Code of Practice - Meeting Procedures Policy

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Applicable Legislation:	*Local Government Act 1999; Local Government (Procedures at Meetings) Regulations 2013*
Relevant Policies:	*Code of Practice - Elected Members and Committee Members*
Related Procedures:	*This Policy is not subject to Public Consultation*
Delegations:	*As defined in BBC Delegations Register*

1. Purpose

The Berri Barmera Council is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council. This Code sets out the procedures, formality and etiquette to be followed in relation to Council and Committee meetings. The Code has been developed in accordance with the provisions of the:

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

2. Definitions

Act	means the *Local Government Act 1999*
CEO	Means the Chief Executive Officer of Council and includes a deputy or other person acting in the office of Chief Executive Officer
Council Member	as stated in the Act, means the principal member or a councillor of the Council. Elected Member is commonly utilised to refer to a Council Member
Mayor	is the person elected as the Principal Member of Council to represent the local government area as a whole
Regulations	means the *Local Government (Procedures at Meetings) Regulations 2013*

Written notice	includes a notice given in a manner or form determined by the council, which includes legibly handwritten or typed and either in paper or electronic form

3. Principles

This Code is to read in conjunction with the Local Government (Procedures at Meetings) Regulations 2013. While the Regulations and relevant sections of the Act outline many procedural matters in relation to the conduct of Council meetings, this Code outlines more detailed processes to guide staff and Council members in the arrangements for Council and Committee meetings.

The meeting procedure Regulations sets out a number of Guiding Principles that should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee – refer Regulation 4. These Guiding Principles are:

(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.

These Guiding Principles underpin the details documented in this Code of Practice. Some of the elements of this Code of Practice fall within the type envisaged by Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013 as discretionary procedures.

4. Operating Procedures

4.1. Notice of Meeting

- It is necessary to give three clear days' notice in writing of an ordinary meeting of Council or a Committee (This may be via *Ipads* provided to Elected Members)
- The notice of meeting must be in writing, state the date, time and place of the meeting, be signed by the Chief Executive or a General Manager on behalf of the Chief Executive and be accompanied by the agenda for the meeting. (Refer 4.2 for provisions relating to special meetings.)

Agendas for Council Members (*Ipads* may be used in this instance)

- The notice of meeting, agenda and reports for all Council meetings must be delivered to all Council members three clear days before the meeting, via Ipads provided to Elected Members
- Notice of meeting, agendas and reports for committee meetings must be delivered to all members of the Committee three clear days before each meeting, via email or hardcopy if requested.
- Copies of all notices of meetings, agendas and reports will be posted on Council's website www.berribarmera.sa.gov.au

- A copy of agendas and reports for committees will be made available to Council members who are not members of that Committee on request.

Public Display of Meetings and Agendas

- The notice of meeting and agenda for Council and committee meetings will be placed on display at Council's principal Office, Berri at least three clear days before the meeting.
- A printed copy of the agenda papers, including reports and appendices, will be available at the principal Council Office, Berri for public viewing three clear days before the meeting.
- Public access is also available to the agenda papers via Council's website www.berribarmera.sa.gov.au

4.2. Special Meetings

The Chief Executive must call a special meeting of the Council, at the request of:

- the principal member of the Council; or
- at least three members of the Council; or
- a Council committee at which three members of the Council vote in favour of the making of the request

The Chief Executive must be provided with an agenda for the special meeting at the time the request is made (and if an agenda is not provided then the request has no effect). Special meetings may be called at any time however the Chief Executive must give each member at least four hours' notice of the meeting. [Refer Section 82 and 83 of the Local Government Act 1999.]

Notices of special meetings may be distributed by use of *Ipads* provided to Members using the Council provided email address for each member.

4.3. Public Access to Meetings

Council and committee meetings will be conducted in a place open to the public unless the Council or committee makes an order to exclude the public in order to discuss a matter of confidence, in accordance with the requirements of Section 90 of the Act.
Council has adopted a 'Access to Meetings – Code of Practice" and "Council Member Access to Information" which outlines a commitment by the Berri Barmera Council to provide public access to meetings and policies, procedures and practices on why and how the Council may use the provisions in the Local Government Act to restrict public access.

4.4. Opening Prayer/Pledge

After calling a Council meeting to order, the meeting is opened with the following prayer/acknowledgement:

Lord, we ask your blessing on this Council, guide and direct our deliberations for the advancement of this district and the true welfare of its people. AMEN

We also acknowledge the first peoples of the River Murray as the traditional custodians of the land upon which we are meeting and respect their spiritual

relationship with their country and the importance of their cultural beliefs.

We commemorate and honour the service men and women who sacrificed their lives in defence of the freedom, peace and prosperity we have in this great Country and also to the pioneers who have guided and forged our communities into what they are today.

4.5. Mayoral Reports

At the monthly Council meeting the Mayor will present a written report in the Agenda detailing those activities or functions attended in his/her official capacity for the previous month.

4.6. Reports of Members and Council Representatives (as Observers) on External Organisations

At the monthly Council meeting opportunity will be given for members who are appointed as Council representatives (as observers) on external organisations to report on their involvement in activities associated with that organisation; or on activities undertaken that are specifically recognised as representing Council e.g. response to invitation as an Elected Member.

4.7. Petitions (Regulation 10)

Every petition to the Council must be legibly written, typed or printed. It must clearly set out the request or submission of the petitioners on each page and include the name and address of each person who signed or endorsed the petition. Blank petitions with no header request or submission will not be accepted. A petition to the Council must be addressed to the Council and delivered to the principal office of the Council.

A typical format for a petition is included as **Appendix C**

If a petition is received, the chief executive officer must ensure that a report will be included on the agenda for the next meeting of Council, advising of the receipt of the petition, together with a brief statement as to the nature of the request or submission. The report will include the name and address of the head petitioner, a fully copy of the petition and the total number of signatures.

4.8. Deputation (Regulation 11)

A person or group of people seeking an audience with the Council or Committee and wishing to appear as a deputation at a meeting should forward a written request to the Council, addressing it to the Chief Executive at the principal office of the Council, indicating the reasons why the deputation wishes to appear. A request to make a deputation is required to be received by Council, no later than 5 days prior to the meeting at which the deputation is to appear.

In the interests of fairness, *generally* each deputation is to be no longer than ten minutes in duration (including questions).

Members of Council may ask questions of all persons appearing. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation and are in accordance with members' responsibilities to the community.

Council and Council committee meetings are also open to the public and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum.

This means that anything said during the deputee's address is subject to the normal laws of defamation. Consequently, all deputees should take care in the statements they make and how they make their address.

4.9. Presentations

Presentations are defined as an opportunity for an organisation, Council officer(s) or member of the public to address Council to provide information relevant to a matter currently under consideration by the Council. Such presentations do not include deputations nor representations under the Development Act.

The duration of each presentation is *generally* to be no longer than 10 minutes plus 5 minutes for questions, if required.

4.10. Order of Business

The order of business for a Council or Council committee meeting will be in accordance with the agenda provided. However, the presiding member at his or her own initiative or at the request of a member of Council, may bring forward items for debate and resolution where:

- a large contingent of interested parties is present in the gallery;
- contractors or consultants are present to make presentations; or
- it may otherwise be considered expedient or appropriate.

4.11. Officer Reports

Reports to Council or Council committees will be prepared using the standard Agenda format. Where additional information is required, this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.

In order to contain the number of reports going before Council, authors should consider any subsequent steps and wherever practical include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:

- the authorisation to sign and seal documents;
- authorising the Chief Executive or relevant General Manager to make minor amendments to an associated document;
- if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for membership of the working party etc;
- indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.

Reports are to be prepared so as to communicate the required information in a clear and succinct way. The arguments presented should logically lead to the officer recommendations. The author of the report should be identified so Council members know where to direct any queries or requests for further information.

4.12. Questions on Notice (Regulation 9)

Written notice of a question must be given to the Chief Executive Officer at least five clear days before the date of the meeting at which the question is to be asked. All questions on notice will be included in the agenda for the respective meeting. Where an answer has been prepared prior to the distribution of agenda papers, this will also be included. Where an answer is not available until the meeting, the question and answer will be distributed to members at the Council or committee meeting and the question and answer will be included in the minutes of the meeting.

4.13. Questions Without Notice

Members may ask a question without notice at a meeting. However to facilitate the efficiency of meetings, members are encouraged to use the availability of senior officers prior to the meetings to clarify issues of concern. The presiding member may request that questions without notice be put in writing. Where an answer is not possible at the meeting, the questions may be taken “on notice”. Where this occurs, the member is required to put the question in writing and forward it to the presiding member. The question will then be answered at the following meeting as if it were a question on notice.

4.14. Notices of Motion

Notices of Motion for a Council or committee meeting are to be submitted in accordance with Regulation 12 of the meeting procedure Regulations. Notices of Motion must be received by the Chief Executive at least five clear days before the meeting at which the motion is to be moved. Advice must be in writing and may be transmitted by facsimile or by email to bbc@bbc.sa.gov.au.

4.15. Motions Without Notice

Subject to the Local Government Act 1999 and meeting procedure Regulations, a member may bring forward any business by way of a motion without notice. The presiding member may refuse to accept the 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.

4.16. Minutes of Meetings

All Council members will receive a copy of the minutes of a Council meeting within five days of the meeting, via Ipads provided.

Members of a committee will receive a copy of the minutes of the committee meeting within five days of the meeting, via email or hardcopy if requested.

Minutes of all Council and committee meetings will be posted on Council’s website www.berribarmera.sa.gov.au as soon as practicable after they are completed. A printed version of Council and committee minutes will be available at the principle office of Council, Wilson Street, Berri for at least a period of one month after the meeting. Hard copies will be available to all Council members on request.

4.17. Recording of Meetings

Council and committee meetings are not recorded (by either tape or video). Recording of meetings (including audio, photographs and/or video) by members or third parties will only be allowed with the prior approval of the Presiding Member.

4.18. Conflict of Interest

If Council members wish to seek legal advice about a possible conflict of interest, they should advise the Chief Executive Officer in the first instance who will arrange contact with Council's solicitors to obtain advice at Council's cost. As a matter of course Council's solicitors will provide the Chief Executive with a copy of the written advice provided to the member.

Should a member of staff have any doubt as to whether he or she has a conflict of interest in a particular matter, the person should seek the advice of the relevant Department Manager or the Chief Executive Officer.

4.19. Chamber Conduct

The Code of Conduct for Council Members, for the purposes of section 63 of the Act as published by the Minister in the Gazette on 29 August 2013 (and as in force on that day) is adopted as a code of conduct to be observed by the members of all councils. Council members must comply with the provisions of the Code in carrying out their functions as public officials. It is personal responsibility of council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

The principles outlined in the Code of Conduct apply equally to behaviour within the Council chamber.

Council members and staff are to use temperate language and adopt civil behaviour.

Staff will respond to questions from the floor at the invitation of the presiding member and will acknowledge the Chair. At a Council meeting the principal member will be addressed as either "Your Worship" or "Mayor". The presiding member of a committee should be addressed as "Councillor…".

When a Councillor is invited by the principal member to speak they are to speak clearly for the benefit of all present in the Chamber. Members of a committee may remain seated while they are speaking.

If a member needs to leave the chamber, he or she should indicate this to the presiding member eg by standing, facing the chair and making eye contact before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Chamber. Members should be aware that as soon as they leave their seats they have left the meeting. Members should limit the amount of distracting activities such as passing of notes, speaking to other members etc.

Any mobile telephones bought into the Council Chamber are to be switched off, unless there is express permission of the presiding member e.g. for security or emergency contact requirements.

Council members are expected to afford respect to the meeting, the people they represent and all ratepayers of the district, by being appropriately dressed when attending meetings. The standard of dress commonly referred to as “business casual” is the minimum accepted standard.

4.20. Attendance at Meetings

If a member expects to be late or be absent from a meeting the presiding member or relevant Council officer is to be advised. Members must seek leave of absence if they intend being absent for more than a three month period.

4.21. Rights of Reply

A member may speak more than once to a motion.

Answering a question at the invitation of the presiding member is not considered speaking.

4.22. Reports of Committees

Council committees will report to Council by tabling of the minutes of the committee meeting as a minimum. A copy of these minutes will be included in the agenda papers for the respective Council meeting.

4.23. Motions

Taking into consideration *the Local Government (Procedures at Meetings) Regulations 2013 under the Local Government Act 1999*, “Division 2 Prescribed Procedures”, meeting procedures may, at the discretion of the Mayor or Presiding Officer, allow Regulation 12 (9) (10) (11) and (12), to be over-ridden to allow informal debate within the Chamber.

Procedures that may be affected are:

12: Motions

(9)	*A member moving or seconding a motion may 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.*
(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 sub-regulation (14) (and no other formal motion to a different effect will be recognised).*

4.24. Questions from the Gallery

Question Time is a 15 minute segment at the beginning of the meeting to allow the members of the public in the Gallery to ask questions. It is not a time to make a deputation, have intense discussion or debate - it is simply to ask questions.

The procedure for Questions from the Gallery is outlined in **Appendix D**

APPENDIX A

LOCAL GOVERNMENT ACT 1999
CHAPTER 6
MEETINGS

PART 1 - COUNCIL MEETINGS

81. Frequency and timing of ordinary meetings
82. Calling of special meetings
83. Notice of ordinary or special meetings
84. Public notice of council meetings
85. Quorum
86. Procedure at meetings

PART 2 - COMMITTEE MEETINGS

87. Calling and timing of committee meetings
88. Public notice of committee meetings
89. Proceedings of council committees

PART 3 - PUBLIC ACCESS TO COUNCIL AND COMMITTEE MEETINGS

90. Meetings to be held in public except in special circumstances

PART 4 - MINUTES OF COUNCIL AND COMMITTEE MEETINGS AND RELEASE OF DOCUMENTS

91. Minutes and release of documents

PART 5 - CODE OF PRACTICE

92. Access to meetings and documents - code of practice

PART 6- MEETINGS OF ELECTORS

93. Meetings of electors

PART 7 - RELATED MATTERS

93A. Audits by Ombudsman
94. Investigation by Ombudsman
94A. Meeting information on website
95. Obstructing meetings

APPENDIX B

SUMMARY OF PROVISIONS
LOCAL GOVERNMENT (PROCEDURES AT MEETINGS) REGULATIONS 2013

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Guiding Principles

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 – PRELIMINARY

5. Application of Part
6. Discretionary procedures

DIVISION 2 – PRESCRIBED PROCEDURES

7. Commencement of meetings and quorums
8. Minutes
9. Questions
10. Petitions
11. Deputations
12. Motions
13. Amendments to motions
14. Variations, etc.
15. Addresses by members, etc.
16. Voting
17. Divisions
18. Tabling of information
19. Adjourned business
20. Short-term suspension of proceedings
21. Chief Executive Officer may submit report recommending revocation or amendment of council decision.

PART 3 - MEETINGS OF OTHER COMMITTEES

22. Application of Part
23. Notice of meetings for members
24. Public notice of committee meetings
25. Minutes

PART 4 – MISCELLANEOUS

26. Quorum for committees
27. Voting at committee meetings
28. Points of order
29. Interruption of meetings by members
30. Interruption of meetings by others

APPENDIX C

PETITION

To the Berri Barmera Council:

We, the undersigned residents of ……. (street, or suburb, or area) petition the Council and ask that …… (detail the petition or request)
(NOTE: Identify the details of the petition on each page)

The contact person for this petition is:

……. ……. ……..……
(Name) (Address) (Phone)

NAME	ADDRESS	SIGNATURE

Petition Page … of ….

APPENDIX D

QUESTIONS FROM THE GALLERY (Procedure)

Question Time is a 15 minute segment at the beginning of the meeting to allow the members of the public in the Gallery to ask questions. It is not a time to make a deputation, have intense discussion or debate - it is simply to ask questions.

The questions must be presented with courtesy and respect and must not be of a personal, intimidating or vexatious nature.

The questions are not restricted to those regarding agenda items but they must be relevant to this Council or be within the jurisdiction of this Council.

Any questions outside of this policy will be disallowed.

The minutes will reflect who asked a question and the topic.

Questions and answers will be recorded in the Council minutes.

Questions from the public will be displayed with their answers on the Council website.

Should the question not be able to be answered, the question will be noted by the CEO for further investigation and responded to by administration staff at a later date.

It is the responsibility of the person asking the question to provide their name and contact details to Council staff.

Members of the public are advised that Elected Members and staff appreciate opportunities to respond to questions outside of council meetings, as this can allow for a considered response to complex questions, or questions requiring investigation.

May be accompanied by another person, who may ask the question on behalf of the person who wants the answer to the question.

People who have English as a second language or are uncomfortable addressing Council may seek assistance from Council staff to articulate the question to Council.

Where the subject is of a grievance with Council, a copy of Councils "Review of Council Decisions (Including Handling Complaints)" policy will be provided.

A numbering system will be allocated to those members of the public who wish to ask a question to allow the Mayor to conduct the meeting in an orderly manner.

Electronic version on the Intranet is the controlled version.
Printed copies are considered uncontrolled.
Before using a printed copy, verify that is the current version.