation must provide evidence that the organisation and/or body they represent has approved the deputation.

Deputation requests will be provided to the Lord Mayor, the Presiding Member will determine if the deputation will be heard at the meeting of the Council or refused.

3.8.3 Conditions for Accepting a Deputation

Whether a request for deputation is accepted is determined on a case-by-case basis and is dependent on the subject of the request. The Presiding Member, when deciding whether to allow a deputation, will take the following considerations into account:

- a. the subject matter of the proposed deputation
- b. whether the subject matter is within the power of the Council
- c. relevance to the Council agenda for that meeting – and if not
- d. relevance to the Council's powers, functions or role
- e. the size and extent of the agenda for the particular meeting
- f. whether the subject matter has previously been the basis of a deputation at another meeting
- g. the benefit to the Council of receiving the deputation
- h. the history of deputations from the person, i.e. the way the person or organisation has approached deputations previously, the behaviour displayed, the relevance of information presented, or the way information has been presented.

The Presiding Member will allow a maximum of three deputations unless the meeting determines otherwise.

If the request for a deputation is accepted, the person requesting the deputation will be advised and provided the relevant details.

If Council has already received the maximum deputation requests allowed, the person requesting the deputation will be advised that the request must be put to the meeting. At this point the person requesting the deputation will also be given the option to put their request to the next meeting.

If the Presiding Member refuses to allow a deputation to appear at a meeting, she or he must provide a verbal report explaining the decision to the next meeting of the Council. The meeting may overrule the decision of the Presiding Member.

Regulation 11 - Local Government (Procedures at Meetings) Regulations 2013

4. AT THE MEETING

Where there is discretion concerning the meeting procedures to be adopted at a Meeting, the guiding principles in this Code should be applied.

Meeting procedures should:

- a. be fair and contribute to open transparent and informed decision-making;
- b. encourage appropriate participation by persons present at the meeting;
- c. reflect levels of formality appropriate to the nature and scope of the responsibilities exercised at the meeting; and
- d. be sufficiently certain to give members and other key stakeholders confidence in the deliberation undertaken at the meeting.

Regulation 4 - Local Government (Procedures at Meetings) Regulations 2013

4.1 Chair of the Meeting

When the Lord Mayor is present at an Ordinary Council meeting, the Lord Mayor must chair the meeting. In the absence of the Lord Mayor the Deputy Mayor will chair the meeting.

If the Deputy Mayor is not available, a member of the Council is chosen by resolution of the members present.

The Chair and Deputy Chair of Council Committees are appointed by Council on an annual basis unless otherwise stated in the Committee's terms of reference.

Section 86 - Local Government Act 1999

The Presiding Member must be fair and impartial to all in a meeting to maintain order and to ensure that the meeting processes adhere to this Code.

Section 86 - Local Government Act 1999

4.2 Nomination to Positions

The role of the Deputy Mayor is to act in the role of the Lord Mayor when the Lord Mayor is absent.

Voting for the election of the Deputy Mayor and Chairperson of each Committee will be by secret ballot of members.

The Presiding Member is to call for all nominations to appoint members, including, for example, Committee Chairperson, Deputy Mayor or nominations to board and committees.

Nominations do not have to be in writing, nor do they have to be seconded.

If there are more nominations than positions, a ballot will be conducted. A secret ballot may be done electronically or via a paper ballot. A record of individual votes is not retained.

- a. All present indicate which member(s) they wish to vote for via their ballot, and a senior officer conducts the count
- b. The member with the most votes will be declared the winner.
- c. The Chief Executive Officer confirms the count and reports the numbers to the Presiding Member.
- d. In the case of a tied ballot, members are to cast a vote for their preferred candidate from the tied candidates. If a revote cannot determine a clear winner and there is a continuing tie, then lots must be drawn to determine which candidate(s) will be excluded
- e. The name of the candidate/s withdrawn are excluded from the ballot
- f. The Presiding Member then announces the successful candidate.
- g. The meeting makes the appointment by resolution.

4.3 Request for Nominations for External Boards or Committees

If an external board or committee requests a nomination from Council, a report to Council will be prepared detailing the purpose of the board or committee, the representation, meeting dates and any applicable remuneration. Additional information including qualifications or accreditation will also be included.

The process for nomination will follow the process outlined above.

Council will require any member appointed as a Council representative to an external organisation to report on their involvement in activities associated with that organisation.

4.4 Recording of Meetings and Use of Mobile Phones

Recording of meetings (including audio, photographs and/or video) by members or third parties will only be allowed with the prior approval of the Presiding Member.

If the public session of the meeting is being recorded and/or streamed live to the internet, the Presiding Member or the Chief Executive Officer will announce this at the opening of the meeting.

All mobile phones must be turned off, in vibration mode or in silent mode during Council and Committee Meetings. Council Members must not send emails or make or receive telephone calls, during Council and Committee meetings when present in the Council Chamber or Colonel Light Room.

When Council or Committee Meetings move into Confidence, Council Members mobile phones are to be removed from access, with tablets or devices used to display meeting papers to only be used for the purpose of viewing meeting papers.

If members need to access to their phone, members are required to leave the Council Chamber or Colonel Light Room without disruption to the meeting.

Council Members should limit their use of mobile phones during workshops and Chief Executive Officer Briefings.

4.5 Minutes of a Meeting

The Chief Executive Officer is responsible for ensuring that minutes are kept of the proceedings at every Council or Council Committee meeting.

The minutes of the proceedings of a meeting must include the following:

- 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)
- 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.

In addition to the above, the minutes will also include the following:

- a record of any undertaking given by the Chief Executive Officer
- in relation to a deputation, the identity of the speaker, and the subject and purpose of the address
- an Acknowledgment of Country

*Section 91 Local Government Act 1999 and Section 25 - Local Government
(Procedures at Meetings) Regulations 2013*

4.6 Declaration of Interest

The Act addresses material and general conflicts of interest and disclosure. It is the responsibility of all members to familiarise themselves with these Sections.

Members should review the agenda and supporting papers and reports prior to attending a Council or Council Committee meeting and have considered his or her potential interest in the matters to be discussed at the meeting. A copy of the Conflict of Interest form will be circulated with the agenda.

A member will fill in a Conflict of Interest form prior to the meeting to outline their conflict and how they intend to manage it. This will be submitted to COAGovernanceTeam@cityofadelaide.com.au who will also provide it to the Presiding Member no later than 12:00 pm on the day of the meeting.

Members will be asked to declare their conflict at the beginning of the meeting. If a conflict occurs during the meeting, the Member will need to ensure that they declare the interest in accordance with the requirements of the Act. Members will also need in the Conflict of Interest form and provide to Council Governance staff.

A disclosure made at a Council meeting will be recorded in the minutes, including the details of whether the member remained in the meeting, and if the member remained, the way all members voted.

If a member wishes to seek advice about a possible conflict of interest before a meeting, they should contact the Manager Governance or Team Leader Council Governance. If necessary, staff will refer the matter to the Council's lawyers for advice.

Sections 74 and 75A, 75B, 75C and 75D - Local Government Act 1999

4.6.1 Staff

The Act addresses conflict of interest for staff. It is the responsibility of all staff to familiarise themselves with the relevant sections in the Act.

Consideration by the Council of a Chief Executive Officer's conflict of interest must occur during a meeting open to the public.

A staff member (who has declared a conflict of interest to the Chief Executive Officer) who remains entitled to act in the matter, when providing advice or making recommendations to a meeting, must also disclose the relevant interest to the meeting.

Section 120 - Local Government Act 1999

4.7 Non-Attendance at Meetings

4.7.1 Leave of Absence

Whilst absence from a meeting may, on occasion, be unavoidable, it is recommended practice to request a 'leave of absence' when a Member knows in advance that they will be unable to attend two or more Council meetings. Council has given delegation to the Chief Executive Officer to grant leave of absence requests. Members absent for more than three consecutive Council meetings without leave of absence being granted may lead to a declaration of a casual vacancy.

4.7.2 Apologies

Apologies for non-attendance at a Council or Council Committee meeting should be forwarded to the Chief Executive Officer before the scheduled start time of the meeting. Apologies will be recorded in the minutes, and time permitting, in the agenda.

4.7.3 Non-Attendance at Meetings

A member who does not attend a Council or Council Committee meeting without the benefit of a formal leave of absence or an apology will be recorded in the minutes as absent.

4.8 Quorum

The quorum for a meeting is ascertained by dividing the total number of members by two, ignoring any fraction resulting from the division, and adding one. The quorum for a Council meeting is seven.

Section 85- Local Government Act 1999

A meeting will commence as soon after the specified start time as a quorum is present.

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 an alternative specified day and time.

If, at the expiration of 30 minutes from the time specified in the notice of the 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 an alternative specified day and time.

4.9 Adjournment of Meetings and Meeting Cancellation

If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minutes the reason for the adjournment, the names of the members present, and the date and time to which the meeting is adjourned.

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; and
- 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 the Council's website.

Regulation 7 - Local Government (Procedures at Meetings) Regulations 2013

4.10 Managing Confidential Items

Confidential items are scheduled toward the end of the agenda to minimise disruption to the meeting and the public gallery.

All confidential items on the agenda are clearly identified as confidential.

A person receiving a meeting paper marked 'Confidential' must not provide that paper to any other person or discuss or disseminate information in that paper unless the meeting has resolved that the matter is not treated confidentially.

When a resolution is passed to consider an item in confidence:

- a. members of the public gallery and administration not required to be present are asked to leave the meeting room and move to a location where the meeting cannot be overheard or viewed
- b. the doors of the meeting room are closed.

A Council or Council Committee must disconnect any live stream or recording of a meeting for the period that the meeting is closed to the public.

Once the item has been considered, the meeting is re-opened, and the public are invited to return.

Members who wish to retain confidential papers for reference are required to keep them in a secure location.

4.11 Speaking at the Meeting and Motions

At a Council meeting, the Principal Presiding Member will be addressed as "Lord Mayor". The Presiding Member of a Committee should be addressed as "Chair ...".

The Council or Council Committee cannot make decisions except by resolution. In the meeting, a motion is moved, seconded and debated by the members present.

The following outlines the procedural arrangements for motions and speaking to motions:

- The Presiding Member will call for a mover and seconder in respect of a notice of motion. Any member who moves the motion may speak to it at the time of moving the motion
- If no member seconds the motion it will lapse, and the meeting will progress to the next item of business
- A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion, unless the Member reserves their right to speak at this time
- A member may only speak once to a motion except:
 - 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 with leave of the meeting; or
 - as the mover in reply.
- A member who has spoken to a motion may not move or second an amendment to the motion at a later stage of the debate.
- Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion
- Only a Member who has yet to speak in the debate on a question may move a formal motion.
 - A Member who has spoken to a motion may not move or second an amendment to the motion at a later stage of the debate.
- A Member who has spoken in the debate may second a formal motion.

Once debated, the Presiding Member puts the motion to a vote and if carried by a majority of votes, it becomes a resolution of the meeting. Resolutions of the Council are implemented by the Chief Executive Officer.

The Presiding Member can make a statement relevant to the debate prior to the member summing up a motion during Council and Council Committee meetings.

Staff will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member.

4.11.1 Formal Motion

A formal motion must be in the form set out in sub regulation (14) (and no other formal motion to a different effect will be recognised).

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 proceed 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 proceed to the next item of business; or

- 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, the 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 a later time (at the point of interruption); or
- e. that the meeting is adjourned - then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

If seconded, a formal motion takes precedence over the business at hand 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).

If a formal motion is lost:

- a. The meeting will be resumed at the point at which it was interrupted: and
- b. If the formal motion was put during the debate (and not at the end of the 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.

A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

Any question that lies on the table as a result of a successful formal motion lapses at the next general election.

The Chief Executive Officer must report on each question that lapses at the first ordinary meeting of the Council after the general election.

Regulation 12- Local Government (Procedures at Meetings) Regulations 2013

4.12 Adjourned Business

If a formal motion for an item 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.
- c. if a debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

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

Regulation 19 - Local Government (Procedures at Meetings) Regulations 2013

4.13 Amendments to Motions

An amendment to a motion is an alteration to the wording of a motion; it is not a motion in its own right.

The amendment should not substantially change the intent of the motion nor contradict it (a direct negative). An amendment that goes beyond this is not an amendment and must be rejected by the Presiding Member.

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.

The following procedures apply to amendments:

- 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
- An amendment will lapse if it is not seconded at the appropriate time
- A member who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- If an amendment is lost, only one further amendment may be moved to the original motion.
- If an amendment is carried, only one further amendment may be moved to the original motion.

Regulation 13 - Local Government (Procedures at Meetings) Regulations 2013

4.14 Variations

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

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

Regulation 14 - Local Government (Procedures at Meetings) Regulations 2013

4.15 Addresses by Members

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

If leave is granted, a member may speak for an additional two minutes only.

A member may, with leave of the meeting, raise a matter of urgency or make a personal explanation.

The subject matter of a personal explanation may not be debated.

The contribution of a member must be relevant to the subject matter of the debate.

Regulation 15 - Local Government (Procedures at Meetings) Regulations 2013

4.16 Voting

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

The Presiding Member will ask for the votes of those members in favour of the motion and then for the votes of those members against. Those Council Members present must vote.

This process can be repeated as often as is necessary to enable the Presiding Member to determine the result of the voting and then declare the outcome.

A member who is not in his or her seat is not permitted to vote.

Regulation 16 - Local Government (Procedures at Meetings) Regulations 2013

4.17 Divisions

A division records the members voting for and against a decision and will be taken at the request of a member. 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.

There is no obligation upon a member to vote in a division in the same manner that he/she voted on the immediately preceding decision.

If the meeting has moved on to the next agenda item, a division cannot be called. 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.

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.

Regulation 17 - Local Government (Procedures at Meetings) Regulations 2013

4.18 Division on an Amendment or Formal Motion

A division will be taken on an amendment or on a formal motion at the request of a member.

The result of the vote as to whether the amendment or formal motion was carried or lost is set aside.

4.19 Tabling of Information

A member may require the Chief Executive Officer to table any documents of the Council relating to a motion that is before a meeting. 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. 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.

In making the request a Council Member must:

- a. specify the document or documents that they are seeking with reasonable particularity to enable them to be identified and located; and
- b. explain how the document or documents are relevant to the motion that is before the meeting; and
- c. the request must be reasonable in all of the circumstances.

The Chief Executive Officer may, in tabling a document, indicate that the document should be dealt with confidentially.

Regulation 18 - Local Government (Procedures at Meetings) Regulations 2013

4.20 Deputations at the Meeting

A person making a deputation must not speak for longer than five minutes at any one time without leave of the meeting. If leave is granted, an additional two minutes only will be provided.

The identity of the person making the deputation, the subject, and the purpose of the address, will be recorded in the Minutes of the meeting.

Material distributed to a meeting and referenced as part of the address may be attached to the Minutes for reference if the speaker agrees; this must be done through a resolution of the Council.

The inclusion of material in the Minutes is subject to an assessment by the Chief Executive Officer as to whether the material is to be disallowed on the basis of it being defamatory, offensive or insulting in content.

Members can ask questions about the deputation provided they observe the guiding principles described in Part One of this Code.

The Presiding Member may rule the speaker ineligible to continue in a deputation if in their opinion, the subject matter is:

- a. not one in which the Council has a direct interest or responsibility
- b. not the topic outlined in the request to make a deputation
- c. one which relates to the prosecution of expiation notices, summonses or any other
- d. litigation
- e. more appropriately addressed by other means
- f. vague, irrelevant, insulting or improper.

4.21 Short-Term Suspension of Proceedings

The Act allows for short-term suspension of proceedings. 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.

If a suspension occurs:

- a. A note of the suspension, including the reasons for any 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
 - 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 resolved that the period should be brought to an end.

Regulation 20 - Local Government (Procedures at Meetings) Regulations 2013

4.22 Leave of the Meeting

When sought by the Presiding Member, in the absence of objection, leave of the meeting is granted.

Where there is an objection, the Presiding Member, will put the matter to the meeting to vote by a majority show of hands and declare leave granted or declined.

A division may be called on whether a leave of the meeting is granted.

If a member needs to leave the Council Chamber, he or she should indicate this to the Presiding Member (e.g. by standing, facing the chair and making eye contact before leaving the meeting).

This will also provide the minute taker the opportunity to record the movement from the Council Chamber. Members should be aware that as soon as they leave their seats, they are considered to have left the meeting.

4.23 Points of Order

If the Presiding Member or a Member believe that there has been a breach of the Act or Regulations and so calls a Point of Order, they must briefly state the nature of the alleged breach such that the Presiding Member can determine which if any part of the Act or Regulation has been breached. The nature of the alleged breach will be recorded in the minutes.

The Presiding Member will then make a ruling on the point of order and this will also be recorded in the minutes.

Under section 86(6a) of the Act a member of Council 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.*

Regulation 28 - Local Government (Procedures at Meetings) Regulations 2013

4.24 Meeting Interruptions

The Presiding Member may make a statement at the beginning of each meeting that sets out his/her expectations and/or the behavioural standards expected at a formal Council or Council Committee meeting, which may include his/her views about what amounts to improper or disorderly behaviour.

For these purposes, the Macquarie Dictionary definitions are used. The adjective 'proper' is defined as 'conforming to established standards of behaviour or manners, correct or decorous', and the adjective 'improper' is defined as 'not in accordance with propriety or behaviour, manners etc' or 'unsuitable, inappropriate, as for the purpose of the occasion'.

The adjective 'orderly' is defined 'observant of system or method, as persons, the mind, etc., characterised by or observant of order, rule or discipline' and the adjective 'disorderly' is defined as 'law violating, or opposed to, constituted order, contrary to public order or morality'.

It is at the discretion of the Presiding Member, whether to control improper and/or disorderly behaviour by way of a number of warnings before resorting to reliance upon this section of the Meeting Regulations.

A Member of a 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.

This does not apply to a member who 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.

If the Presiding Member considers that a Member may have acted in contravention to these regulations, the Member must be allowed to make a personal explanation.

While the Member is excluded from the meeting room under Section 86(6b), no matter (including formal motions or amendments to motions) may be put to the vote, however motions or amendments may be moved and seconded and discussion on any matter before the meeting may continue.

If the Member refuses to leave the meeting following a resolution of the Council under Regulation 28A(4), the process in Regulation 29 is followed. The relevant Member must leave the meeting while the matter is considered by the meeting.

If the remaining Members resolve that a contravention has occurred, those Members may, by resolution:

- a. censure the relevant Member; or
- b. suspend the Member for a part, or for the remainder, of the meeting.

A Member who refuses to leave a meeting, or enters a meeting in contravention of a suspension, is guilty of an offence and a maximum penalty of \$1250 may apply.

The meeting will then consider the conduct and determine if it wishes to take any action against the Member.

If action is to be taken, then in accordance with *regulation 29(5)(a) of the Meeting Regulations* the remaining Members of the Council or Committee can censure the Member by passing a resolution that is an expression or statement of dissatisfaction with the Member's performance, conduct and/or behaviours. Such a resolution has no further effect other than as a formal, public reprimand that is expressed publicly and recorded in the Minutes of the meeting.

Suspension of the Member in accordance with regulation 29(5)(b) of the Meeting Regulations will be reserved for the most serious behaviours.

It is expected that Members will support the Presiding Member, in his/her endeavours to maintain appropriate standards of behaviour during meetings.

Section 86 (6b) Local Government Act 1999

Regulation 28 A 29 - Local Government (Procedures at Meetings) Regulations 2013

4.25 Interruption of Meetings by Others

Members of the public who attend meetings of a Council or Council committee must not—

- (a) *behave in a disorderly manner; or*
- (b) *cause an interruption.*

These behaviours can result in a maximum penalty of \$500.

Regulation 30 - Local Government (Procedures at Meetings) Regulations 2013

4.26 Questions Without Notice

A Member is permitted to ask a Question without Notice at a meeting.

The Presiding Member may allow the reply to a Question without Notice to be given at the next meeting.

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 this should occur.

The Presiding Member may rule that a Question with or without Notice is not answered.

Regulation 9 - Local Government (Procedures at Meetings) Regulations 2013

4.27 Motions Without Notice

Only Motions relating to matters of urgency will be considered without notice by the Presiding Member.

All such Motions are to be put in writing and given to the Presiding Member at the beginning of the meeting; in addition, the proposer of the Motion shall include a rationale as to the urgency of the Motion. The Presiding Member will then determine whether he or she is prepared to accept the motion for consideration at that meeting.

If the Presiding Member accepts the Motion the rationale for the decision will be included as a notation in the minutes of the Council or Council Committee meeting.

Regulation 12 - Local Government (Procedures at Meetings) Regulations 2013

4.28 Revoking a Council Decision

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.

If a motion is lost, a motion to the same effect cannot be brought:

- a. until after the expiration of 12 months; or
- b. until after the next general election, whichever is the sooner.

A motion will lapse if it is not seconded at the appropriate time.

4.29 Closure of a Meeting

The Council will aim to determine all matters within the agenda before the close of the meeting. Council and Council Committee meetings will finish once all items have been resolved, or at 8:30 pm, whichever is met sooner.

The Presiding Member may seek leave of the meeting to extend the time of closure of the meeting past 8:30 pm until all business has been resolved.

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

5. AFTER THE MEETING

5.1 Finalising the Minutes of a Meeting

The Presiding Member must initial or sign the minutes. This can be done in hardcopy or electronically.

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

- a. initial each page of the minutes, which are to be consecutively numbered; and
- b. place his or her signature and the date of confirmation at the foot of the last page of the minutes.

Regulation 8 - Local Government (Procedures at Meetings) Regulations 2013

Copies of the minutes will be provided to each member of the Council within five days after a meeting of the Council or a Council Committee.

Minutes of meetings of Council and Council Committees will be made available on the City of Adelaide website www.cityofadelaide.com.au

If an audio and or visual recording of a meeting for live streaming (excluding any portion of the meeting closed to the public) is produced, it will be available via the City of Adelaide YouTube channel, accessible on the City of Adelaide website www.cityofadelaide.com.au

The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is not possible, at a subsequent meeting.

Section 91- Local Government Act 1999

6. OTHER MATTERS

6.1 Special Meetings of Council and Committees

Special meetings of Council Committees may be held at any time. At least four hours notice is required for a Special meeting of a Council Committee.

A request for a Special meeting of a Council Committee must be made to the Chief Executive Officer.

The request may be made by:

- a. the Presiding Member of the Council Committee; or
- b. at least two members of the Council Committee.

Section 87 - Local Government Act 1999

6.2 Provisions that Apply to Council Committees

Council Committees will determine their own meeting procedures. These will be included in the Committee's Terms of Reference. Where these Terms of Reference are silent the following provisions of these procedures will apply.

- 3.1 Frequency and times of meetings and locations
- 3.2 Publication of the Council Agenda

- 3.3 Developing the agenda
- 3.6 Confidential reports
- 3.7 Late items and reports
- 3.8 Public access to the Council
- 4.4 Recording of Meetings and use of mobile phones
- 4.5 Minutes of a meeting
- 4.6 Declaration of interest
- 4.7 Non-attendance at meetings
- 4.8 Quorum
- 4.9 Adjournment of meetings and meeting cancellation
- 4.10 Managing confidential matters
- 4.11 Speaking at the meetings
- 4.12 Adjourned business
- 4.13 Amendments to motions
- 4.14 Variations
- 4.15 Addresses by Members
- 4.16 Voting
- 4.17 Divisions
- 4.18 Division on an Amendment or Formal Motion
- 4.21 Short-term suspension of proceedings
- 4.22 Leave the meeting
- 4.23 Points of Order
- 4.24 Meeting Interruptions
- 4.25 Interruption of meetings by others
- 5.1 Finalising the minutes of a meeting
- 6.1 Special meetings of Council Committees

6.3 Administrative

Parts of the Code of Practice can be varied at the discretion of Council if the provision is expressed as being capable of variation.

Discretionary provisions requiring two thirds supports under the Local Government Procedures at meeting are:

- Petitions- Regulation 10 (2)
- Motions- Regulation 12 (9), 12 (10), 12 (11)
- Amendments to motions- Regulation 13 (1), 13 (3), 13 (4) and 13 (5)
- Addresses by Members – Regulation 15 (1), 15 (2)
- Voting- Regulation 16 (3)
- Divisions- Regulation 17 (3)
- Adjourned Business – Regulation 19
- Chief Executive Officer may submit report recommending revocation or amendment of council decision- Regulation 21

Regulation 6 - Local Government (Procedures at Meetings) Regulations 2013

REVIEW

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe. The Code is required to be reviewed within 12 months after the conclusion of each periodic election. In addition to this any variations made by the Council to the Regulations must be reviewed at least once every financial year.

This Policy document will be reviewed every **12** months unless legislative or operational change occurs beforehand. The next review is required in **July 2024**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2023/148536	Council	24/09/2023	Adoption of the Code of Practice
ACC2023/148536	Council	28/11/2023	Amendment to section 4.4 regarding use of mobile phones

Contact:

For further information contact the Governance Program

City of Adelaide
25 Pirie ST, Adelaide, SA
GPO Box 2252 ADELAIDE SA 5001
+61 8 8203 7203
city@cityofadelaide.com.au