

CODE OF PRACTICE – MEETING PROCEDURES

Adopted by Council 29 November 2022

public

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PREAMBLE

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

The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) stipulate the statutory procedures to be undertaken during the operation of Council and Council Committee meetings. Under these Regulations, Council may adopt a Code of Practice for its own meetings of Council and Council Committees that varies certain of these provisions where they are capable of variation (requires a two thirds majority of Council).

Further, Sections 86(8) and 89(1) of the Local Government Act 1999 (the Act) provides that where a procedure(s) is not prescribed by Regulation, Council or a Council Committee where delegated to do so can determine its own procedure(s) so long as it is not inconsistent with the Act or Regulations.

The variations to prescribed meeting procedures that have been adopted by Council have been inserted (in a shaded text box) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the Regulations (example shown below).

The Code of Practice – Meeting Procedures is to be read in conjunction with the Behavioural Standards for Council Members to ensure that meetings are being conducted in legislative accordance.

M# (Number) City of Mitcham provisions

Such provisions support the administration of this Code.

The combined document is regarded as the *City of Mitcham's Code of Practice - Procedures at Meetings*.

The Council may, at any time, by resolution supported by at least two-thirds of Members present, alter, substitute or revoke the Code of Practice.

PURPOSE

This Code of Practice provides guidelines for Council and Independent Members relating to procedures at Council and Council Committee meetings. It is also available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings. As recommended by legislation, this Code of Practice is reviewed every financial year.

This Code cites the Regulations with variations by the City of Mitcham contained in shaded boxes and marked accordingly.

PART 1 PRELIMINARY

1. Citation

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;

M1 - City of Mitcham provisions

(a) ‘**address**’ for the purpose of petitions be defined as either a street and suburb, and/or Post Office Box for a physical petition or suburb and/or postcode for electronic petition.

“**clear days**” see sub-regulation (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 proceed to the next business, or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned.¹

“**Guiding Principles**” see regulation 4;

“**Leave of the Meeting**” is required for certain actions (short term suspension of the meeting, for a member to make a personal explanation, a variation or to speak more than once to a motion). To gain leave of the meeting the presiding member asks the meeting - ‘is leave granted?’ If the majority of members present approve, leave is granted for the action to occur.

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

¹ See regulation 12(13) for specific provisions about formal motions

M2 – City of Mitcham provisions

- (a) **“personal explanation”** means a member may wish to provide to the meeting an explanation regarding their particular statements or actions.

“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;

M3 – City of Mitcham provisions

- (a) **“signature”** for the purposes of petitions be defined as either a handwritten signature or email address.

“two thirds majority” means two thirds of Members present and entitled to vote (it does not include the Presiding Member).

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

- (2) In the calculation of “clear days” in relation to the giving of notice before a meeting -
- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; 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 given after 5 pm on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this sub-regulation prevents a division from being called in relation to the vote).

M4 - City of Mitcham provisions

- (a) Simple majority is required for the show of hands, if a tie the Mayor is entitled to the casting vote.

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 COUNCIL 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.

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 present 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 present 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.
- (5) Regulation 12(4) does not apply to a motion under sub-regulation (3).

- (6) This regulation does not limit or derogate from the operation of regulation 20 (2)
- Short-term suspension of proceedings.

Division 2 - Prescribed Procedures

7. Commencement of meetings and quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minute book the reason for the adjournment, the names of the 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.

Note – Statutes Amendment (Local Government Review) Act 2021

Section 85 – For the purposes of the definition of prescribed number—

- (a) a member of a council who is suspended from the office of member of the council; and
- (b) a member of a council who is taken to have been granted leave of absence from the office of member of the council under section 55A, is not to be counted in the total number of members of the council.

8. Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will -
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

M5 - City of Mitcham provisions

- (a) On confirmation of the Minutes the Presiding Member will place their initials at the bottom right hand corner of each page.

(4) The minutes of proceedings of a meeting must include –

- (a) the names of the members present at the meeting;
- (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

M6 - City of Mitcham provisions

- (a) The names and positions of all staff relevant to the business of the meeting.

- (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

M7 - City of Mitcham provisions

- (a) The name and time of any Council Member arriving late to/leaving the meeting will be recorded in the minutes at the beginning of the minutes under Present in addition to the place in the minutes when they entered/exited the room.

- (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; 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 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 of the *Local Government Act* 1999 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 description of any oral briefing given to the meeting on a matter of business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

M8 - City of Mitcham provisionsPersonal Explanation/s

- (a) A summary of the personal explanation will be recorded in the minutes.

Points of Orders

- (b) Point of Orders will only be recorded in the minutes if ruled by the Presiding Member to be a Point of Order or unless a resolution is passed to do so. Minutes will record;
- i) The name of the Member raising the point of order,
 - ii) The nature of the alleged breach of the Act or these Regulations,
 - iii) The section or regulation to which it refers and
 - iv) The name of the Member who is the subject of the point of order (where relevant).

Gallery Questions

- (c) The name and suburb of the questioners, along with the questions and answers will be recorded in the minutes, or in a later agenda if necessary.
- (d) Preamble/explanation provided with questions will not be recorded in the Minutes or Future Agenda.

Discussion

- (e) Discussion by Members of the Council at meetings will not be recorded in the minutes.

Deputations

- (f) The detail of a deputation will not be recorded in the minutes of the Council meeting, just a brief sentence outlining the topic, the name and the suburb of the speaker.

Amendments

- (g) Amendments that are not allowed by the Mayor will not be included in the minutes

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.
- (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.

M9 - City of Mitcham provisions

- (a) Questions that arise from the answer provided to a Question on Notice should be raised in the Council Agenda item "Questions without Notice".

- (b) Questions on Notice and Questions without Notice that are to be answered in a future agenda will typically be answered one (1) ordinary meetings later.

- (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.
- (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.
- (7) If a member indicates they have a question then makes a statement or comment, they will be taken to have spoken to the motion.

M10 - City of Mitcham provisions

- (a) Questions without Notice will be considered after all publicly notified items of business. That is, Questions without Notice will be taken after Questions and Motions on Notice and when business reports have been formally dealt with.
- (b) All questions without notice from Council Members will be directed to the Presiding Member.

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 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.

M11 - City of Mitcham provisions

Council has varied Regulation 10(2) as is permissible under Regulation 10(3) as follows;

Petitions to Council will be treated in the following way:

- (a) All pages of the petition must clearly set out the request or submission of the petitioners, the name, address (see **M1 – City of Mitcham provisions**) and signature (see **M3 – City of Mitcham provisions**) of each petitioner and must contain at least one signature on every page.
- (b) In the first instance, the petition should be forwarded to the Chief Executive Officer.
- (c) The entire petition (including the names, addresses and signature) will be made available to Council Members Extranet, a summary of the petition will be published on the Council's website and a report will be included on the agenda of the next Council meeting or committee, whichever is the most appropriate.

- (d) To be included in the agenda petitions must be received no later than the Friday prior to the release of the agenda. Petitions which are received too late to appear in the agenda for the next Council meeting will still be tabled at that meeting. A report concerning the petition will be placed on the agenda of a subsequent meeting.
- (e) Additional pages of a petition received after the petition has been tabled at Council will be emailed to Council Members and added to the original petition in Council's records management system and on the website. They will not be reported to Council via the Council Agenda.
- (f) The report to Council (or Committee) regarding the petition will contain:
- a statement as to the nature of the request or submission;
 - the number of signatures;
 - a summary of any related documents / correspondence which might have accompanied the petition; and
 - Management's response and/or proposed action.
- (g) A letter that has multiple signatures is not regarded as being a petition and will not be treated as such. A petition received not meeting the requirements will be forwarded to Council Members outside the meeting for their information.

Note: A petition template is available on Council's website.

Electronic petitions

- (h) As per **M11(a) – City of Mitcham Provisions** an electronic petition will be accepted when a name, address (suburb or post code) and signature (handwritten or email address) are provided.

- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

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.

M12 - City of Mitcham provisions

- (a) A written request to make a deputation could be by email, via deputations@mitchamcouncil.sa.gov.au or letter addressed to the Principal Member or Chief Executive Officer. Where possible, requests for deputation should be received by the close of business on the Wednesday prior to the meeting to enable them to be included in the published agenda. However, all later requests for deputation will be accommodated where possible, with the consent of the Presiding Member.

- (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.

M13 - City of Mitcham provisions

- (a) When considering a request for a deputation, the Presiding Member may give consideration to the number of registered speakers, the topics of deputations, the reports included on the relevant agenda and the number of matters to be determined within that agenda.
- (b) Where a number of people have indicated that they wish to speak with regard to a particular subject, the presiding member is able to use their discretion to determine that the subject matter has been canvassed by previous speakers.

- (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.

M14 - City of Mitcham provisions

- (a) When the Presiding Member has determined whether or not to approve a deputation, the Chief Executive Officer should be advised of the subject of the deputation and the name of the depute and the outcome.
- (b) If approved, the CEO (or delegate) will advise the depute of the Deputation protocols.

- (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.

M15 - City of Mitcham provisionsDeputation Protocols

- (a) Where a deputation is to be heard, the person/s making the deputation may speak for five (5) minutes, with an extension of an additional minute with leave of the meeting.
- (b) The total time of a deputation, including the five (5) minutes plus a one (1) minute extension granted with leave of the meeting, will be no more than ten (10) minutes (including questions by Council Members).
- (c) Persons making a deputation should not use the opportunity to denigrate another individual.
- (d) The use of handouts or PowerPoint presentations during a deputation may not be permitted without the specific approval of the Presiding Member prior to the meeting, to ensure the appropriateness of the material.
- (e) Council Member questions in response to the deputation are to be directed to individuals making a deputation to Council and must be concise and not amount to a statement.

- (f) Council Member questions should be made to the individual and not to Administration (or lodge as a Question without Notice later in the meeting).
Refer to Section 8 in relation to what will be recorded in the Minutes for Deputations.

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 seven (7) clear days before the date of the meeting at which the motion is to be moved.

M16 - City of Mitcham provisions

Notices of Motion

- (a) A Notice of Motion should be accompanied by a title, background information and/or a rationale for the benefit of other Members. Background Information may include the use of attachments where they are relevant to the decision being made.
- (b) Administration is able to provide a comment to Notices of Motion where appropriate.
- (c) Motions on Notice and Motions without Notice will be dealt with in the order in which they are received. That is, those that are forwarded in writing and are received by Administration prior to the meeting will be dealt with first, in the order they are received, followed by any other Motions without Notice arising during the meeting.

- (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.

M17 - City of Mitcham provisions

- (a) Any Notice of Motion to revoke a decision (resolution) of Council is also known as a rescission motion. A rescission motion should provide an explanation for the revocation.
- (b) Where a motion to revoke a decision (resolution) is successful, it is as though that decision never existed. The subject can be raised at a future meeting by giving written notice of motion to the Chief Executive Officer at least seven (7) clear days before the date of the meeting at which the motion is to be moved.

- (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.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

M18 - City of Mitcham provisions

Setting priority to speak to the Motion

- (a) Following the publishing of the Agenda, to register an interest in moving a motion, Council Members must register their interest via email to the Presiding Member, with all Council Members copied, identifying the Item and the Option to be moved.
- (b) Registrations of interest will be accepted between 5:00pm on the Saturday following the publishing of the Agenda and 2:00pm on the day of the meeting.
- (c) An Council Member who varies their option (not a minor variation) loses the priority to speak to that option.
- (d) The Presiding Member will defer to the first Ward Councillor who registered an interest in that item. If no Ward Councillor registers an interest the Presiding Member will defer to the first non-ward Councillor who registered an interest in that item. The Presiding Member will not defer to a member who has registered an interest in a motion but not indicated the option they wish to move.
- (e) Where no interest has been registered in a motion prior to the commencement of the meeting, the Presiding Member will generally give first preference to the relevant Ward Councillors during the meeting.
- (f) Items which relate to more than one (1) ward or which relate to the whole of the City of Mitcham will be open to all Council Members to register an interest in moving a motion.

- (10) A member may only speak once to a motion except—
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.

M19 - City of Mitcham provisions

Council has varied Regulation 12(10) as is permissible under Regulation 12(21) as follows:

- (a) Members who have already spoken to a motion may also speak to an amendment to that motion.
- (b) Members who speak to an amendment may, if they have not spoken to the original motion, also speak to the amended substantive motion.
- (c) Members who indicate they have a question, then make a statement or comment, will be taken to have spoken to the motion.

- (10) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.

MITCHAM

M20 - City of Mitcham provisions

Council has varied Regulation 12(11) as is permissible under Regulation 12(21) to correspond with 12(10) above as follows:

- (a) Members who have already spoken to a motion may also speak to an amendment to that motion.
- (b) Members who have already spoken to a motion may second an amendment.

- (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.

M21 - City of Mitcham provisions

- (a) A resolution to 'defer' a matter is not the same as a formal motion for adjournment. That is, there is no set time for the deferred item to be presented back to Council, or protocol to be followed, unless stated in the resolution.
- (b) A resolution to defer a matter can be made via a motion arising during the meeting.

- (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 (ie 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.

M22 – City of Mitcham provisions

- (a) Members have the opportunity to ask questions of clarification at any time prior to the mover speaking in reply on agenda reports during a Council or Committee Meeting.
- (b) A question asked in order to clarify a matter is not considered to be a part of the debate on an item.
- (c) When asking a question during a debate, it should be prefaced with 'My question is...'
- (c) Where a motion concerns a complex subject, Members are able to ask questions of Administration via the Presiding Member before the motion is debated.
- (d) Members are encouraged to ask questions for clarification of Administration prior to the Council meeting. Responses to such questions will be shared with all Council Members.

Questions of clarification during the debate

- (e) A question seeking clarification must not amount to a statement. There can be no explanation or personal comment. The Presiding Member of the Committee or Council will advise a Member if a question is too long or is straying from the point.

A moved motion which is lost

- (f) When a motion which has been moved and seconded is lost, no decision has been made.
- (g) Unless it is a rescission motion, the same or similar motion can be brought to the same meeting as a motion without notice (if deemed appropriate by the Presiding Member) or at a future meeting as a notice of motion.

Motions without Notice – as Agenda Items

- (h) Motions without Notice will be considered after all publicly notified items of business. That is, Motions without notice will be taken after Questions and Motions on Notice and when business reports have been formally dealt with.

Adoption of a Section 41 Committee

- (i) The Presiding Member will ask if a Member wishes to move a Committee recommendation before receiving motions to a different effect.

13. Amendments to motions

- (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.

M23 - City of Mitcham provisions

Council has varied Regulation 13(1) as is permissible under Regulation 13(6) to correspond with 12(10) and 12(11) above as follows:

- (a) Members who have already spoken to a motion may also speak to an amendment to that motion.
- (b) Members who have already spoken to a motion may second an amendment.

- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

M24 - City of Mitcham provisions

Council has varied Regulation 13(3) as is permissible under Regulation 13(6) as follows:

- (a) Members who speak to an amendment may, if they have not spoken to the original motion, also speak to the amended substantive motion.

- (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.

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.

M25 – City of Mitcham provisions

- (a) If a Member requests a variation and the variation is not accepted the member will have been taken to have spoken to the motion.

15. Addresses by members etc

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

M26 - City of Mitcham provisions

Council has varied Regulation 15(1) as is permissible under Regulation 15(6) as follows:

- (a) A Member should only speak with the acknowledgement of the Presiding Member and must not speak for longer than three (3) minutes at any one time without leave of the meeting, with the leave of the meeting an additional two (2) minutes can be granted. To close debate, a Member will be provided a maximum of three (3) minutes providing a maximum speaking time of eight (8) minutes.

- (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.

M27 - City of Mitcham provisions

- (a) A Member can provide a personal explanation providing they have leave of the meeting to do so.
- (b) A Member must not speak for more than three (3) minutes.
- (c) A personal explanation is not to be used to continue a debate.

Refer to Section 8 in relation to what will be recorded in the Minutes for Personal Explanations.

- (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.

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.

M28 - City of Mitcham provisions

- (a) Before voting on a motion takes place, the entire motion must be displayed on the screen for Members to read, where practicable, and where not practicable, will be read by the Mayor or Chief Executive Officer, if requested.

- (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.

M29 - City of Mitcham Provisions

- (a) The Presiding Member does not have a deliberative vote on a question arising for decision at the meeting but has, in the event of an equality of votes, a casting vote. Local Government Act 1999, Chapter 6, Part 1, Section 86(6).

- (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.

17. Divisions

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

M30 - City of Mitcham provisions

- (a) A division can also be requested by the Presiding Member.
- (b) Divisions can not be called for on a variation or amendment as they are not decisions that have been either carried or lost.

- (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) 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.

18. Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

19. Adjourned business

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

M31 - City of Mitcham Provisions

Council has varied Regulation 19(1)(b) as is permissible under Regulation 19(4) as follows:

(a) When an adjourned motion, as a result of a formal motion, is re-introduced to Council, it is as though the matter is being debated for the first time with all Members able to contribute to the debate.

- (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.

M32 - City of Mitcham provisions

Council has varied Regulation 19(3) as is permissible under Regulation 19(4) as follows:

(a) Adjourned business will be placed 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.

20. Short term suspension of proceedings

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

M33 - City of Mitcham provisions

(a) The suspension of normal meeting procedures may include some or all of the provisions for a period of time in order to allow informal discussions to occur. There must be approval of two-thirds of the members present at the meeting to suspend normal meeting procedures.

(a) When normal meeting procedures are suspended a Member may speak for up to three (3) minutes, with an additional three (3) minutes with the leave of the meeting, providing a maximum of six (6) minutes.

- (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 observed⁴; 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.

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.

M34 - City of Mitcham provisions

The effect of successful and unsuccessful revocation or amendment motions

- (a) Regulation 12(3) and 12(4) apply equally to motions of revocation or amendment provided by the Chief Executive Officer as to motions from Members.

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.

23. Notice of meetings for members

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (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

- (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.

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) 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.

M35 - City of Mitcham provisions

- (a) Should there be a tied vote at a Committee meeting, there is no recommendation to Council.
- (b) The report is to be treated as a new item of business on the next Council Agenda.
- (c) The Council report will advise of the tied vote for the relevant motion.

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.

M36 - City of Mitcham provisions

- (a) Members who use invalid points of order to deliberately interrupt a speaker or debate the substantive motion may be in breach of Regulation 29.

- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.

M37 - City of Mitcham provisions

- (a) Refer to Section 8 in relation to what will be recorded in the minutes for Points 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.

M38 - City of Mitcham provisions

(a) A motion that the ruling not be agreed with must be moved and seconded and can be debated as is the case with any other motion and determined by majority vote.

- (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.

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 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.

M39 - City of Mitcham provisions

In the event an interruption to the meeting, the meeting may be adjourned until the interruption has been appropriately dealt with. This may include attendance at the meeting by SA Police.

CITY OF MITCHAM ADDITIONAL PROVISIONS

M40 – City of Mitcham provisions - Agendas and Minutes

Location of the Agenda and Minutes for Inspection

- (a) The Agenda and Minutes are displayed and available for inspection at the Civic Centre Building, Mitcham and Blackwood Libraries and on the City of Mitcham website.
- (b) Hard copies will be charged as per the City of Mitcham Fees and Charges Schedule. Two (2) Agendas will be made available for Council Meetings and One (1) Agenda for Committee Meetings for members of the public.

M41 – Order of Business

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

M42 – City of Mitcham Provisions - Adoption of Recommendations of Section 41 Committees

- (a) Each Committee recommendation will appear on the Council agenda and will be considered separately by Full Council, with the exception of recommendations that are to receive information reports.
- (b) Where a committee recommendation differs from a staff recommendation, both recommendations will be included in the Council Agenda.
- (c) The Presiding Member will ask if a Member wishes to move a Committee recommendation before receiving motions to a different effect.
- (d) Copies of the Agendas of Section 41 Committees whose recommendations form part of the Full Council Meeting will need to be brought by Council Members to the Full Council meetings. For the public, the Full Council Agenda on Councils' website will have electronic links to the Section 41 Committee Agendas.

M43 – City of Mitcham Provisions - Role of the Presiding Member - Speaking in the Debate

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

M44 – City of Mitcham Provisions - Meetings

Pledge and Kaurua Acknowledgement

- (a) At the beginning of every Council meeting there will be a pledge and a Kaurua acknowledgement.

Breaks between and/or during Meetings

- (a) During meetings of Full Council and Council Committees, a ten minute break is to be taken approximately every two hours, unless a majority of those present decide otherwise.

- (b) There is to be a minimum of five minutes, maximum of ten minutes break between consecutive scheduled meetings of Council Committees.

Debate on a motion

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

Reports from Council Members

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

Finish times for Council and Council Committees

- (e) All scheduled meetings of Council and Council Committees conclude at 10:00pm with the ability to extend to 10:30pm as resolved by an ordinary majority of Members. Extensions beyond 10:30pm can be approved by resolution supported by a two thirds majority of those present.
- (f) If a motion is on the floor that motion can continue beyond the meeting closure time, unless there is a formal motion to adjourn.
- (g) The only new motion which can be considered after the scheduled finish time of a Council or Committee meeting is a motion to extend the meeting.

M45– City of Mitcham Provisions - Attendance at meetings

Apologies

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

Absent

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

Leave of Absence

- (c) Leave of absence is a formal request made by an Council Member to the rest of Council at a Council Meeting, where the Council Member is going to miss three or more consecutive ordinary meetings of the Council.
- (d) It can also be made by another Member on behalf of the Member seeking leave.
- (e) Leave of absence should be formally endorsed by Council in the form of a resolution.
- (f) Members requesting a leave of absence must declare a conflict of interest in the decision in the Chamber for that item.
- (g) Council Members on an approve leave of absence are not able to attend Council or Committee meetings without having their leave of absence declared completed.
- (h) Council Members are not able to include items on the agenda for meetings at which they will not be in attendance.
- (i) Courier deliveries to Council Members on an approved leave of absence will be negotiated with Council Members on a case by case basis.
- (j) The tendering of an apology to Council for a meeting is not the same as the granting of leave of absence.

Electronic Attendance at Committee Meetings

- (k) Members unable to attend Committee Meetings are able to access the meeting via internet/video connection. Two (2) working day's notice must be provided in writing to the Executive Officer and Presiding Member of the Committee to arrange for this option to be available. Attendance can include access to the Meeting via internet/video for Confidential Items when the relevant Committee Members are in a secure location and their contributions, the video and the audio, cannot be overheard or seen by non-Committee members to the satisfaction of the Chair.

M46 – City of Mitcham Provisions - Community ParticipationGallery Question Time

- (a) At all ordinary meetings of the Council, there shall be provision for questions to be asked by Members of the Gallery, with the exception of ordinary meetings of Council held during Caretaker Period.
- (b) Members of the Gallery may ask two questions and may speak for three minutes without leave of the meeting. These questions must be in writing and supplied to the Minute Secretary.
- (c) The Chief Executive Officer is able to determine that a question not be allowed on the basis of the amount of time required by Administration to provide the answer, except where Council makes a resolution to the contrary.
- (d) Refer to Section 8 in relation to what will be recorded in the Minutes for Gallery Question Time.

M47 – City of Mitcham Provisions - Meeting ProtocolsForms of Address

- (a) The Principal Member should be referred to as "Presiding Member" or "Mayor".
- (b) Councillors should be referred to by their surname, prefixed with 'Councillor' and independent/community members by their surname prefixed with 'Mr', 'Mrs' or 'Ms' for both Council and Committee Meetings.
- (c) Staff present at the meeting should be referred to by either their position title or surname prefixed with 'Mr', 'Mrs', or 'Ms'.
- (d) Job positions or job titles should always be referred to using gender neutral terms to remove the possibility of discriminatory and disrespectful gender biased language which promotes gender stereotypes that denigrate the role and contribution of women in society. For example, fire fighter and police officer are gender neutral job descriptions and gendered words such as "man" the office should be replaced with "staff" the office.

Declarations of Interest

- (e) There is an opportunity at the beginning of the Council and Committee meetings for Members to declare an interest in any of the items on the Agenda.
- (f) Notwithstanding, if a Member has an interest in a matter before Council, that interest must be declared at the earliest opportunity, as soon as the Presiding Member announces the item.
- (g) A Member must make a full and accurate disclosure for recording in the minutes.
- (h) A Member declaring an interest is able to make a comment or statement in relation to the disclosure before leaving the room.
- (i) Determining whether a Member has an interest in a matter or not is a matter for the individual Member.
- (j) Assistance in determining an interest in a matter is available from the Chief Executive Officer prior to the Council meeting or the LGA Conflict of Interest Guidelines.

Speaking during meetings*Council*

- (k) Members shall await recognition from the Presiding Member before speaking. Members shall stand when addressing the Council. Members moving or seconding a motion with no intention to speak to it, can remain seated.

Committees

- (l) Members shall await recognition from the Presiding Member before speaking. Members may remain seated when addressing the Committee.

Council and Committees

- (m) When speaking during a meeting the member is required to address the Presiding Member and direct all discussion, comments and questions to them.
- (n) All comments provided by the Administration will be done so via the Presiding Member.
- (o) The Presiding Member has discretion to request that a member physically address the Presiding Member.

Use of Mobile Telephones and Electronic Equipment

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

Behaviour in meeting

- (q) Council members should not engage in behaviour that distracts other Council Members.
- (r) Behaviour should be consistent with the *Behavioural Standards for Council Members* as gazetted 17 November 2022.

Communication during a meeting

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

Videotaping, recording or photographing of Council Meetings

- (v) Permission of the Council or the Principal Member is required prior to any meeting of Council being videotaped, recorded or photographed by a member of the public.
- (w) The meeting must be informed at the commencement of the meeting that the meeting will be videotaped, recorded or photographed and it must be reflected in the minutes of the meeting.

Wearing of Ceremonial Attire

- (x) Ceremonial attire is to be worn at ceremonial occasions only, with these to be determined by the Principal Member.

Consumption of food and alcohol

- (y) The consumption of food or alcoholic beverages shall not be permitted in the Council Chamber during Council meetings.

Members of the General Public Attending Supper

- (z) Members of the public may attend the after meeting supper at the invitation of the Presiding Member as part of the close of the meeting.

M48 – City of Mitcham Provisions - Election of Members to official positions

Duration of Terms of Office

- (a) The duration of the term of office for the Deputy Mayor (if appointed) will be one year unless otherwise determined.
- (b) The duration of the Term of Office for the Presiding Members of Committees of Council will be determined via the Committee's Terms of Reference.

Election System for use when Electing Members to Official Positions

- (c) Council's representatives on various committees of management shall be Council Members of the Council or members of staff as appropriate.
- (d) The following voting and ballot system will be used when electing members to official positions:

Single vacancy: Members to record a single name.

Multiple vacancy: Members should record sufficient names of their choice equal to the number of vacancies to be filled.

- (e) The following counting system will be used when electing members to official positions;

Positions

- (f) Where there are three (3) or more nominations received than there are positions available, Council Members will record the sufficient names of their choice equal to the number of positions to be filled. The candidates with the least number of votes will be eliminated in the first instance to reduce the number of nominees to two (2) more than the positions available.
- (g) This is repeated until the required number of candidates is delivered.
- (h) If there is a second position available, such as Deputy/Proxy position, the preferred candidate will be the person with the second highest number of votes.

Returning Officer

- (i) The most senior members of staff present will act as Returning Officer and Scrutineer respectively.

M49 – City of Mitcham Provisions - Supply of Information to Council Members

- (a) Where a Council resolution requires that a letter be sent on behalf of the Council, a copy of the letter is to be included in the next Ordinary Council Meeting Agenda. Any response to the letter should be included in the Agenda to the next Ordinary Council Meeting. A resolution of Council that requires legal advice to be obtained will result in the distribution to Council Members of a copy of the written legal advice and the original written request.
- (b) Information requested by an Council Member in relation to an item on the Council Agenda will be provided to all Council Members.

M50 – City of Mitcham Provisions - Information Sessions

- (a) Information Sessions are open to the public to view (but not participate), unless there is a confidential order on a particular item to exclude the public.
- (b) Attendance and participation by Council Members is optional.
- (c) Information Sessions will normally be held between 7pm and 10:30pm on a Tuesday on a week when a Council or Committee meeting is not scheduled.

- (d) Information Sessions will be designed as either a briefing or workshop to inform and seek feedback from Council Members on operational matters and/or before presenting significant matters to the Chamber for decision.

M51 – City of Mitcham Provisions - Access to Staff

- (a) Access to staff by Council Members shall be in accordance with the Nominated Contact list provided by the Chief Executive Officer. This list is available on the Council Member Extranet site.

AVAILABILITY OF THE CODE

The *City of Mitcham - Code of Practice Meeting Procedures* is available for inspection at Council's customer service centre, 131 Belair Road, Torrens Park and on Council's Website at www.mitchamcouncil.sa.gov.au A copy can be purchased or downloaded free of charge from the website.

POLICY REVIEW

In accordance with Local Government (Procedures at Meetings) Regulations 2013 (SA) r6, the City of Mitcham Code of Practice – Meeting Procedures will be reviewed by Council in every financial year, and at any other time as required.

VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
V1 398752	Governance Coordinator	Established	27/02/2001
V2 398752	Governance Coordinator	Reviewed	22/07/2003 (C&CS – 8/07/2003)
V3 1398752	Governance Coordinator	Reviewed	25/05/2005 (C&CS – 10/05/2005)
V4 398752	Governance Coordinator	Revoked	11/04/2006
V5 398752	Governance Officer	Re-established	25/10/2011
V6 398752	Governance Officer	Leave of absence added	25/09/2012
V7 398752	Governance Officer	Reviewed and revised	11/02/2014
V8 398752	Governance Officer	Change to finish time of Council meetings	25/11/2014
V9 398752	Governance Officer	Reviewed	19/05/2015
V10 398752	Manager, Corporate Affairs	Reviewed and revised: Preamble 9(3), 10(2)(e), 7(g), 12(9), 12(21)(d), 15(6), 31(3)(a) and 39.	01/03/2016
V11 398752	Governance and Council Member Support	Minor amendments to City of Mitcham provisions only.	12/12/2017
V12 398752	Team Leader Governance	Reviewed and Revised: (9), (10), (11), (12), (33(1)), (35(1)), (36(10)).	27/11/18 These changes were not adopted by Council 27/11/18 – deferred to 2019.
V13 398752	Team Leader Governance	15(1) as per resolution of Council item 15.5 12 March 2019	14/03/2019
V14 4104629	Team Leader Governance	Definition of Address and Signature as per resolution of Council item 9.8 10 December 2019	10/12/2019
V15 4104629	Team Leader Governance	Numbering system, formatting M43 – City of Mitcham Provisions – Meetings (Meeting Finish Times), M18 – City of Mitcham Provisions – setting priority to speak to motions, as per Council Resolution Item 3.1 17 December 2019.	17/12/2019
V16 4104629	Team Leader Governance	Minor amendments.	2/1/2020
V17 4104629	Governance Officer	M18 has been amended – proposed amendments in red in the attachment are deleted and original green text reinstated to reflect the motion carried on page 7, decision 2 of the 17 December 2019 Special Full Council Meeting	7/02/2020
V18 4104629	Governance Officer	Minor amendments to M15 and M18 M15 – 'clause 8 at bottom is changed to Section 8' M18 – This interest must be copied to all Council Members to reflect	12/02/2020

		Decision 4 resolution in 17 December Special Full Council Resolution	
V19 4104629	Team Leader Governance	Deputations M15(a) and (b). Motions – Setting priority to speak (M18(a). Numbering throughout and minor grammar to reflect decisions 1 to 4 on 13 April 2021 full council meeting	21/04/2021
V20 4104629	Team Leader Governance	Amending clauses to reflect Statutes Amendment Local Government Review Act 2021 (SA) r6, r9, r12, r24	20/9/2021
V21	Council Member Support	Removal or reference to Electronic Meetings as no longer a provision + formatting tidy up	18/06/2022
V22	Council Member Support / Manager Performance & Strategy	Review of procedures to align with practices and addition of legislative changes	9 September
V23	Council Member Support	Addition of M47 (d) as per Council resolution 31 January 2023 12.4	8 February 2023
V24	Council Member Support	Update of language from Elected Member to Council Member, fixing typos and grammar + amendment to M9(b) to reflect trial meeting cycle.	16 March 2023
V25	Council Member Support	Changes as per Council Meeting 11 April 2023 Item 10.9	
V26	Council Member Support	Changes as per Council Meeting 11 July 2023 Item 14.1	12 July 2023
V27	Council Member Support	Changes as per Council Meeting 12 December 2023 Item 14.2	14 December 2023

DOCUMENT CONTROL

Responsible Department	Governance		
Delegations Contained within Policy	No		
Classification	Governance		
Applicable legislation	Local Government Act 1999 (SA) Local Government (Procedures at Meetings) Regulations 2013 (SA)		
Related Policies & Corporate Documents	Code of Practice – Access to Meetings Behavioural Standards for Council Members		
Additional references			
Endorsed by Council	29/11/2022	Item No:	9.4
Effective Date	29/11/2022	Next Review Date:	30/11/2023
ECM ID	4104629	Template Set ID:	3345084