

Code of Practice – Procedures at Meetings



Version History

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Version Notes

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17 November 2022	Legislative Change	Regulation (8)(4) commenced. Regulation 28A commenced.
21 June 2022	Legislative Change	Removal of all references to electronic meetings at the end of the Minister's Notice
22 June 2021	C220621/12871	Amendment to Clause 9(10) removing the three-minute speaking time and allowing a supplementary question.
27 July 2021	C270721/12887	Amendment to Chapter 3, Clause 3,2 – changing the process for Members Activity Reports
27 July 2021	C270721/12886	Reinstatement of Electronic Meeting Procedures
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28 November 2023	C281123/13575	Adoption of updated CoP with amendments to: <ul style="list-style-type: none"> • Chapter 2 <ul style="list-style-type: none"> ○ Clause 9 ○ Clause 12 ○ Clause 8(1) ○ Clause 4 ○ Clause 3 ○ Clause 8(5) ○ Clause 8(6)(o) ○ Clause 17 ○ Clause 19 • Chapter 3 <ul style="list-style-type: none"> ○ Clause 3 ○ Clause 3.1.5 ○ Clause 3.6.2
17 September 2024	C92024/13764	Adoption of updated CoP with amendments to: <ul style="list-style-type: none"> • Chapter 2 <ul style="list-style-type: none"> ○ Clause 8(6) ○ Clause 9(5) ○ Clause 9(6) ○ Clause 11(30) ○ Clause 17(3) • Chapter 3 <ul style="list-style-type: none"> ○ Clause 3.1 ○ Clause 3.9

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Chapter 1: Introduction

The City of Burnside is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.



Legislative Requirements

The *Local Government Act (Procedures at Meetings) Regulations 2013* (the 'Regulations') outline 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* states 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 City of Burnside's Code of Practice for Procedures at Meetings (the Code). 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 **green 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 **green 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 *Local Government (Procedures at Meetings) Regulations 2013* (Regulations) as Chapter 2 of this Code of Practice and incorporates the variations made to the regulations by the City of Burnside.

Strategic Plan Reference

Principle 4: Governing with Integrity

Availability

- 1.3.1 The Code of Practice – Procedures at Meetings is available to be downloaded, free of charge, from Council's website www.burnside.sa.gov.au.
- 1.3.2 The Code of Practice – Procedures at Meetings may be purchased at a fee as set annually by Council.

Guiding Principles

The City of Burnside 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:

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

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

Committees of Council

- 1.4.1 Council has established the following Committees, under Section 41 of the *Local Government Act 1999*:
 - 1.4.1.1 Audit & Risk Committee
 - 1.4.1.2 Chief Executive Officer Review Committee
- 1.4.2 All Committees meet and attend to business in accordance with their respective Terms of Reference and the Code of Practice – Meeting Procedures.
- 1.4.3 This Code of Practice does not apply to the Council Assessment Panel (CAP) which has its own Operating Procedures and regulations.



Chapter 2: *Local Government (Procedures at Meetings) Regulations 2013* including City of Burnside Variations & Clarifications

This chapter of the Code of Practice includes the *Local Government (Procedures at Meetings) Regulations 2013* in full and the variations made to the Regulations by the City of Burnside (in green text). In addition, there are also clarifications included.

Part 1—Preliminary

1—Short title

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

2—Commencement

These regulations will come into operation on 1 January 2014.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the Local Government Act 1999;

clear days—see subregulations (2) and (3);

deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

formal motion means a motion—

- (a) that the meeting proceeds to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

Guiding Principles—see regulation 4;

member means a member of the council or council committee (as the case may be);

point of order means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

presiding member means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

written notice includes a notice given in a manner or form determined by the council, **must be legible and includes paper or electronic form including email. Motions on Notice and Questions on Notice need to be submitted through the Council Member portal or to the Chief Executive Officer using the email address provided to all Council Members.**

- (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; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purposes of the calculation of clear days under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

- 1 See regulation 12 for specific provisions about formal motions.

4—Guiding Principles

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a 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 key committees

Division 1—Preliminary

5—Application of Part

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and

- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee (Audit & Risk Committee and Chief Executive Officer Review 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 regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, 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 regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, 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 regulation, take into account the Guiding Principles.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
- (a) as determined by the council; or
 - (b) in the case of a council committee where a determination has not been made by the council— as determined by the committee.
- (See sections 86(8) and 89(1) of the Act.)

Clarification:

- Sections 6(1) and 6(3) of the Regulation's allows Council to alter, substitute or revoke a Code of Practice by a resolution supported by at least two thirds of the members of the Council entitled to vote on the resolution.
- This is interpreted as being the number of Members who are present in the meeting room for the vote, excluding the Mayor who is only entitled to vote in the event of a tie. If the Mayor is required to break a tie, they should be included in the calculation.

- Any member who is an apology or is absent from the meeting or if a member declares a conflict of interest and leaves the meeting or is otherwise not in his/her seat is to be excluded for the purposes of the calculation.

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; 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 display at the principal office of the council.

Clarification:

- Section 85(1) of the *Local Government Act 1999* requires that a prescribed number of members of the Council to be present (quorum) at a meeting to conduct business. If a quorum is not present, no business can be transacted.
- Section 85(2) of the *Local Government Act 1999* excludes a member of the council who is suspended from the office of member of the council; and a member of the council who is taken to have been granted leave of absence from the office of member of the council under section 55 and are not included in the number of members present when calculating the quorum for a meeting.
- The Prescribed Number of members is ascertained by dividing the total number of members of the council by 2, ignoring any fraction and adding one

- The quorum calculation for the City of Burnside¹ is $(13/2)+1=7$ (ignoring any fractions) and may be changed if any members are suspended or granted a leave of absence under section 85(2) of the *Local Government Act 1999*.

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; and
 - (b) place his or her 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; and
 - (ab) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (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 75C(5) of the Act (name, nature of the interest as described by the member and if the member participated in the meeting under section 75C(3) and, in the case of a general conflict of interest, include the details specified under section 75B(3)

¹ Assuming no members are suspended or on a leave of absence under section 55 of the *Local Government Act 1999*.

of the Act (name, nature of interest as described by the member, way the member dealt with the interest, if the member voted on the matter, the manner in which the member voted); and

- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under subsection (2) of section 90 (Meetings to be held in the public except in special circumstances) of the Act (see subsection (7) of that section); and
- (i) a note of the making of an order under subsection (7) of section 91 (Minutes and Release of Documents) of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a short description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Burnside Variations & Additions:

- (5) The format of the Minutes are at the discretion of the CEO.
- (6) The minutes record:
 - (a) the opening and closing time of the meeting;
 - (b) Presiding Member and Members in attendance;
 - (c) CEO and Directors in attendance (names and titles);
 - (d) the closing and opening of the meeting under the confidential provisions under section 90 and 91 of the Act;
 - (e) apologies, approved leave, and un-notified absences of Members;
 - (f) motions and resolutions;
 - (g) the names of the Members who voted in the affirmative or negative for a particular item, only if a "division" is called by a Member or is required by the Local Government Act;
 - (h) adjournments, and the reasons for adjournments, required pursuant to Council's Dealing with Disruptive Behaviours Policy.
 - (i) the name(s) of a person(s) wishing to appear as a deputation, their suburb and the subject matter of the deputation will be recorded in the minutes of a Council or Council Committee meeting but the details of the content of the deputation will not be included.
 - (j) the names of Members who enter and leave the chamber and the time that they enter and leave

- (k) the Executive Summary of each report presented.
 - (l) the publicly available minutes will not include any details of the confidential matters considered by the Council except for the orders to open and close the meeting under the Act.
 - (m) any documents presented or tabled at the meeting.
 - (n) Questions on Notice and the Answer, as long as they are provided to Council Members prior to the commencement of the meeting, the meeting does not need to reach this item to include the answers in the minutes.
 - (o) details of any short-term suspension of proceedings.
 - (p) the name(s) of a person(s) wishing to appear as a participant in Public Question Time the subject matter of the question, if the question was taken on notice and who answered the question will be recorded in the minutes of a Council meeting but the details of the question and answer will not be included.
- (7) The minutes do not record:
- (a) the general tenor of debate.
 - (b) the names of the Members who voted in the affirmative or negative for a particular item, in the absence of a “division” being called by a Member or a legislative requirement. The minutes of Council and Council Committee meetings will not include voting patterns, this includes if a decision is unanimous.
 - (c) Questions without Notice and the reply unless the Council resolves to do so.
 - (d) the number of members of the public or representation of any media present
 - (e) staff will not be recorded in the minutes when leaving and returning to the meeting with the exemption where they have identified a conflict of interest and has been declared or when the council moves into confidence under section 90 of the Act.
 - (f) discussion will not be recorded in the minutes of council or committee meetings.
 - (g) any foreshadowed motions.
- (8) Acceptance of minutes as true and correct has the effect of making ‘true and correct’ that which may in fact not be entirely accurate. Members are expected to read the minutes carefully before acceptance is voted upon, to ensure that any errors are addressed prior to acceptance. It is recommended that significant corrections are made through a motion at the time of the acceptance of the minutes as a true and correct record.
- (9) Minutes will be forwarded electronically to members and placed on Council’s website within 5 days of the meeting.

9—Questions

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

Clarification:

- Questions on notice need to be received by the CEO by 5.00pm, 7 clear days before the date of the meeting, for Council meetings held on a Tuesday, the relevant day is the Monday prior to the meeting. Questions on notice need to be submitted to the CEO through the Council Member portal or to the Chief Executive Officer using the email address provided to all Council Members.
- If the question on notice is received after this time, the question will be treated as a question for a subsequent meeting of the Council.

- (2) If notice of a question is given under subregulation (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; and
 - (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.
- (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.

Clarification:

- If a Council Member wishes to have a question without notice and its answer recorded in the minutes they need to move a motion in accordance with 9(5) above. As Council Members are unable to do this with a motion under debate, they can foreshadow this, and move a motion for the question and answer to be recorded in the minutes after the question is resolved.

- (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. The reason for ruling that a question with or without notice not being answered will be provided at the time the determination is made. The reasons will be communicated to the member who asked the question.

Clarification:

- The presiding member can make a ruling that a question with notice is not answered at anytime up to the time that the replies to the questions are published to Council Members prior to the commencement of the meeting.

City of Burnside Variations & Additions:

- (7) Answers to Questions on Notice are included in the Minutes of the meeting at which they were provided. Only the question asked will be included in the Agenda papers. Answers to Questions on Notice will be provided to Members via email before the commencement of each meeting. If it is not possible to compile an answer in the time prior to the Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Meeting. If answers to questions on Notice are provided to Council Members prior to the commencement of the meeting the answers will be included in the minutes even if the meeting does not reach this item on the agenda.
- (8) Questions should be succinct and relevant to the matter and not a statement. The Presiding Member will determine if the member has asked a question or has spoken to the motion.
- (9) No debate is permitted on questions on notice and the answers provided.
- (10) Members asking a question may ask a supplementary question following their initial question before the need to re-queue.
- (11) Members who ask a question will need to indicate their wish to speak to the motion after asking their clarification question by indicating their wish to speak using the council's queuing system. If a member wishes to as a subsequent question they will need to re-queue using the council's queuing system.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the Presiding Member and will not be asked directly to a Member or Officer.
- (13) Answers given in response to such questions will also be directed to the Presiding Member and will be directed to the person initiating the question.
- (14) If a question is received by the CEO prior to the time specified in clause 9(1) the CEO will provide any questions received to the Presiding Member to determine if they are to be ruled on under clause 9(6). If a ruling can be made prior to the time specified in clause 9(1) the Council Member can seek advice from the CEO on the Presiding Member's ruling and resubmit if time permits. Otherwise, the Presiding Member's ruling will stand. If a Council Member is unable to alter the question prior to the time specified in 9(1) the Council Member can submit the question to a future meeting of the Council.

Clarification:

- Members are encouraged to, where possible, seek answers to particular matters/issues from other Members or staff prior to the meeting, or alternatively use the Question on Notice process.

10—Petitions

- (1) A petition to the council must—
 - (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and

- (c) include the name and address (postal) 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.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6 (Discretionary Procedures).

City of Burnside Variations & Additions:

- (4) To be valid, a petition must:
- (a) be the original of each page of the document.
 - (b) contain the name and contact details of the head petitioner on each page of the petition
 - (c) be addressed to the council and relate to a matter within the Council's jurisdiction.
 - (d) clearly set out, on each page, the request or submission of the petitioners.
 - (e) contain the name and postal address and signature of each petitioner.
 - (f) not contain material that, in the opinion of the CEO, is defamatory or offensive.
 - (g) Online petitions must meet the requirements outlined for a petition.
 - (h) inform signatories that a petition is a public document and details provided may be published and publicly available.
- (5) It is the responsibility of the Head Petitioner to ensure that signatories to a petition are aware of the public nature of petitions submitted to Council and that the information provided on a petition may be published on Council's website.
- (6) Where a page of a petition does not comply with clause (4) above the signatures on that page are not to be taken into account by the Council when considering the petition.
- (7) If a Petition is received regarding a past or present Development Application, it shall be referred to the Council Assessment Panel for consideration via the representation process.
- (8) If the CEO considers that the petition contains defamatory or offensive material, it will be refused and not placed on the Agenda. In that event, the CEO will inform the head petitioner that the petition that it has been refused and inform that person that if they submit a further petition that conforms to requirements, it will be placed on the Agenda in accordance with this Code.

- (9) The petition should be accompanied by a covering letter; this covering letter does not constitute part of the petition. The petition speaks for itself, in its own terms.
- (10) The petition must reach the CEO at least 8 clear days before the meeting at which the petition is presented to Council. Receipt of the petition will be acknowledged to the head petitioner, who will be advised of the Council Meeting date upon which it will appear and the processes which they can make an application for a deputation to speak to the petition.
- (11) A report will be prepared stating the nature of the request or submission and the total number of valid signatures or the number of persons endorsing the Petition. The Petition will be made available to Council Members on the Council Member Portal. The covering letter will not be provided.
- (12) Council will consider whether to receive the petition. The CEO may indicate in the report if there is a need for a further a report on the matter to be provided to Council for detailed consideration.
- (13) A Petitioner may also seek to make a Deputation, if they wish to speak to the petition. An application for a deputation will need to be made separately.
- (14) The outcome of the detailed consideration of the Petition will be communicated to the head petitioner.
- (15) The CEO has the absolute discretion to contact the head petitioner should a petition not comply with clause (4) or it is unclear to the CEO whether the document is intended to be a “petition”. In such circumstances the operation of clause (10) will be suspended until such time as the petition complies with clause (4) or it is confirmed to the CEO by the head petitioner that the document is intended to be a “petition”.
- (16) The Chief Executive Officer will determine what is considered a petition and what is considered general correspondence or a customer service request. At least ten (10) individual signatures should be listed on the document for the document to be recognised as a petition. All other documents will be treated as normal correspondence and forwarded to the appropriate officer to consider the request and undertake action as appropriate.

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. This can be made through the online form available on Council’s website.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

City of Burnside Variations & Additions:

- (8) A Deputation may be made on a policy issue or general matters of concern to (or affecting the interests of) the City as a whole or a proportion of the residents of the City.
- (9) A request to make a Deputation must be made in writing to the CEO by 12.00 noon on the day prior to the Council Meeting, who will refer the request to the Presiding Member.
- (10) Unless the Presiding Member determines otherwise in relation to a request, Deputations in relation to:
 - (a) planning or building applications;
 - (b) orders, prosecutions, or expiation matters;
 - (c) procedural matters; and
 - (d) specific grievances that do not fall within clause (8) above are not permitted, unless the matter is the subject of a non- confidential report contained in the Agenda papers.
- (11) Unless the Presiding Member determines otherwise in relation to a request, Deputations are not permitted where another method of expressing a viewpoint is more appropriate, if a previous deputation has been made on the same topic by the person(s) and the current person(s) intends on repeating the same material or if the Council has consulted or intends to consult with its community.
- (12) If there are more than five (5) requests to make a Deputation at a particular meeting, the Presiding Member and the CEO may select five (5), having regard to the relevance, matters, viewpoint and timeliness of the matters to be raised and the desirability of spreading the opportunity for residents to address the Council as widely as possible. The Presiding Member will attempt to ensure that there is a balance of opinions if there are more than 2 requests for deputations on the same topic.
- (13) The CEO will notify the applicant in writing whether the request has been refused or approved.
- (14) If the request has been approved, the CEO will provide details of the date and time of the meeting at which the Deputation will be heard.
- (15) If the request has been refused, the CEO must inform the applicant of the provisions of clause 16 of this Policy.

- (16) A person making a Deputation should attend the meeting place ten (10) minutes prior to the commencement time and inform the staff of their presence, following which they are to wait in the public gallery until called.
- (17) Immediately prior to delivering their Deputation, the person must state their name and suburb, for the public record.
- (18) A maximum of five (5) minutes is allowed for each Deputation, following which Members may ask questions.
- (19) The matter will not be debated and the participation in the meeting of the person making the Deputation ends with the conclusion of that Deputation.
- (20) A deputation may not exceed two (2) people, except with the prior consent of the Presiding Member.
- (21) No privilege against defamation attaches to a Deputation.
- (22) Persons making Deputations are to avoid derogatory and defamatory comments and must present their Deputation courteously.
- (23) If a person wishes to distribute or present information, including visual presentations, to the Members in support of their Deputation then the person must provide the information to the CEO by close of business the day prior to the meeting (i.e. 5.00pm Monday prior to the Council Meeting). If the person does not provide the information to the CEO for distribution, then the material will not be distributed or presented to the Members.
- (24) Disorderly behaviour during a deputation is subject to relevant legislation.
- (25) If multiple persons use the same written application to apply to make a deputation, the CEO and Presiding Member are to treat the application as being one, for a joint deputation, not separate individual deputations. If such persons wish to negate this presumption, the written application must clearly state that each person wishes to make a separate deputation.
- (26) Where deputations involve multiple people requesting to speak on the same topic each deputation will need to cover new points or information. The Presiding Member has discretion to determine if the subject matter has been covered by previous speakers and to end the deputation.
- (27) Any person(s) wishing to appear as a deputation, and claiming to represent an organisation and/or body, must, prior to the Council meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation and/or body, and provide a copy of the constitution and rules of the organisation and/or body, the number of members and proof that the organisation and/or body has authorised the deputation.
- (28) If an association, organisation or body is generally known, the requirements of clause (27) above will not be required.
- (29) The name(s) of the representor(s), subject matter and if any documents were provided or tabled will be recorded in the minutes of a Council or Council Committee meeting. The details of the content of the deputation will not be included.
- (30) If someone wishes to have an interpreter present to make a deputation, they may do so at their own expense.

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 officer at least 7 clear days—before the date of the meeting at which the motion is to be moved.

Clarification:

- Written notice of motion needs to be received by the CEO by 5.00pm, 7 clear days before the date of the meeting, for Council meetings held on a Tuesday, the relevant day is the Monday a week prior to the meeting.
- A notice of motion received after this time will be treated as a motion for a subsequent meeting of the council.
- Motions on notice need to be submitted to the CEO through the Council Member Portal or to the Chief Executive Officer using the email address provided to all Council Members.

- (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 (recission motion).
- (4) If a motion under subregulation (3) 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.
- (5) Subject to the Act and these regulations, 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, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time. **The Presiding Member is to ask for a seconder before declaring that a motion has lapsed.**
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion. **Unless the seconder reserves their right to speak to the**

motion at a later stage of the debate, at the time of moving the motion, in which case the seconder will not be considered to have spoken to 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 to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (11) A member who has spoken or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9) to a motion may not at a later stage of the debate 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 subregulation (14) (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
 - (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; and
 - (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 1 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 subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

City of Burnside Variations & Additions:

- (22) Motions on Notice:
 - (a) When placing a motion with notice in an Agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist Members to make informed decisions, after consultation with the member in writing.
 - (b) Motions on notice have the same status as any other motion and can be amended during the debate.
 - (c) A Motion on Notice can only be withdrawn from the agenda if the Member does not move the motion at the Council or Committee Meeting.
- (23) 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, the motion will be deferred to

the next meeting or may be moved by any other member who has the written permission of the giver of the Notice of Motion. Evidence of the written permission must be tabled at the meeting prior to the Motion being moved.

(24) Motions without Notice:

- (a) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their motion to the CEO to assist the Presiding Member in the conduct of the meeting.
- (b) Where possible, Motions Without Notice should be discussed with the Chief Executive Officer and will be provided in writing to the Presiding Member and the Minute Taker prior to the commencement of the meeting.
- (c) All Motions Without Notice will be discussed at the relevant time in the meeting where the Presiding Member will call for a seconder for the motion.

Clarification:

- If a motion is lost no decision has been made.
- Any member who has spoken in the debate can second a formal motion. Only the mover of the formal motion is required not to have spoken in the debate.
- A member, who has not spoken in the debate, can move a formal motion and needs to use the exact words as written in sub regulation (14) above.
- There is no debate on a formal motion, unless it is a motion to adjourn then the meeting may discuss the details of the adjournment (i.e. Date and Time) that the item is being adjourned until.
- Where the Council determines that further information is required to assist with the decision-making process, rather than adjourning the item of business, a resolution should be passed requesting that the item be deferred to a future meeting and that a further report be presented with additional information, prior to debate on the item commencing. This allows for the item to be considered with any new information in the subsequent report, rather than at the next meeting as an adjourned item.

13—Amendments to motions (two (2) Amendments allowed)

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time. **The Presiding Member is to ask for a seconder before declaring that an amendment has lapsed.**

- (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. Unless at the time of seconding the amendment the seconder requests to reserve their right to speak to the amendment later in the debate, in which case the mover or seconder will be taken to have spoken to the amendment.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Burnside Variations & Additions:

- (7) All Members are able to speak to an amendment, even if they have spoken to the motion.
- (8) The mover and seconder of the Motion will have been taken to have spoken to the motion, when debate resumes after the amendment.
- (9) A member who is speaking to an amendment has one (1) minute to speak. A Member moving or seconding an amendment will have three (3) minutes to speak as they are in effect speaking to the motion when moving an amendment.

Clarification:

- Members should only debate the amendment not the whole motion.
- Amendments are not permitted to be a direct negative to the motion. Amendments are only meant to alter or provide a minor change to a motion not to substantially modify the motion. Amendments may be used to insert, delete or substitute words in the motion or to add to or detract from the substantive purpose of the motion.
- Amendments are not to be used to put up a completely new motion which contradicts the motion on the floor. The natural process of voting on the motion under debate must occur and then a new motion moved to try introducing an alternative decision on the matter.
- A further amendment can only be considered by the meeting once the first amendment has been resolved.
- Any Member who has not spoken previously to the original motion, not reserved their right to speak or not moved the first amendment may move, second or speak to a second amendment

- The mover of an amendment does not have right of reply prior to voting of the amendment.
- After the amendments have been resolved, other members who have not moved, seconded or spoken to the original motion or amendments should be invited to speak to the motion (as may be amended) before the debate concludes.
- 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.
- There is no closing of the debate prior to voting on an amendment.
- The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted.
- A Division cannot be called on an amendment.

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.

City of Burnside Variations & Additions:

- (3) Variations to motions will be recorded in the minutes, in accordance with regulation 8(4)(d).

15—Addresses by members etc

- (1) A member must not speak for longer than three (3) minutes at any 1 time without leave of the meeting.
- (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) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Burnside Variations & Additions:

- (7) For Committee meetings, regulation 15(1) and (2) are varied at the discretion of the Presiding Member as informal dialogue is encouraged concerning Agenda matters insofar as is permitted within the Regulations and the Committee's Terms of Reference.
- (8) A Member may seek Leave of the Meeting to speak more than once to an Agenda item.
- (9) The Presiding Member should refrain from entering the debate until the end of the debate (but before the mover speaks in reply) to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of chairing meetings, from asking questions and adding valuable information or clarification to assist the debate when required.
- (10) Where a Member has made a personal explanation only the topic and a limited description of the explanation will be included in the minutes.
- (11) The time that a member has to speak will commence when they start to address the council, when debating a motion, addressing the chamber or asking a question. This includes reading out a proposed motion in full.

Clarification:

- Members who wish to move the motion as written in the report, do not need to read the motion out in full, they should state when moving the motion '*I move the officer's recommendation as written*'.
- Members who are moving an alternate motion or an amended officer's recommendation will be required to read the motion in full to ensure that the chamber are aware of the motion being proposed for debate.

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 person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
 - (a) may be varied at the discretion of the council pursuant to regulation 6; and
 - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

City of Burnside Variations & Additions:

- (5) If a vote is tied and cannot be resolved by the committee the matter is to be considered as lost.
- (6) When exercising a casting vote on any matter the Presiding Member may provide a brief explanation, no longer than three (3) minutes, to the Chamber.

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.
- (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) members who are unable to stand and indicate their affirmative vote should advise the presiding member before the meeting so that they can be called on at an appropriate time for their vote to be recorded;
 - (d) the presiding member will count the number of votes and then declare the outcome.
- (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) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

City of Burnside Variations & Additions:

- (6) In a Committee meeting, the Presiding Member's vote will be counted at the time of taking the Division.

Clarification:

- A Division cannot be called on an amendment as it is not a motion.

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.

Clarification:

- If a request for information to be tabled is made under this regulation, the request needs to refer to a specific document that is in existence at the time the request is made.

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.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting and will be included on the agenda immediately following the confirmation of minutes.

- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6 (Discretionary procedures).

Clarification:

- Where the Council determines that further information is required to assist with the decision-making process prior to debate commencing on the item the council can resolve to defer the item to a future meeting with a further report presenting additional information.
- This allows for the item to be considered with any new information in the subsequent report.
- If the matter is under debate, the council needs to adjourn the matter through a formal motion. When the matter is represented to Council debate on the item recommences at the point of adjournment.
- Items not under debate, at the time of the adjournment will not be listed as Adjourned Business. These items are deferred to a future meeting will be listed as Reports for a subsequent meeting.

20—Short term suspension of proceedings (requires approval by 2/3 of the members present)

- (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 subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (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 observed¹; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (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.

Note—

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

Clarification:

- The meeting does not need to have a formal motion to have a short-term suspension of meeting procedures or extend a short-term suspension, as long as the presiding member seeks leave of the meeting and leave of the meeting is granted by 2/3 of the members present.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (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 regulation may be varied at the discretion of the council pursuant to regulation 6 (**Discretionary procedures**).

Part 3—Meetings of other committees

22—Application of Part

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**). (**Applies to the Audit & Risk Committee and Chief Executive Officer Review Committee**)

23—Notice of meetings for members (committee meetings**)**

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:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;

- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) 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

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) and (3) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (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 (committee meetings)

- (1) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and
 - (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.

City of Burnside Variations & Additions:

- (3) In order to enhance accountability to all stakeholders, including Committee Members, some Committees may choose to record informal actions specific to their Committee role, in addition to their formal minutes.

Part 4—Miscellaneous

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 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the council.

Note—

See also section 41(6) ([Committees](#)) of the Act.

27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (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.

City of Burnside Variations & Additions:

- (4) Each member of a Committee who is present at a meeting of the Committee, must, subject to a provision of the Act to the contrary, vote on a question for decision at that meeting including the Presiding Member of a Committee.
- (5) If a vote is tied and cannot be resolved by the committee the matter is to be considered as lost.

28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.

- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (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.

Clarification:

- The Member who calls the point of order does not have to quote the section of the act, regulations or policy which has been breached but must provide enough detail so that this can be determined.

28A—Exclusion of member from meeting by presiding member

- (1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.
- (2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.
- (3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.

29—Interruption of meetings by members

- (1) 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.
- (2) Subregulation (1)(b) 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.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (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 subregulation (1) has occurred, those members may, by resolution—
 - (a) censure the member; or
 - (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 subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of an offence.

Maximum penalty: \$1 250.

30—Interruption of meetings by others

A member of the public who is present at a meeting of a council or council committee must not—

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

Maximum penalty: \$500.

Chapter 3: Council Protocols



3.1 Order of Business on the Agenda

- 3.1.1 The Agenda for Council/Committee meetings is a list of items for the consideration of the meeting.
- 3.1.2 The order of Business on the Agenda is set by resolution of Council/Committee and the order of Business for the Council Meeting included in this code of practice as Appendix A.
- 3.1.3 The order of business for a Council/Committee meeting will be in accordance with the Agenda, but the Presiding Member (if leave of the meeting is granted), may bring forward items for debate and resolution where:
 - 3.1.3.1 a large contingent of interested parties is present in the gallery;
 - 3.1.3.2 contractors or consultants are present to make presentations; or
 - 3.1.3.3 it may otherwise be considered expedient or appropriate.
- 3.1.4 A presentation can be made to the Council at a Council meeting, if the Presiding Member provides their consent for the item to be listed. Presentations are allocated a maximum of 15 minutes to address the Council.
- 3.1.5 When considering Officers' Reports the Presiding Member:
 - 3.1.5.1 will call out each item sequentially and ask, in relation to each, for Meeting Members who to indicates that a topic be discussed/withdrawn, by using the queuing system.
 - 3.1.5.2 if no members respond using the queuing system, the Presiding Member will call for a mover and seconder for that item.
 - 3.1.5.3 if a mover and seconder for the motion is obtained, the motion is put as a straightforward matter, not requiring debate, in accordance with the published Officers' Recommendations.
 - 3.1.5.4 will do this for all items listed on the Agenda.
 - 3.1.5.5 any items which Council Members have indicated that they wish to debate will then be dealt with in the order that they are listed on the agenda.
- 3.1.6 If there are less than 6 items listed on the Council Meeting Agenda as Officer's Reports, the Presiding Member can determine that the process outlined in clause 3.1.5 does not occur. All business will be considered in the order that it is listed on the

agenda and the process to indicate that if there is interest in the matter being debated is not conducted. All items are dealt with in a sequential basis.

- 3.1.7 If a matter is not considered at a meeting and is not formally adjourned (when under debate) by resolution to a future date and time, the items of business which are not considered will be listed as the first items in their respective sections of the agenda for the next ordinary meeting.

3.2 Members Activity Reports

- 3.2.1 Verbal Council Member's reports will not be accepted at Council Meetings.
- 3.2.2 Council Members will have the opportunity to provide a written report on their activities to be formally received as part of the Council meeting.
- 3.2.3 Reports from Council Members may be included in a report for consideration at the Council meeting if they are received by the CEO by 5.00pm 7 clear days prior to the Council meeting.
- 3.2.4 A member's activity report received after the time specified in paragraph 3.2.3 above will be treated as an item for a subsequent meeting of the council.
- 3.2.5 A summary, of all reports received by the deadline, will be included in the minutes of the meeting.
- 3.2.6 A recommendation will be drafted recommending that the Council formally receive and note the Members Activity reports.

3.3 Urgent Business

- 3.3.1 Members wishing to raise an item of Urgent business at a meeting should seek leave of the meeting to raise a matter of urgency.

3.4 Use of Electronic means to participate in Committee Meetings

- 3.4.1 A member of a Committee (other than the Presiding Member) can participate in the meeting via electronic means provided advance notice has been provided to the Presiding Member and Chief Executive Officer and facilities are available.

3.5 Late Items & Addendums

- 3.5.1 Council will avoid the presentation of late agenda items.

- 3.5.2 If a late agenda item is unavoidable, every effort will be made to email these items to Council or Committee Members and to publish them on Council's website as soon as possible.
- 3.5.3 Late items will only be considered for matters that arise following the deadline for the preparation of an agenda, and which, in the best interests of Council, should be dealt with prior to the next Council meeting.
- 3.5.4 On occasions additional information is provided through an addendum. This is provided to members by email and will be published on Council's website as soon as possible.

3.6 Meeting Protocols

- 3.6.1 Staff will respond to questions from the floor at the invitation of the Mayor or Presiding Member and will acknowledge the Mayor or Presiding Member in their response.
- 3.6.2 At a Council meeting the Principal Member will be addressed as 'Your Worship' or 'Mayor. The Presiding Member of a committee should be addressed by Councillor or 'Chairperson' if not a Council Member.
- 3.6.3 Members are not to use mobile phones during the meeting, unless there is express is granted by the Presiding Member.
- 3.6.4 The *Behavioural Standards for Council Members* are a public declaration of the principles of good conduct and standards of behaviour to be upheld by the Members of the City of Burnside when undertaking Council business.
- 3.6.5 A Member, who leaves their seat has left the meeting and if the Member does not wish to return to the meeting, they should advise the Presiding Member that they will not be returning to the meeting.
- 3.6.6 The Presiding Member will reserve their contribution to the end of the debate (but before the mover speaks in reply) to avoid any suggestion of 'leading' the meeting. Refer 15(9) of this Code of Practice.

3.7 Use of Microphone Queuing System

- 3.7.1 Members who intend to move, second, speak or ask a question during a meeting of Council are to clearly indicate their intention to speak by using Council's electronic queuing system for meetings in the Chamber.
- 3.7.3 For meetings not held in the Chamber or if the electronic queuing system is not available for the meeting, Members need to raise their hand to signal the Presiding

Member of their intention to speak.

- 3.7.4 When invited by the Presiding Member to speak they are to speak clearly for the benefit of all present in the Chamber and into the operating microphone provided to the Member.
- 3.7.5 If a member turns off their microphone they will be placed at the bottom of the queue and will need to wait their turn if they wish to speak again or to ask additional questions.

3.8 Recording and Live Stream of Meetings

3.8.1 Recording of Council Meetings

3.8.1.1 Council meetings are recorded for the purposes of checking the accuracy of minutes.

3.8.1.3 Recordings of items will not be made where the meeting has resolved that the matter be dealt with in confidence under section 90 of the *Local Government Act 1999*. The Meeting may resolve to record that part of the meeting.

3.8.1.2 The recordings of all proceedings of Council are retained for a period of six (6) months from the date which each recording was made.

3.8.2 Council Meetings Live Stream

3.8.2.1 The City of Burnside is committed to providing greater accessibility to Council meetings through live streaming.

3.8.2.2 Live streams and archived visual recordings are a free public service and are not an official record of Council meetings.

3.8.2.3 Recordings will be made of all Council meetings (excluding confidential items) and may be published to the Council's website after the meeting.

3.8.2.4 Attendance at Council meetings does not provide any Council Members, Council employees, or member of the public protection from defamation in relation to behaviour or statements made.

3.8.2.5 Individual opinions or statements made during the course of the Council meetings are not the opinions or statements of Council.

3.8.2.6 While every effort will be made to ensure the live streaming is available, City of Burnside takes no responsibility for, and cannot be held liable for the live streaming, due to other technical issues beyond its control.

3.9 Projection of Minutes in the Council Chamber

3.9.1 Minutes are shown on the screens in the Chamber during the Council meeting. While this is available for the Gallery to view it is provided to assist Council Members to ensure they are clear on the wording of a motion.

3.9.2 The placement of the screens in the chamber may mean that the information being shown is not available to anyone viewing the meeting through live streaming.

3.10 Meeting Commencement

3.10.1 At the commencement of a Council Meeting the Presiding Member will ask people to stand and read the Acknowledgement of Traditional Owners, Memorial Silence and the Opening Statement (Refer Attachment B for wording).

3.10.2 Following the Statement the Presiding Member will ask people to be seated and will read information regarding the:

- (a) Emergency Procedures
- (b) Live Streaming Statement
- (c) Use of Microphones and queuing system
- (d) Mobile Phones
- (e) Public Gallery Statement
- (f) Reminder to Members regarding disclosures relating to sections 73, 74, 75, 75A, 75B, 75C and 75D of the Act (**Conflicts of Interest**).

3.11 Public Question Time

3.11.1 Public Question Time (PQT) will be held at each Ordinary Council Meeting of the City of Burnside.

3.11.2 There will be 15-minutes allocated for public question time. The Presiding Member or the Council may extend the time made available for PQT, if necessary, by seeking leave of the meeting.

3.11.3 Members of the public who wish to participate in PQT are asked to complete the PQT Form prior to the commencement of the Council meeting providing their name, contact details and the topic of their question. The PQT Form will be available online and at the Council Meeting.

- 3.11.4 If a PQT form is submitted electronically prior to 5pm on the day of the Council Meeting, the question will only be answered if the member of the public is present at the Council Meeting for PQT. If they are not in attendance at the meeting their question will be answered to them directly.
- 3.11.5 The Presiding Member will call for participants in PQT from the forms submitted by the Gallery. If there are more requests to participate in PQT than time available, the Presiding Member may select participants who have not participated in PQT previously to ask their question and then call on previous participants.
- 3.11.6 Each member of the public can ask one (1) question and have a maximum of one (1) minute to ask their question during PQT.
- 3.11.7 Prior to asking their question, members of the public will be asked to state their name and the suburb they reside and ask their question in a manner befitting of a formal Council Meeting.
- 3.11.8 PQT questions are not restricted to those regarding agenda items, but they must be relevant to the Council or be within the jurisdiction of the City of Burnside.
- 3.11.9 The Presiding Member may refuse to respond to a question that:
- (a) is unlawful in any way;
 - (b) is inappropriate, insulting, vague, improper, or defamatory;
 - (c) questions the competency of Council staff or Council Members;
 - (d) relates to the personal affairs or actions of Council staff or Council Members;
 - (e) relates to confidential matters, legal advice or actual or possible legal proceedings;
 - (f) is in the reasonable opinion of the Presiding Member, proffered to advance a particular point of view rather than to make a genuine inquiry;
 - (g) is irrelevant to Council;
 - (h) not related to Council activities; or
 - (i) is a question that has been substantially asked and answered at a previous Council meeting.
- 3.11.10 The Minutes will record:
- (a) the name and suburb of the person who asked the question.
 - (b) topic of the question.
 - (c) the title of the officer who provided an answer or if the questions were taken on notice.
e.g. Mr Smith of Beaumont asked a question regarding the tree planting program.

The Chief Executive Officer provided an answer to the question.

- (d) if the presiding member has refused to allow a question and the rationale.
e.g. the Mayor refused to allow the question from Mr Blue as it is outside the jurisdiction of the council to change the Dog and Cat Management Act to deal with this issue.

- 3.11.11 Questions which have been taken on notice will be answered directly to the Member of the Public who asked the question within 7 days of the meeting. The answers to questions taken on notice will not be read out during PQT.
- 3.11.12 Once the allocated time has ended the Presiding Member will declare that public question time has ended.
- 3.11.13 No debate is permitted on either the question or the answer by the Public or Council Members. Supplementary questions based on the answer are not permitted.
- 3.11.14 Members of the public participating in PQT do not have any protection from defamation in relation to statements made.
- 3.11.15 If someone wishes to have an interpreter present to ask a question on their behalf, they may do so at their own expense.

3.12 Apologies & Leave of Absence

- 3.12.1 A Member who expects to be late for or absent from a meeting is asked to inform the Mayor and the CEO prior to the meeting.
- 3.12.2 In accordance with the Act, Council Members should seek leave of the Council if they intend being absent for more than three consecutive ordinary meetings of the Council. Failure to seek, and be granted, leave of absence may result in the Council Member losing office in accordance with section 54 of the Act ([Casual vacancies](#)).
- 3.12.3 Members will be recorded in the minutes as absent if their apology has not been received or a leave of absence has not been granted prior to the commencement of the meeting pursuant to paragraph 3.12.1.
- 3.12.4 If a Member arrives after the meeting commences, the time of arrival will be noted in the minutes in the appropriate place.

3.13 Refreshment Break

- 3.13.1 Council or Committee Meetings may include a short refreshment break, of a maximum of 10 minutes, by resolution specifying the duration of the break and the re-commencement time.

Clarification:

- A motion is not required to recommence the meeting following an adjournment for a refreshment break, if the meeting resumes at the time stated in the adjournment when a quorum is present.

3.14 Acting Presiding Member at Council Meetings

- 3.14.1 If the Presiding Member is absent from a meeting, or the consideration of a particular agenda item, then the meeting will select an Acting Presiding Member by:
- (a) in the first instance calling for a volunteer; or
 - (b) where more than one Member volunteers, the names of the volunteering members be drawn by the CEO and the Member who is chosen to preside is the one whose name is drawn first; or
- 3.14.2 as a last resort, if no Member volunteers, the names of all Members present be placed in the draw and the name of the first Member drawn by the CEO is to preside.

3.15 Council Appointments

- 3.15.1 If the council needs to appoint a person(s) to position(s) the Presiding Member will first call for nominations for the position.
- 3.15.2 If there are more nominations than positions, the council needs to consider if it wishes to conduct a secret ballot or if it is possible for the number of positions available can be extended to accommodate the nominations.
- 3.15.3 If the Council determines that it wishes to conduct a secret ballot the procedures is as follows:
- 3.15.3.1 The secret ballot is conducted by the CEO or their delegate.
 - 3.15.3.2 Each Member (including the Presiding Member) has one vote.
 - 3.15.3.3 Nominees may give a brief explanation (maximum three (3) minutes) as to why they are nominating and the skills, qualifications and experience they bring to the position.
 - 3.15.3.4 The CEO will delegate an officer who will collect the ballot papers and two officers conduct the count.

- 3.15.3.5 The method of voting will be the first past the post majority vote. In the event of three or more candidates nominated for a position, the method of voting will be bottom up lowest vote elimination until two candidates remain.
- 3.15.3.6 In the event of a tie, Council members are to cast a further vote for their preferred candidate from the candidates who are tied, in the event that the further ballot cannot determine a clear winner, then matter is decided by drawing of lots, the candidate first drawn being the candidate excluded from the draw.
- 3.15.3.7 Members absent from the meeting may nominate for a position in writing in advance to the CEO to have their nomination recognised, providing text for their brief explanation.
- 3.15.3.8 The ballot papers from each secret ballot will be retained by Administration for a period of one (1) months.
- 3.15.3.9 The presiding member will then announce the successful candidate(s).
- 3.15.3.10 If more than one ballot is to be conducted, each separate ballot must be conducted using different coloured ballot papers.

3.16 Memorials

- 3.16.1 Members may raise Memorials, with leave of the meeting as an item of Urgent Business, to reflect and recognise the passing of recent members of the Burnside Community, alternatively Members may choose to propose memorials as Motions on Notice.
- 3.16.2 Provided that the statement has been distributed in writing to all Members and the Minute Taker prior to its delivery at the meeting, a Member may, immediately following speaking to the memorial, move a resolution that the Memorial statement be recorded, in full, in the minutes.

3.17 Conflict of Interest

- 3.17.1 At the appropriate place on the Agenda the Presiding Member will draw the attention of members to the need for them to declare any interests under sections 73, 74 75, 75A, 75B, 75C and 75D of the Act.
- 3.17.2 Members are expected to declare known material, general conflicts of interests promptly at the time the relevant item of business is called on by the Presiding Member and give an explanation at this time of the type of conflict of interest, the nature of the interest including whether the interest is direct or indirect and personal or pecuniary and how they propose to deal with the interest.

- 3.17.3 It is the responsibility of each Member to consider if they have an interest in a matter and seek advice prior to the meeting.
- 3.17.4 Council's minute taker will note what the Council Member states when making their declaration and any statutory information required to be recorded.
- 3.17.5 Members are encouraged to notify the Presiding Member and minute taker prior to the meeting of any conflicts of interest which will be declared at the meeting (including type of conflict of interest, the item the declaration relates to, and the nature of the interest).
- 3.17.6 A Member who has not made the declaration referred to in 3.16.2, but realises that he or she does need to declare an interest or conflict of interest in relation to any item of business, must promptly raise the matter prior to the debate of the relevant item of business by raising their hand to indicate to the presiding member the need for them to make a declaration.
- 3.17.7 A Member who leaves the chamber because of a conflict of interest is required to ensure that he or she is sufficiently removed from the meeting room so as to not be able to hear those proceedings. Failure to do so constitutes a breach of the Behavioural Standards.

3.18 Meeting Conclusion Time

- 3.18.1 Council and Committee meetings are to conclude not later than 10.30 pm, unless the time period at any meeting is extended by up to 30 minutes by resolution in exceptional circumstances.

Appendix A – Agenda Order

Ordinary Council Meetings will follow the order shown below.

1. Opening
2. Acknowledgement of Traditional Owners
3. Memorial Silence
4. Opening Statement
5. Announcements:
6. Apologies and Leave of Absence
7. Declaration of Interest Reminder
If a Council Member has an interest in a matter before the Council, they are asked to disclose the interest to the Council at the time of the debate on the item and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.
8. Confirmation of Minutes
9. Adjourned Business
10. Public Presentations:
 - 10.1 Public Question Time
 - 10.2 Presentations
 - 10.3 Deputations
 - 10.4 Petitions
11. Reports
12. Questions on Notice
13. Motions on Notice
14. Urgent Business
15. Confidential Items
16. Closure

Appendix B – Acknowledgements & Announcements

(a) Acknowledgement of Traditional Owners

We acknowledge this land that we meet on today is the traditional land of the Kaurna People and that we respect their spiritual relationship with their country.

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

We pay respect to the cultural authority of Aboriginal people visiting or attending from other areas of South Australia and Australia.

(b) Memorial Silence

On behalf of the City of Burnside I gratefully acknowledge and pay respect to all those who have sacrificed their lives for this country and its people. We also consider in our thoughts all those who today who are being affected by war around the globe.

[A moments silence follows]

(c) Opening Statement

We seek understanding and guidance in our debate, as we make decisions that will impact on the lives of all those who reside, study, work in and visit the City of Burnside. Grant us wisdom as we serve our community.

Following the Statement the Presiding Member will ask people to be seated and will read:

(d) Emergency Procedures

Should there be a fire or other emergency, the alarm will sound and you will be asked to follow the directions of council staff.

(e) Live Streaming Statement

Council meetings are live streamed through the City of Burnside website. Attendance and participation in the Council meeting does not provide any Councillors, Council employees, or member of the public protection from defamation in relation to behaviour or statements made. Individual opinions or statements made during the Council meetings are not the opinions or statements of Council.

A copy of tonight's agenda is available on the Council's website.

(f) Use of Microphones and queuing system

Members are reminded if they intend to move, second, speak or ask a question during the meeting they need to clearly indicate their intention to speak by using the queuing system. It is important that Members use their microphones appropriately so those at home can hear clearly.

(g) Mobile Phones

Members are reminded that the use of mobile phones during the meeting is not permitted and I ask that you turn you phones off or to silent.

(h) Public Gallery Statement

We welcome members in the gallery and ask them to observe the meeting in respectful silence as the Chamber deliberates on matters that relate to the City of Burnside.

Council meetings are formal meetings that are subject to specific meeting procedures. This means that there are designated sections of the meeting (e.g. Public Question Time and Deputations) where members of the public can directly interact in the meeting, with the remainder of the meeting only providing the public with an opportunity to listen to the meeting proceedings in an observer role.

(i) Reminder to Members regarding disclosures relating to sections 73, 74, 75, 75A, 75B, 75C and 75D of the Act

If a Council Member has an interest in a matter before the Council, they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each individual item.

Appendix C – Motion on Notice Required Information

Motions on Notice reports presented to Council Meetings will have the headings for completion as shown below.

1. Item Heading
2. Preamble Statement

Councillor has given notice of their intention to move the following motion at the Council meeting to be held on DD Month YYYY.

3. Motion
4. Background Information
 - 4.1 Discussion
 - 4.2 Strategic Plan Reference
 - 4.3 Policy
 - 4.4 Consultation
 - 4.5 Resources
 - 4.6 Legal & Legislative
 - 4.7 CEO KPI
 - 4.8 Risk Evaluation
 - 4.9 Environmental Sustainability
 - 4.10 Social Sustainability
 - 4.11 Finance
5. CEO Comment



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