

THE BAROSSA COUNCIL

CODE OF PRACTICE FOR

MEETING PROCEDURES



1 Purpose

- 1.1 Council and Committee meeting procedures are governed by Chapter 6 of the *Local Government Act 1999* (the Act) and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).
- 1.2 Regulation 6 of the Regulations allows for Councils to adopt a Code of Practice for Meeting Procedures, and in particular, vary any discretionary procedures set out in the Regulations, or establish its own procedures for any matter not included in the Act or Regulations. A Council resolution to adopt this Code of Practice must be supported by at least two-thirds of the Elected Members entitled to vote on the resolution.
- 1.3 The purpose of this Code of Practice is to document the meeting procedures that apply to Council and Committee meetings, provide transparency and a consistent framework for Elected Members, Council Workers, Members of Committees and community members.
- 1.4 This Code of Practice should be read in conjunction with Council's *Code of Practice for Access to Council and Committee Meetings and Associated Documents*, the Act and Regulations.
- 1.5 This Code of Practice does not apply to the Barossa Assessment Panel (BAP) which has its own BAP Operating and Meeting Procedures.

2 Scope

- 2.1 This Code of Practice applies to Council Meetings and Committee Meetings, including Committees performing regulatory activities. All Elected Members, Committee Members and Council Employees are expected to comply with this Code and associated legislation.
- 2.2 This Code of Practice outlines the meeting procedures set out in the Regulations with annotations in highlighted text boxes in this Code. In addition, where the Council has varied a procedure set out in the Regulations (being a procedure that is capable of variation) or has adopted a procedure in circumstances where the Act or Regulations do not prescribe a procedure, this Code of Practice sets out those varied or additional procedures (as the case may be) in highlighted text boxes.

3 Policy Statement

- 3.1 The rules that govern Council and Committee Meetings are set out in the Extract of the *Local Government (Procedures at Meetings) Regulations 2013* at Appendix 1 to this Code of Practice. Any variations made to the meeting procedures are indicated in Appendix 1.
- 3.2 In accordance with Regulation 4 of the Regulations, when using this Code of Practice, the following guiding principles should be applied with respect to meeting procedures.
- 3.3 Council and Committee meeting procedures should:
- 3.3.1 be fair and contribute to open, transparent and informed decision-making;
 - 3.3.2 encourage appropriate community participation in the affairs of Council;
 - 3.3.3 reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
 - 3.3.4 be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

4 Related Policies and Documents

Code of Practice for Public Access to Meetings and Meeting Documents (Ref: 23/30184)
Behavioural Standards for Council Members (Ref: CD/22/25)
Behavioural Management Policy (Ref: CD/22/26)
Customer Service Policy (Ref 22/32237)
Application to make a Deputation (online form on Council's website)
Petition Template (Ref: 17/16066)

5 Legislation and References

Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2013

6 Review

Pursuant to Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*, this Code will be reviewed by the Council once every financial year or more frequently if legislation or Council require changes.

7 Purpose

- 7.1 This Code is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's Principal Office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Code can be obtained at those venues upon payment of a fixed fee.
- 7.2 Complaints regarding this Code or its application can be made to the Customer Experience team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Customer Service Policy*.

8 Definitions

Act	<i>Local Government Act 1999</i>
CEO	Chief Executive Officer of The Barossa Council
Clear Days – in relation to giving notice	<u>Does not include</u> the day on which the notice is given, and the day on which the meeting occurs, but <u>includes</u> Saturdays, Sundays and Public Holidays.

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before a Meeting	If notice of a meeting is given after 5:00pm on a day, the notice will be taken to have been given on the next day.
Committee	As defined by Section 41 of the Act
Council	The Barossa Council
Deputation	A person or group of persons who wish to appear personally before Council or a Committee in order to address Council or Committee on a particular matter.
Elected Member or Council Member	All Elected Members of The Barossa Council, and includes the Mayor or the Presiding Member of a Committee (unless stated otherwise). Council Member is commonly used to refer to Elected Member.
Guiding Principles	As defined by Regulation 4 of the <i>Local Government (Procedures at Meetings) Regulations 2000</i> .
Information or Briefing Session	An Information or Briefing Session is held under Section 90A of the <i>Local Government Act 1999</i> . A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the council or a council committee is invited to attend or be involved in for the purposes of providing.
Leave of the Meeting	A vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing prevents a division being called in relation to the vote).
Member	A member of the Council or Council Committee
Petition	A petition is a document that contains the names, signatures and addresses of a group of people who have a common issue of concern or idea to bring to council for consideration. Refer Regulation 10.
Presiding Member	The person who is the presiding member of a Council or Council Committee, or acting in the role.
Regulatory Activity	An activity which involves the making or enforcement of by-laws, orders, standards or other controls under the Local Government Act or another Act.
Written Notice	Includes a notice given in a manner or form determined by Council.
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.

9 Document Control

Corporate Plan Link:		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
Document Owner:	Chief Executive Officer	
Document Control Officer:	Executive Business Partner	

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Audience:	External	Approval Date:	20/02/2024	Next Review Date:	Once every financial year - by 30/06/2025
Version history					
Version No.	Date		Description of Change		
1.0	18/05/2021		New Code of Practice adopted by Council		
2.0	21/06/2022		Revised Code of Practice adopted by Council to remove reference to the Emergency Declaration and conditions therein.		
3.0	15/08/2023		Updated references within Item 4 Related Policies and Documents to include requirements under the Local Government Reform.		
3.1	20/02/2024		Update to Item 9 and 12 to reflect the number of 'clear days' to reflect current legislation.		

All variations to the Regulations and notes are marked in this manner.

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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.

NOTE: For the list of Committees that perform regulatory activities, please refer to the Code of Practice for Access to Council and Committee Meetings and Associated Documents.

Where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.

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.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (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.)

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.

ACKNOWLEDGEMENT OF COUNTRY

At the discretion of the Mayor, The Barossa Council will acknowledge the First Nations People with an acknowledgment of country as part of the 'Welcome'.

SPECIAL COUNCIL MEETING

Special Council meetings may be called in accordance with the requirements detailed under Section 82 of the Act.

The Council may only consider at a Special Council Meeting those items as appearing on the agenda provided to the Chief Executive Officer in requesting a Special Meeting.

INFORMATION BRIEFING SESSION

Elected Member Workshops are deemed an Information Briefing Session.

QUORUMS

A quorum of the Council is calculated by dividing the total number of Council members for the time being in office by two, ignoring any fraction and adding one.



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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
 - (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
 - (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 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 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.

NOTE: In accordance with clause 4.5 of Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents, Minutes of a meeting of Council or a Committee will be available at Council's Principal Office and on its website www.barossa.sa.gov.au within 5 days after the meeting.

MINUTES

The format of the minutes of a meeting is at the discretion of the Chief Executive Officer. However, the content of the minutes must meet the requirements of the Act and Regulations.

MAYOR'S REPORT

At an Ordinary Council Meeting, the Mayor may provide a report on any activities of the Mayor for the previous month. A summary of the Mayor's Report will be included in the Agenda.

Clarification: The Mayor may also draw to the attention of the Members any matter or issue they believe is necessary for the Members to be aware.

LEAVE OF ABSENCE

A Council Member may request leave of the Council to be absent from one or more meetings of the Council.

The request for leave must be made in writing and provided to the Mayor and Chief Executive Officer who will arrange for the request of leave to be considered by the Council as soon as possible.

A Council Member must advise of the specific dates that they will be absent.

APOLOGIES

If a Council Member becomes aware of a situation or circumstance that will prevent that Member's attendance at a Council or Committee Meeting, they should provide an apology either in person, by phone or by email to one of the following people:

- *Mayor (in relation to a Council Meeting),*
- *Presiding Member of the Committee,*
- *CEO,*
- *If in regards to a Committee meeting, then to the relevant officer(s) providing administrative support to the Committee.*

Apologies will be noted in the minutes provided the meeting is made aware of the apology.

If an apology is not recorded and notified to the meeting, the Member's non-attendance will be recorded as Not Present.

Clarification: If a Council or Committee Member is incapacitated due to serious illness or injury, an apology on their behalf can be made by a family member or close associate.

CHANGE IN ORDER OF DISCUSSING AGENDA ITEMS

The Presiding Member of the Council or a Committee, at their discretion, may change the order of discussion of agenda items during the meeting to bring agenda items forward to an earlier time or defer an agenda item to a later time in the meeting.

The following justifications (not limited to this list) may be utilised for re-ordering of agenda items:

- *The attendance of an external visitor to the Meeting.*
- *Community attendance at the Meeting for a particular item.*
- *If community members present a deputation on a specific agenda item, that item may be brought forward to immediately follow the deputation.*



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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.
- (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.

ADDITIONAL PROCEDURES

- (7) Members are encouraged to seek answers to questions prior to the meeting wherever possible. Please contact the Chief Executive Officer, Directors and authorised officers for any agenda enquiries.***
- (8) Members of the public are welcome to sit in the public gallery, but are not permitted to take part in the debate or ask questions.***

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:
 - **at 43-51 Tanunda Road, Nuriootpa SA 5355, or**
 - **by post to PO Box 867, Nuriootpa SA 5355, or**
 - **by email to barossa@barossa.sa.gov.au**
- (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.

ADDITIONAL PROCEDURES

A petition will be placed on the agenda for the next available Ordinary Council Meeting. There are deadlines that Council officers work towards with respect to the publication of meeting agendas. If these deadlines are missed, the petition will be placed on the agenda for the next available Ordinary Council Meeting. Petitions will not normally be placed on the agenda for a Special Council Meeting.

Petitions may be redacted in accordance with Council's Privacy Policy.

A petition will not be placed on the agenda for a Council meeting if, in the opinion of the Chief Executive Officer, it is defamatory.

When the petition is submitted to Council, the person submitting the petition will be informed that the petition will become a public document.

When Council considers a petition submitted and included in an agenda, Council will receive the petition and if necessary resolve any further action regarding the petition.

It should be noted that a template petition document has been designed and available on Council's website along with the relevant guidelines. The petition template is the preferred format for Council to receive petitions from the community.

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:
- **by completing the electronic form on Council's website www.barossa.sa.gov.au; or**
 - **by delivery to Council's principal office located at 43-51 Tanunda Road, Nuriootpa SA 5355, or**
 - **by post to PO Box 867, Nuriootpa SA 5355, or**
 - **by email to barossa@barossa.sa.gov.au**
- (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.

A person requesting to appear as a deputation at a meeting must submit a request to the Council 7 (seven) business days prior to the meeting to which the deputation relates. The Deputation Application Form is available on the Council website www.barossa.sa.gov.au.

Deputations provide an opportunity for the community or interested persons to bring a matter to the attention of the Council. At all times, appropriate behaviour shall be maintained by the deputation and the Council Members with all persons being considerate of other people's points of view.

DEPUTATION PROCESS

- **Handouts or presentations may be provided as part of the deputation but must be included in the Application to Make a Deputation, or if this is not possible, then emailed to Council officers at least 7 (seven) business days prior to the meeting.**
- **A person appearing as a deputation can speak for no more than 10 (ten) minutes, unless an extension is granted by the meeting.**
- **The content of deputations will not be included in the minutes. Only the names of those persons appearing as a deputation at the meeting will be recorded along with the topic or reference to the relevant agenda item.**
- **Elected Members may ask questions of the deputation at the discretion of the Presiding Member.**
- **The person appearing as a deputation is not permitted to take part in the debate, or ask questions during that time.**

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.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under 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,
- (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.

NOTE: A Member may ask a question in relation or seek clarification to the item at any time in the debate. These questions for clarification will not be captured under clause 9 of this Appendix 1.

- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- (12) 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 (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.

13—Amendments to motions

NOTE: *The purpose of an amendment is to alter or modify the wording of a motion before the meeting, not to substantially change the intention of 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.

- (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

ADDITIONAL PROCEDURES

(1a) An amendment to a motion is not a motion in its own right and must neither substantially alter or contradict the intent of the original motion. The presiding member will not accept a proposed amendment to a motion that directly contradicts (a direct negative) of the original motion.

(1b) An amendment to a motion shall be relevant to the motion and shall be:

- (a) to leave out words;
- (b) to insert or add words;
- (c) to leave out words and insert and insert or add other words;
- (d) to refer a matter or the subject of debate to a committee for consideration or reconsideration.

- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

However additional amendments may be moved with the leave of the meeting.

- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

However additional amendments may be moved with the leave of the meeting.

- (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.

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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.

NOTE

Each Member shall speak for no more than five (5) minutes unless the Presiding Member rules otherwise.

- (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.

ADDITIONAL PROCEDURES

“Other Business” should not be used as a forum or opportunity to discuss matters not on the Agenda, to provide information or to Members to make statements of any nature.

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.

TIED VOTE

In the event that a tied vote on a matter at Council Meeting occurs, the Presiding Member shall advise the meeting that they are exercising their right to use a casting vote motion.

SECRET BALLOT PROCEDURES

Secret Ballots are used when appropriate in Council meetings, for example when electing the Deputy Mayor.

These procedures will govern, generally, how secret ballots work.



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1. *Where a matter has been identified as requiring a private ballot, the Mayor will call for nominations from the floor, and Council Members may nominate themselves if they wish. A secret ballot shall be carried out where there are two or more nominations to a position.*
2. *In the event that there are two or more candidates for the position, a Secret Ballot will be conducted by the CEO, generally using preferential voting (unless the Council decides to use a different method).*

Example of preferential voting:

A preferential system with the elimination of the candidate with the lowest vote until a preferred candidate is left.

Candidate 1 5 votes

Candidate 2 4 votes

Candidate 3 3 votes

Candidate 3 is eliminated and those three votes are distributed to the second preference demonstrated on the ballots. Let's assume candidate 3's second preferences all went to candidate 2, then the result will be:

Candidate 1 5 votes

Candidate 2 7 votes

Candidate 2 would be elected with a majority of the total votes cast on a preferential basis.

3. *In the event of a tied vote, lots shall be drawn by the CEO, to determine who is excluded from the ballot. This is done by placing the tied nominee's names on identical pieces of paper, placing them in a receptacle so that no one can see the names on the paper and the CEO drawing names until only one nominee remains (of those on the tied vote). The name of the candidate/s withdrawn will be the one/s excluded from the ballot.*
4. *Secret ballots should be undertaken in adjourned Council so that nominees and the Mayor may cast a ballot. Once the result is determined, the adjournment ends and the result is confirmed by a formal resolution of Council.*
5. *While a ballot is undertaken, no conflict of interest arises for the nominees. For avoidance of doubt, the Mayor will be provided with a ballot, and may cast a ballot.*
6. *Once the result is determined and formal meeting procedures resume, the successful nominee may have a conflict of interest based on the position to which they have been nominated. All conflicts of interest must be declared at the appropriate time in accordance with legislative requirements.*

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) 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.

NOTE: Once the votes have been recorded, the Presiding Member will then declare the vote.

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.
- (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.
- (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.
- (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.

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.

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.

NOTE: In accordance with Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents, Committee meeting calendars are published on Council's website www.barossa.sa.gov.au.

See also Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents for information on topics such as Public Access to Meetings and the Use of the Confidentiality Provisions.

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.

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- (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.

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.

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.

MOBILE DEVICES

Any mobile devices brought into Council or Committee Meetings are to be switched to silent or off.

RECORDING AND PHOTOGRAPHY AT MEETINGS BY THIRD PARTIES

Audio, video or photographic recording devices are not permitted to be used by third parties during any Information Briefing Sessions, Ordinary Council, Special Council or Committee Meetings except with Council's permission.

However, it should be noted that Council and Committee meetings and Informal Briefing Sessions may be recorded and uploaded to the internet. Links to recordings are available on Council's website www.barossa.sa.gov.au.



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