



NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall
Moseley Square, Glenelg**

Tuesday 29 November 2022 at 7.00pm

A stylized, handwritten signature in black ink.

**Roberto Bria
CHIEF EXECUTIVE OFFICER**

Ordinary Council Meeting Agenda

1. TIME AND PLACE OF FIRST COUNCIL MEETING

Pursuant to Section 81(4) of the Local Government Act 1999 the Chief Executive Officer, Mr R Bria has determined that the time and place for the first ordinary meeting after the General Election will take place at 7.00pm on Tuesday 29 November 2022, in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg.

2. OPENING

The Chief Executive Officer, Mr R Bria will open the meeting at 7.00pm and lead Elected Members into the Chamber in procession.

3. KAURNA WELCOME TO COUNTRY

Welcome to Country by Senior Aboriginal Man, Michael O'Brien.

Kaurna Elders, Jeffrey Newchurch and Lynette Crocker will present a gift to the Presiding Officer for the newly elected members.

4. DECLARATION OF RESULTS

The Chief Executive Officer, Mr R Bria will read the declaration of the results of the election.

5. DECLARATION OF OFFICE

Section 60 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (General Regulations) 2013* prescribe the declaration to be made before a Justice of the Peace or a person authorised under the *Oaths Act 1936*.

The form of the declaration is the same for all Members including the Mayor.

The Chief Executive Officer will call on Mr Robert Hughes JP, to witness the declarations.

The Mayor, Amanda Wilson will make her Declaration of Office, following which all Members of Council will make their declarations, in turn, before Mr Robert Hughes JP.

Following the swearing in of the Mayor, she will assume the chair of the meeting.

6. CONGRATULATORY MESSAGE BY HER WORSHIP THE MAYOR

The Mayor, Amanda Wilson will congratulate the members of the Holdfast Bay Council on their election, and acknowledge the contribution made by the previous Council to the City and will welcome members of the gallery.

7. MESSAGES OF ACKNOWLEDGEMENT FROM THE NEW COUNCIL

Each member of Council will have the opportunity to acknowledge their family and friends for their on-going support.

8. APOLOGIES

8.1 Apologies Received – Councillor J Smedley

8.2 Absent

9. DECLARATION OF INTEREST

If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

10. CONFIRMATION OF MINUTES**Motion**

That the minutes of the Ordinary Meeting of Council held on 25 October 2022 be taken as read and confirmed.

11. REPORTS BY OFFICERS

11.1 Appointment of Deputy Mayor (Report No: 440/22)

11.2 Time and Place for Ordinary Council Meetings (Report No: 441/22)

11.3 Elected Member Allowances Support and Entitlements Policy (Report No: 444/22)

11.4 Code of Practice – Meeting Procedures (Report No: 445/22)

11.5 Elected Member Appointments to the Council Assessment Panel (Report No: 443/22)

12. RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**13. URGENT BUSINESS – Subject to the Leave of the Meeting****14. CLOSURE**

ROBERTO BRIA
CHIEF EXECUTIVE OFFICER

Item No: 11.1

Subject: **APPOINTMENT OF DEPUTY MAYOR**

Date: 29 November 2022

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

SUMMARY

Under Section 51 of the *Local Government Act 1999*, Council may appoint a Deputy Mayor for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term if it chooses.

The Deputy Mayor may act in the absence of the Mayor, in the office of Mayor.

RECOMMENDATION

1. That Councillor _____ be appointed as Deputy Mayor for a period of one year, from 30 November 2022 to 1 December 2023.

STRATEGIC PLAN

Statutory compliance

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Local Government Act 1999 – Section 51

BACKGROUND

Council has considered this matter annually, as it has chosen to appoint a Deputy Mayor for a term of one year.

REPORT

Under Section 51 of the *Local Government Act 1999*, if the council has a Mayor, there may also be, if the council so resolves, a Deputy Mayor. In the absence of the Mayor, the Deputy Mayor may act in the office of the Mayor. If there is to be a Deputy Mayor, he or she will be chosen by the Members of the Council from amongst their numbers and will hold office for a term determined by the council, but not exceeding four years.

Council has previously chosen to appoint a Deputy Mayor for a period of one year.

Role of Deputy Mayor

The role of the Deputy Mayor is to:

- Chair the meetings of Council in the absence of the Mayor; and
- Act in the position of Mayor when the Mayor is absent, and exercise the powers and perform the functions of the Mayor.

Remuneration of Deputy Mayor

The Remuneration Tribunal of South Australia in its Determination No.2 of 2022, stated that:

“The annual allowance for a councillor who is a deputy mayor ... will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.”

As the City of Holdfast Bay is a Group 1B Council, as determined by the Remuneration Tribunal, the annual allowance for a Councillor is \$22,828.00 which equates to \$28,535.00 for the Deputy Mayor.

This Determination will come into operation on the conclusion of the 2022 Local Government Elections.

BUDGET

There are no budget implications associated with this report. The 2022/23 budget includes provision for payment of an allowance to a Deputy Mayor.

LIFE CYCLE COSTS

There are no full life cycle costs associated with this report.

Item No: 11.2

Subject: **TIME AND PLACE FOR ORDINARY COUNCIL MEETINGS**

Date: 29 November 2022

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The *Local Government Act 1999* requires Council to hold at least one meeting per month.

It is a decision of the Council to determine its meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council.

In previous terms, Council has met on the second and fourth Tuesdays of each month (February – November) and once in January and December due to the holiday periods. It is proposed that Council continues this meeting schedule, with the frequency of meetings reviewed in February 2024.

RECOMMENDATION

1. That Council continue to meet once in the months of December and January and will meet on 13 December 2022 and 24 January 2023.
2. That Council will meet on the second and fourth Tuesday of each month, commencing in February 2023, except for January and December which will hold a meeting once in each month, due to the holiday periods. (Dates as included in report).
3. That the frequency of meetings will be reviewed by February 2024.
4. That Council will meet in the Council Chamber, Glenelg Town Hall, Moseley Square Glenelg.
5. That Council meetings will commence at 7.00pm.
6. If required an information/briefing session will be held prior to Council Meetings commencing at 6.00pm.
7. If required an information/briefing session commencing at 6.00pm will be held on the first, third and fifth Tuesday of each month.

STRATEGIC PLAN

Statutory compliance

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Local Government Act 1999 – Section 81

BACKGROUND

Section 81 of the *Local Government Act 1999* requires that Council meets at least once per month at a time and place appointed by a resolution of Council.

In the last term of Council, ordinary meetings were held twice per month, on the second and fourth Tuesdays of each month, except in December and January when only one meeting each month was held, taking into account public holidays. This schedule had the benefit of ensuring meeting agendas were kept to a manageable size and allowed matters requiring decisions of Council to be considered in a responsive and timely way. It is proposed that this schedule continue in 2023.

As well as ordinary meetings of Council, information/briefing sessions where required, have been scheduled on the first, third and fifth Tuesday of each month, and before each Council meeting. Information/briefing sessions are intended as forums for Elected Members to explore current projects, ideas and opportunities in depth in an informal setting. They also provide occasions for training and development. Information/briefing sessions are not decision-making forums. As has been the practice these sessions will only be used when required.

Council may choose to amend its schedule of ordinary meetings of Council at any time and must do so with a resolution of Council. Given that this is the first year of a new Council, Members may like to review the current meeting schedule within 12 months to assess its effectiveness.

REPORT**Proposed Council Meeting Dates for 2023/24 period:**

Ordinary Meeting of Council	Date/Day	Comments
December 2022	Tuesday 13 December	Allows for public holidays and festive season
January 2023	Tuesday 24 January	As above
February 2023	Tuesday 14 February Tuesday 28 February	

March 2023	Tuesday 14 March Tuesday 28 March	
April 2023	Tuesday 11 April Wednesday 26 April	Anzac Day falls on Tuesday
May 2023	Tuesday 9 May Tuesday 23 May	
June 2023	Tuesday 13 June Tuesday 27 June	
July 2023	Tuesday 11 July Tuesday 25 July	
August 2023	Tuesday 8 August Tuesday 22 August	
September 2023	Tuesday 12 September Tuesday 26 September	
October 2023	Tuesday 10 October Tuesday 24 October	
November 2023	Tuesday 14 November Tuesday 28 November	
December 2023	Tuesday 12 December	Allows for festive season
January 2024	Tuesday 23 January	Allows for festive season

BUDGET

The costs of council meetings, workshops and briefings are included in the current budget.

LIFE CYCLE COSTS

There are no lifestyle costs associated with this report.

Item No: 11.3

Subject: **ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY**

Date: 29 November 2022

Written By: Executive Officer and Assistant to the Mayor

Chief Executive Officer: Mr R Bria

SUMMARY

Following a periodic election, Council is required to consider its Elected Member Allowances, Support and Entitlements Policy for the reimbursement of discretionary expenses and determine facilities and support for members.

In accordance with Section 77 (2) of the *Local Government Act 1999* (the Act), the previous Elected Member Entitlements Policy lapsed at the General Election held 10 November 2022 and is required to be reconsidered and adopted by this Council.

RECOMMENDATION

1. **That the Elected Member Allowances, Support and Entitlements Policy be adopted, noting that:**
 - **an IT equipment allowance of \$1,700 for the first year in office, followed by \$1,100 p.a. be approved; and**
 - **each Elected Member is issued with a laptop with a corporate data plan to enable them to receive Council communication and documents.**
 2. **Council resolves that the provision of facilities or services is necessary or expedient to the performance or discharge of official functions or duties.**
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STRATEGIC PLAN

Statutory compliance

COUNCIL POLICY

Elected Members Code of Conduct Complaints and Investigations Policy
Elected Members Gifts and Benefits Form
Council Acceptable Use Policy (IT)

STATUTORY PROVISIONS

Local Government Act 1999

Independent Commissioner Against Corruption (ICAC) Act 2013

Local Government (Elections) Act 1999

Local Government (Members Allowances and Benefits) Regulations 2010

Code of Conduct for Elected Members 2013

Income Tax Assessment Act 1997

State Records Act 1997

Freedom of Information Act 1991

BACKGROUND

This matter is to be considered by the new Council.

The previous Elected Member Entitlements Policy was last reviewed and endorsed by Council in November 2018.

REPORT

Following a general election, Council is required to consider and endorse a policy to determine the items for discretionary reimbursement of expenses and the level of the provision of support and facilities for Elected Members.

The adoption of the Elected Member Allowances, Support and Entitlements Policy provides authority for Elected Members to obtain reimbursement of approved expenses and for the provision of support and facilities provided to each Council Member and the Mayor. A marked-up version of the Elected Member Allowances, Support and Entitlements Policy is provided for Elected Members reference.

Refer Attachment 1

A clean version of the new policy is provided for ease of reference.

Refer Attachment 2

The majority of amendments proposed are minor/typographical in nature, however, the more substantive changes are outlined below.

1. Policy title change from Elected Member Entitlements Policy to Elected Members Allowances, Support and Entitlement Policy.
2. Inclusion of National Police Screening checks for all Elected Members.

3. Additional support and facilities for the Mayor – now includes the purchase of tributes (floral arrangements, condolence or celebratory cards) on behalf of the City of Holdfast Bay for organisations and individuals affiliated with the area. (This has been custom and practice and now is included in the policy).
4. Inclusion of Recognition of Service for Elected Members.

Provision of facilities and services is at the discretion of the Council under section 78(2) of the *Local Government Act 1999* and must comply with the following requirements:

- Council must specifically resolve that the provision of facilities or services is necessary or expedient to the performance or discharge of official functions or duties;
- Facilities and services must be available to all Elected Members unless specifically provided for the benefit of the Mayor; and
- Any property provided to an Elected Member remains the property of Council and must be returned when required.

Allowances

Allowances are determined by the South Australian Remuneration Tribunal and in Determination No. 2 for 2022, it has been determined that the following annual allowances are payable to Elected Members (City of Holdfast is Group 1B):

Mayor	\$91,312.00
Deputy Mayor	\$28,535.00
Presiding Committee Member	\$28,535.00
Councillor	\$22,828.00

The Elected Members Allowances, Support and Entitlements Policy proposes that the allowances will be paid monthly, except for the first three months of a new Council term, which will be paid as a lump sum in advance on commencement (in accordance with Regulation 4(1) of the *Local Government (Members Allowances and Benefits) Regulations 2010*).

Allowances are paid by 10th of each month with payment statements emailed to Members after each payment.

Reimbursement of Expenses

Section 77(1)(b) of the *Local Government Act 1999* provides that councils may approve the reimbursement of certain prescribed expenses incurred by Elected Members, either on an individual basis or under a policy adopted by the Council. Regulation 6 of the *Local Government (Members Allowances and Benefits) Regulations 2010* sets out the types of expenses that may be reimbursed under Section 77(1)(b).

Any reimbursement claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

Provision of Facilities and Support

To assist Elected Members in performing their role and in accordance with Section 78 of the Act, Council needs to resolve to make available facilities and support to assist them in performing or discharging their official duties.

The Elected Member Allowances, Support and Entitlements Policy allows for the provision of a laptop pre-loaded with Microsoft Office and a corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.

In place of the provision of a desktop or tablet, printer, home internet connection and mobile phone for Elected Members, it is proposed that Council will pay an annual allowance to cover these costs. In recognition of additional costs which may be incurred in the first year of office, it is proposed that this allowance be set at \$1700 in the first year, with \$1100 in each subsequent year, indexed annually by CPI.

Facilities and Support for the Mayor

In addition to the support provided for all Elected Members the policy provides for the following facilities available to the Mayor to perform his/ her duties:

- office space;
- administrative support, in accordance with Council's budget;
- a fully maintained vehicle in accordance with Council's Use of Motor Vehicle Policy. Alternatively, the Mayor may choose to be reimbursed for their vehicle operational costs up to the equivalent cost of a fully maintained vehicle; and
- purchase of tributes (e.g., floral arrangements, condolence or celebratory cards etc) on behalf of the City of Holdfast Bay for organisations and individuals affiliated with the area.

Upon appointment each Elected Member will also be provided with the following:

- Name badge
- Name badge for partner (optional)
- 1 x box of printed business cards (up to 500 per annum)

National Police Clearance Screening

Council is committed to minimising the risk of harm to all children and vulnerable persons who receive services or participate in programs developed by or on behalf of Council.

Elected Members, with support from the Civic Governance Team, are required to obtain a National Police Clearance as opposed to a Department of Communities and Social Inclusion screening (DCSI), under the Aged Care legislation. Elected Members must obtain the Police Clearance check within three (3) months of the commencement of their term on Council.

The cost of all screenings obtained as an Elected Member will be borne by Council and all checks will be managed by the Civic Governance Team and provided to the Chief Executive Officer. All documentation will be managed confidentially and in accordance with the relevant records management processes required for screening checks.

Expenses which are reimbursed under the Local Government Act and Regulations

Under the Act, Elected Members are entitled to receive reimbursement for travelling within the area of the Council and child, children and/ or dependent care expenses associated with attendance at Council and Committee meetings in accordance with Section 77(1)(a) of the Act and Regulation 5.

These are:

- Eligible journeys – travelling to and from a Council or Committee meeting based on the appropriate rate per kilometre (determined by the engine capacity of the vehicle) under the *Income Tax Assessment Act 1997 (Commonwealth)*. The journey is calculated at the shortest or most practicable route. This does not include travel outside of the area of the Council.
- Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred but is still limited to eligible journeys by the shortest or most practicable route and to the part of the journey that is within the Council area.
- Expenses for the care of a child, children and/ or dependent of the Elected Member actually and necessarily incurred by the Elected Member as a consequence of the Member's attendance at a meeting of the Council or a Committee of Council. These expenses are not reimbursable if the care is provided by a relative of the Elected Member who ordinarily resides with the Elected Member.

Expenses which are reimbursed under the Policy

In addition to the reimbursements provided by the *Local Government Act*, regarding eligible journeys, Elected Members are eligible to receive reimbursement for expenses actually and necessarily incurred in travelling to a function or activity on the business of Council. The following conditions apply:

- Reimbursement is restricted to the shortest or most practicable route.
- Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 28.25 of the *Income Tax Assessment Act 1997* (Commonwealth).
- Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.
- Expenses incurred for the care of a child, children and/ or dependent of the Elected Member requiring full time care as a consequence of the Member's attendance at a function or activity on the business of Council. Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.
- Expenses incurred by the Elected Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance or discharge of the roles of duties of the Member. It should be noted that all conference /seminar attendance must be approved by Council. This includes, airfares, registration fees, taxi fares, car parking, incidental expenses i.e. meals (up to a daily maximum of \$50 per day).

Insurance

Section 80 of the Act requires that Council insure its Elected Members. Elected Members are covered under the following insurance policies on a 24-hour basis, while discharging their duties (which also includes attendance at meetings of external bodies as Council's official representative):

- Personal Accident Insurance – Elected Members (and accompanying spouses/ partners) are provided with benefits to cover non-Medicare medical expenses and out of pocket expenses should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with, or on behalf of Council.
- Public/Professional Liability – indemnifies Elected Members when undertaking their role as members of Council.
- Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.

BUDGET

The 2022/23 budget has allocations to cover the cost of providing the materials and services outlined in the Elected Member Allowances, Support and Entitlements Policy.

LIFE CYCLE COSTS

There are no life cycle costs associated with this report.

Attachment 1



ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

Classification:	Statutory Policy
ECM DSID Number:	4205236
Approved:	12 October 2021 C121021/2440
Last Reviewed:	27 November 2018 25 November 2014
Next Review:	29 November 2022
Responsible Officer:	Executive Officer and Assistant to the Mayor
Date Placed on Web:	28 November 2018 TBC

1. PREAMBLE

1.1 Background

Section 76, ~~77 and to~~ 80-79 of the *Local Government Act 1999* (the Act) provides for allowances and reimbursements that Elected Members will receive and those which City of Holdfast (Council) may approve for certain prescribed expenses incurred by Elected Members.

The Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations) in Regulation 6 sets out the types of expenses that may be reimbursed under section 77(1)(b) of the Act.

1.2 Purpose

Elected Members should not be 'out of pocket' as a result of performing and discharging their Council functions and duties.

The adoption of this policy provides authority for Elected Members to obtain reimbursement of those expenses.

The City of Holdfast Bay will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with Chapter 5, Part 5 of the Act and the Regulations.

1.3 Scope

This policy applies to all Elected Members of the City of Holdfast Bay.

It summarises the provisions of the Act and Regulations in respect to Elected Member allowances, the provision of facilities and support, the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

It specifies the types of expenses incurred by Elected Members that will be reimbursed without specific approval of Council each time.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

~~It specifies the types of expenses incurred by Elected Members that will be reimbursed without specific approval of Council each time.~~

1.4 Definitions

Act means the *Local Government Act 1999*.

Elected Member Code of Conduct (the Code) means the Code of Conduct for Council Members as prescribed for the purpose of Section 63 of the Act, as gazetted by the Minister from time to time.

Eligible Journey ~~means~~ as defined in Regulation 3 of the Regulations, a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council and the place of a prescribed meeting.

Function means:

- An official Council function including mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits; ~~or~~
- Attendance at meetings of community groups and/ or organisations as a Council appointed delegate (but not attending meetings of community groups or organisations when fulfilling the role of local representative).

Prescribed Meeting ~~means~~ as defined in Regulation 3 of the Regulations, in relation to a member of council, means a meeting of council or council committee or an informal gathering, discussion workshop, briefing, training course or similar activity which is directly or closely related to the discharge of the roles or duties of the member.

Regulations means the Local Government (Members Allowances and Benefits) Regulations 2010.

1.5 Strategic Reference

~~A Place that provides Value for Money.~~ [Our Holdfast 2050+](#)

2. POLICY STATEMENT

2.1 The Chief Executive Officer of the Council is responsible for:

- Implementing expense reimbursement procedures in accordance with this policy; ~~and~~
- Maintaining a Register of Allowances and Benefits as prescribed in [Section 79](#) of the Act and Regulation 7 of the Regulations
- Ensuring that a copy of this policy is available for inspection and/or purchase by the public; ~~and~~
- Ensuring that a Gifts Register is maintained and available on the Council's website.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

Pursuant to Section 79 of the Act, the Chief Executive Officer of the Council will maintain a register of allowances and benefits to record:

- a. Annual allowances paid to Elected Members (Section 76 of the Act).
- b. Expenses reimbursed to an Elected Member (Section 77(1)(b) of the Act).
- c. Details of other benefits paid or payable to an Elected Member.

3. ALLOWANCES

3.1 Elected Members are paid an allowance for performing and discharging the functions and duties of their office as a member of the elected body of the council in accordance with Section 59 of the Act. In accordance with Section 76 of the Act, Elected Members' annual allowances are determined by the ~~entitled to an allowance as provided by section 76 of the Act and regulation 4 of the Regulations:~~

~~Allowances are reviewed by the~~ Remuneration Tribunal of South Australia.

The Remuneration Tribunal must make determinations under this section on a four (4) yearly basis before the designated day in relation to each set of periodic elections held ~~underpursuant to the Local Government (Elections) Act 1999.~~

Principal Member (Mayor / Chairperson)

The annual allowance for the principal member of a Local Government council constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

Deputy Mayor / Deputy Chairperson and Presiding Member

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committee established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council. The level of allowance is payable at a maximum of 1.25 times only and does not multiply each of the qualifying criteria.

3.2 An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.~~Allowances will be adjusted annually by the Consumer Price Index (CPI) for the September quarter immediately before the date on which the allowance was determined (regulation 4(2) of the Regulations).~~

3.3 Elected Member allowances are paid by Electronic Funds Transfer (EFT) directly into a nominated bank account, paid monthly, except for the first three months of the new Council term, which will be paid as a lump sum in advance on commencement. Allowances are paid by 10th of each month with payment statements emailed to Members after each payment.

3.4 A statement of earnings will be provided electronically (unless a hard copy is requested) to Elected Members at the conclusion of each financial year.~~Allowances will be paid monthly in arrears, except for the first three months of the new Council, which will be paid as a lump sum in advance on commencement.~~

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

4. REIMBURSEMENTS ASSOCIATED WITH ATTENDING PRESCRIBED MEETINGS (INCLUDING TRAVEL AND CHILD, CHILDREN AND/OR DEPENDENT CARE)

Entitled Reimbursements

4.1 Elected Members are entitled to receive reimbursements for travelling within the area of the Council and for child, children and/ or dependent care expenses associated with attending a prescribed meeting as required by Section 77(1)(a) of the Act and Regulation 5 of the Regulations. Council Members are requested to submit reimbursement for these costs on a quarterly basis.

- a. Reimbursement is restricted to ***eligible journeys*** provided the journey is by the shortest or most practicable route and to the part of the journey within Council area.
- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at as prescribed rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under ~~under~~ Section 28-2525-28 of the *Income Tax Assessment Act 1997* (Commonwealth).
- c. Travelling by ~~by~~ taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily ~~incurred but~~ incurred but is still limited to ***eligible journeys*** by the shortest or most practicable route and to the part of the journey that is within the Council area.
- d. Where child, children and/or dependent care expenses are actually or necessarily incurred by the Elected Member as a consequence of attendance at a prescribed meeting. Child/dependent care is not reimbursed if the Reimbursement does not apply if the ~~care is provided by a person who usually resides with the Elected Member.~~

Discretionary Expenses

4.2 Pursuant to Section 77(1)(b) of the Act, Council may also approve the reimbursement for expenses actually and necessarily incurred in travelling to official functions or activities on the business of Council (other than for which the Elected Member is reimbursed under Section 77(1)(a) of the Act), i.e., if the journey is within or outside the Council area subject to:

- a. Reimbursement is restricted to the shortest or most practicable route.
- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under Section 28-2525-28 of the Income Tax Assessment Act 1997 (Commonwealth). Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

~~c.a. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 28.25 of the Income Tax Assessment Act 1997 (Commonwealth). Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.~~

4.3 Pursuant to Section 77(1)(b) of the Act, Council also approves reimbursement of:

a. Child, children and/ or dependent care expenses as a consequence of the Elected Member's attendance at a function or activity on the business of Council (other than for which an Elected Member is reimbursed under Section 77(1)(a) of the Act). Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.

b. Expenses incurred by the member as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member (other than for which an Elected Member is reimbursed under Section 77(1) ~~(a)~~ (a) of the Act). It should be noted that ~~all~~ conference/seminar attendance above \$500 must be approved by Council.

The following types of expenses will be reimbursed:

- Airfares (with Council approval)
- Registration fees
- Taxi fares
- Car parking
- Incidentals expenses i.e., meals (up to a daily maximum of \$50 per day).

~~b.c.~~ Elected Member expenses and reimbursements for attendance at conferences/seminars/training courses is recorded in the Elected Member Register of Allowances and Benefits.

~~c.d.~~ Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses actually and necessarily ~~incurred, and~~ incurred and is still limited to the shortest or most practicable route.

How to claim reimbursements

4.4 Any reimbursement claimed by an Elected Member must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

4.5 All claims for reimbursement must be submitted to the Chief Executive Officer on the Elected Member's claim form. Elected Members are ~~and are~~ requested to submit these forms at least on a quarterly basis, within the quarter of the year that they are incurred. Elected Members are required to provide evidence of expenses incurred (i.e., tax receipts/ invoices) and/or details of kilometres travelled to support all reimbursements claimed.

5. FACILITIES AND SUPPORT

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

- 5.1** Pursuant to Section 78 of the Act, Council resolves to make available to Elected Members the following facilities and support which are necessary and expedient to assist in performing or discharging Elected Members official functions or duties provided on a uniform basis to all Elected Members, other than those facilities and support specifically provided to the Principal Member set out below.

The following items are considered to have a direct benefit to the effectiveness and efficiency of the Elected Members:

a. A laptop pre-loaded with Microsoft Office and a with a 5GB/month on a mobile plan for the purpose of receiving Council information and appropriate IT support.
corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.

b. An IT equipment allowance of \$17600.00 in the first year of office, followed by \$1100.00 per annum, indexed annually by the Consumer Price Index (CPI).
for the September quarter immediately before the date on which the allowance was determined. This allowance is to assist with the cost of peripheral devices, printer, paper, internet connection and telecommunications resources.
This allowance is to assist with the cost of providing and maintaining a desktop/laptop of their choice with appropriate software and peripheral devices, printer, paper, internet connection and telecommunications resources.

a-c. Elected Members will be supplied with a Council email address for Council business. This email will be made available on Council's website as the email contact for the elected member. Council records are subject to the requirements of the State Records Act 1997 and may be subject to disclosure under the Freedom of Information Act 1991.

b-d. Elected Members will have access to Council's IT staff who will
staff will only provide technical support for Council supplied equipment and software which are being used for Council business.

- 5.2** The equipment provided by Council to an Elected Member remains the property of Council.

- 5.3** Limited private use of electronic equipment is permitted by Council so long as Elected Members:

a. Comply with the provisions in the Council's Electronic Communications Acceptable Use Policy; ~~and~~

b. Additional costs associated with private use are to be borne solely by the Elected Member including if an Elected Member uses more than the data plan amount each month.

- 5.4** All equipment and facilities supplied by Council are to be returned to Council at the end of each term in office, upon the office of a Member of Council becoming vacant or at the request of the Chief Executive Officer.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

5.5 ~~Upon appointment each Elected Member is provided with the following:~~Council is committed to minimising the risk of harm to all children and vulnerable persons who receive services or participate in programs developed by or on behalf of Council.

- a. Elected Members, within three (3) months of the commencement of their term on Council, and with the support from the Civic Governance Team, will be required to obtain a National Police Clearance.
- b. The cost of all screenings obtained as an Elected Member will be borne by Council and all checks will be managed by the Civic Governance Team and provided to the Chief Executive Officer. All documentation will be managed confidentially and in accordance with the relevant records management processes required for screening checks.

5.6 Upon appointment each Elected Member is provided with the following:

- a. Name badge
- b. Name badge for partner (optional)
- a-c. 1 x box of printed business cards (up to 500 per annum).

~~a. Name badge~~

~~b. Name badge for partner (optional)~~

~~1 x box of printed business cards.~~

5.45.7 ~~A meal will be provided, where deemed appropriate, by Council's Administration while attending Council meetings, Committee meetings, briefings and workshops~~information sessions.

5.55.8 ~~Elected Members will receive one~~ street-based ~~street-based~~ car parking permit for use while on ~~C~~council business in the Council's parking areas; and in the Council area of the Beachouse carpark outside of normal working hours.

5.65.9 ~~In addition to the above, Council has resolved to make available the following facilities and support to the Mayor in performing and discharging official duties:~~

- a. Office Space
- b. Administrative support for Council business only, in accordance with Council's budget
- c. A fully maintained vehicle in accordance with ~~Council's the Organisational Use of Vehicles Policy~~Use of Motor Vehicle Policy. Alternatively, the Mayor may choose to be reimbursed for his/her vehicle operational costs up to the equivalent cost of a fully maintained vehicle
- d. Purchase of tributes (e.g., floral arrangements, condolence, or celebratory cards etc.) on behalf of the City of Holdfast Bay for organisations and individuals affiliated with the area.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

5.10 In accordance with, Pursuant to Section 55A of the Act, if a council member stands as a candidate for election as a member of the Parliament of the State, the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the relevant election close until the result of the election is publicly declared. During the leave of absence, the Council Member:

- a. Is not entitled to receive any allowance in respect of the member's office, or reimbursement of expenses that the member would otherwise be entitled to under this Act; a council member may not carry out any function or duty of the office of member of the council, may not be paid an allowance, or use council resources during a period of relevant leave to contest an election.
- b. Must not use any facility, service or other form of support provided by the Council; ~~and~~
- c. Must not carry out any function or duty as a Council Member.

6. INSURANCE OF ELECTED MEMBERS

6.1 Section 80 of the Act requires that Council insure its Elected Members. Elected Members are covered under the following insurance policies on a ~~24-hour~~24-hour basis, while discharging their duties (which also includes attendance at meetings of external bodies as Council's official representative):

- a. Personal Accident Insurance – Elected Members (and accompanying spouses/ partners) are provided with benefits to cover non-Medicare medical expenses and out of pocket expenses should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with, or on behalf of Council.
- b. Public/Professional Liability – indemnifies Elected Members but only in connection with their role as Elected Members when undertaking their role as members of Council.
- ~~b-c.~~ Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.

7. GIFTS AND BENEFITS

7.1 Where Elected Members receive a gift or benefit of more than a value published in the Government Gazette by the Minister, details of each gift and benefit must be recorded within a gifts and benefits register maintained and updated quarterly by Council's Civic Governance Team.

7.2 It is the responsibility of the Elected Member to ensure that a form is completed, accurate and lodged within 30 days of receipt of the gift or benefit. Gift declarations are recorded in the City of Holdfast Bay Gifts and Benefits Register, which is available online for public inspection.

7.3 An Elected Member must not:

- a. Seek gifts or benefits of any kind.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

~~a.b.~~ Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty

~~b.c.~~ Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council

~~e.d.~~ Fail to declare any gift or benefit, or election donation.

- 7.4** Elected Members may accept hospitality provided in context of an ~~and~~ invitation to attend local social and sporting events. This is limited to events held within the City of Holdfast Bay, by non-professional sporting clubs and community organisations. All other invitations that include hospitality accepted by an Elected Member, over the gazetted amount, must be declared on an Elected Members Gifts and Benefits Form.

~~All gifts and benefits received by an Elected Member above the gazetted value by the Minister from time to time must be declared on an Elected Members Gifts and Benefits Form.~~

~~It is the responsibility of the Elected Member to ensure that the form is completed, accurate and lodged within 30 days of receipt of the gift or benefit.~~

8. RECOGNITION OF SERVICE

8.1 From time to time Elected Members serve the communities of Holdfast Bay for more than 10 years of service. The City of Holdfast Bay recognises the value of this sustained community service and recognises their contribution.

8.2 Council recognises the contribution that long serving Elected Members make to the community and recognises that service by adding their names and years of service to the Honour Board in the Council Chamber at Glenelg.

8.3 The Chief Executive Officer is responsible for identifying Members with three continuous terms of service on Holdfast Bay Council.

8.4 Recognition of service for Elected Members not contesting or unsuccessful at a periodic election with the City of Holdfast Bay will be presented with an appropriate gift by the Mayor, based on years of service multiplied by \$15 with a minimum value of \$100.

8.5 To qualify for entitlements 'service' does not need to be continuous.

8.9. CAMPAIGN DONATIONS

~~8.19.1~~ The Local Government (Election) Act 1999 requires a Campaign Donations Return to be completed by a person who is a candidate for election to an office of a council and must lodge their returns with the Electoral Commissioner. Candidates must lodge two returns.

For a periodic election:

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

- a. The first campaign donation return must be lodged with the returning officer in the period between **22 to 28 days after** the close of nominations; ~~and~~

The second campaign donation return must be lodged **30 days after** the conclusion of the election.

The return must disclose:

- a. The total amount or value of all gifts received during the disclosure period
- b. The number of people who made those gifts
- c. The amount or value of each gift
- d. The date of which each gift was made
- e. Details of the persons and organisations (donors) providing those gifts.

9.2 If a candidate does not have any gifts or donations to disclose, the campaign donations return must still be lodged and include a statement to the effect that no gifts of a kind required to be disclosed were received.

9.10. REFERENCES

Legislation

- *Income Tax Assessment Act 1997*
- *Independent Commissioner Against Corruption (ICAC) Act 2013*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Members Allowances and Benefits) Regulations 2010*
- *State Records Act 1997*
- *Freedom of Information Act 1991*

Other References

- City of Holdfast Bay's Investigations PolicyElected Members Code of ConductComplaints and Investigations Policy
- Code of Conduct for Elected Members 2013Council Members
- ~~Elected Members Code of Conduct~~Complaints Investigations Procedure.
- Elected Members Gifts and Benefits Form
- Council Acceptable Use Policy (IT)

10.11. REVIEW AND EVALUATION

10.11.1 This entire policy will lapse at the next General Election at which time the newly elected Council will be required to adopt a new policy.

10.211.2 This policy is available for inspection at Council's principal office during business hours and is also available on Council's website at www.holdfast.sa.gov.au.

Attachment 2



Classification:	Statutory Policy
ECM DSID Number:	4205236
Approved:	12 October 2021 C121021/2440
Last Reviewed:	27 November 2018 25 November 2014
Next Review:	29 November 2022
Responsible Officer:	Executive Officer and Assistant to the Mayor
Date Placed on Web:	TBC

1. PREAMBLE

1.1 Background

Section 76, 77 and 79 of the *Local Government Act 1999* (the Act) provides for allowances and reimbursements that Elected Members will receive and those which City of Holdfast (Council) may approve for certain prescribed expenses incurred by Elected Members.

The Local Government (Members Allowances and Benefits) Regulations 2010 (the Regulations) in Regulation 6 sets out the types of expenses that may be reimbursed under section 77(1)(b) of the Act.

1.2 Purpose

Elected Members should not be 'out of pocket' as a result of performing and discharging their Council functions and duties.

The adoption of this policy provides authority for Elected Members to obtain reimbursement of those expenses.

The City of Holdfast Bay will ensure that the payment of Elected Member allowances and the reimbursement of expenses is accountable, transparent and in accordance with Chapter 5, Part 5 of the Act and the Regulations.

1.3 Scope

This policy applies to all Elected Members of the City of Holdfast Bay.

It summarises the provisions of the Act and Regulations in respect to Elected Member allowances, the provision of facilities and support, the different types of expenses, the circumstances in which those expenses will be or can be reimbursed and what benefits Council Members receive that must be recorded for the purposes of maintaining the Register of Allowances and Benefits.

It specifies the types of expenses incurred by Elected Members that will be reimbursed without specific approval of Council each time.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

1.4 Definitions

Act means the *Local Government Act 1999*.

Elected Member Code of Conduct (the Code) means the Code of Conduct for Council Members as prescribed for the purpose of Section 63 of the Act, as gazetted by the Minister from time to time.

Eligible Journey as defined in Regulation 3 of the Regulations, a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council and the place of a prescribed meeting.

Function means:

- An official Council function including mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits
- Attendance at meetings of community groups and/ or organisations as a Council appointed delegate (but not attending meetings of community groups or organisations when fulfilling the role of local representative).

Prescribed Meeting as defined in Regulation 3 of the Regulations, in relation to a member of council, means a meeting of council or council committee or an informal gathering, discussion workshop, briefing, training course or similar activity which is directly or closely related to the discharge of the roles or duties of the member.

Regulations means the Local Government (Members Allowances and Benefits) Regulations 2010.

1.5 Strategic Reference

Our Holdfast 2050+

2. POLICY STATEMENT

2.1 The Chief Executive Officer of the Council is responsible for:

- a. Implementing expense reimbursement procedures in accordance with this policy
- b. Maintaining a Register of Allowances and Benefits as prescribed in section 79 of the Act and Regulation 7 of the Regulations
- c. Ensuring that a copy of this policy is available for inspection and/or purchase by the public
- d. Ensuring that a Gifts Register is maintained and available on the Council's website.

Pursuant to section 79 of the Act, the Chief Executive Officer of the Council will maintain a register of allowances and benefits to record:

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

- a. Annual allowances paid to Elected Members (section 76 of the Act).
- b. Expenses reimbursed to an Elected Member (section 77(1)(b) of the Act).
- c. Details of other benefits paid or payable to an Elected Member.

3. ALLOWANCES

- 3.1 Elected Members are paid an allowance for performing and discharging the functions and duties of their office as a member of the elected body of the council in accordance with section 59 of the Act. In accordance with section 76 of the Act, Elected Members' annual allowances are determined by the Remuneration Tribunal of South Australia.

The Remuneration Tribunal must make determinations under this section on a four (4) yearly basis before the designated day in relation to each set of periodic elections held pursuant to the *Local Government (Elections) Act 1999*.

Principal Member (Mayor / Chairperson)

The annual allowance for the principal member of a Local Government council constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

Deputy Mayor / Deputy Chairperson and Presiding Member

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committee established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council. The level of allowance is payable at a maximum of 1.25 times only and does not multiply each of the qualifying criteria.

- 3.2 An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.
- 3.3 Elected Member allowances are paid by Electronic Funds Transfer (EFT) directly into a nominated bank account, paid monthly, except for the first three months of the new Council term, which will be paid as a lump sum in advance on commencement. Allowances are paid by 10th of each month with payment statements emailed to Members after each payment.
- 3.4 A statement of earnings will be provided electronically (unless a hard copy is requested) to Elected Members at the conclusion of each financial year.

4. REIMBURSEMENTS ASSOCIATED WITH ATTENDING PRESCRIBED MEETINGS (INCLUDING TRAVEL AND CHILD, CHILDREN AND/OR DEPENDENT CARE)

Entitled Reimbursements

- 4.1 Elected Members are entitled to receive reimbursements for travelling within the area of the Council and for child, children and/or dependent care expenses associated with attending a prescribed meeting as required by section 77(1)(a) of the Act and Regulation 5 of the Regulations. Council Members are requested to submit reimbursement for these costs on a quarterly basis.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

- a. Reimbursement is restricted to **eligible journeys** provided the journey is by the shortest or most practicable route and to the part of the journey within Council area.
- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre prescribed for the purposes of calculating deductions for car expenses under section 25-28 of the *Income Tax Assessment Act 1997* (Commonwealth).
- c. Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred but is still limited to **eligible journeys** by the shortest or most practicable route and to the part of the journey that is within the Council area.
- d. Where child, children and/or dependent care expenses are actually or necessarily incurred by the Elected Member as a consequence of attendance at a prescribed meeting. Child/dependent care is not reimbursed if the care is provided by a person who usually resides with the Elected Member.

Discretionary Expenses

4.2 Pursuant to section 77(1)(b) of the Act, Council may also approve the reimbursement for expenses actually and necessarily incurred in travelling to official functions or activities on the business of Council (other than for which the Elected Member is reimbursed under section 77(1)(a) of the Act), i.e., if the journey is within or outside the Council area subject to:

- a. Reimbursement is restricted to the shortest or most practicable route.
- b. Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed under section 25-28 of the *Income Tax Assessment Act 1997* (Commonwealth). Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred.

4.3 Pursuant to section 77(1)(b) of the Act, Council also approves reimbursement of:

- a. Child, children and/ or dependent care expenses as a consequence of the Elected Member's attendance at a function or activity on the business of Council (other than for which an Elected Member is reimbursed under section 77(1)(a) of the Act). Reimbursement does not apply if the care is provided by a person who usually resides with the Elected Member.
- b. Expenses incurred by the member as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member (other than for which an Elected Member is reimbursed under section 77(1) (a) of the Act). It should be noted that conference/seminar attendance above \$500 must be approved by Council.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

The following types of expenses will be reimbursed:

- Airfares (with Council approval)
- Registration fees
- Taxi fares
- Car parking
- Incidentals expenses i.e., meals (up to a daily maximum of \$50 per day).

- c. Elected Member expenses and reimbursements for attendance at conferences/seminars/training courses is recorded in the Elected Member Register of Allowances and Benefits.
- d. Travel by taxi, bus, plane or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred and is still limited to the shortest or most practicable route.

How to claim reimbursements

4.4 Any reimbursement claimed by an Elected Member must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties.

4.5 All claims for reimbursement must be submitted to the Chief Executive Officer on the Elected Member's claim form. Elected Members are requested to submit these forms on a quarterly basis, within the quarter of the year that they are incurred. Elected Members are required to provide evidence of expenses incurred (i.e., tax receipts/invoices) and/or details of kilometres travelled to support all reimbursements claimed.

5. FACILITIES AND SUPPORT

5.1 Pursuant to section 78 of the Act, Council resolves to make available to Elected Members the following facilities and support which are necessary and expedient to assist in performing or discharging Elected Members official functions or duties provided on a uniform basis to all Elected Members, other than those facilities and support specifically provided to the Principal Member set out below.

The following items are considered to have a direct benefit to the effectiveness and efficiency of the Elected Members:

- a. A laptop pre-loaded with Microsoft Office and a corporate data plan for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.
- b. An IT equipment allowance of \$1700.00 in the first year of office, followed by \$1100.00 per annum, indexed annually by the Consumer Price Index (CPI). This allowance is to assist with the cost of peripheral devices, printer, paper, internet connection and telecommunications resources.
- c. Elected Members will be supplied with a Council email address for Council business. This email will be made available on Council's website as the email contact for the elected member. Council records are subject to the requirements of the *State Records Act 1997* and may be subject to disclosure under the *Freedom of Information Act 1991*.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

- d. Elected Members will have access to Council's IT staff who will provide technical support for Council supplied equipment and software which are being used for Council business.
- 5.2** The equipment provided by Council to an Elected Member remains the property of Council.
- 5.3** Limited private use of electronic equipment is permitted by Council so long as Elected Members:
 - a. Comply with the provisions in the Council Acceptable Use Policy
 - b. Additional costs associated with private use are to be borne solely by the Elected Member including if an Elected Member uses more than the data plan amount each month.
- 5.4** All equipment and facilities supplied by Council are to be returned to Council at the end of each term in office, upon the office of a Member of Council becoming vacant or at the request of the Chief Executive Officer.
- 5.5** Council is committed to minimising the risk of harm to all children and vulnerable persons who receive services or participate in programs developed by or on behalf of Council.
 - a. Elected Members, within three (3) months of the commencement of their term on Council, and with the support from the Civic Governance Team, will be required to obtain a National Police Clearance.
 - b. The cost of all screenings obtained as an Elected Member will be borne by Council and all checks will be managed by the Civic Governance Team and provided to the Chief Executive Officer. All documentation will be managed confidentially and in accordance with the relevant records management processes required for screening checks.
- 5.6** Upon appointment each Elected Member is provided with the following:
 - a. Name badge
 - b. Name badge for partner (optional)
 - c. 1 x box of printed business cards (up to 500 per annum).
- 5.7** A meal will be provided, where deemed appropriate, by Council's Administration while attending Council meetings, Committee meetings, briefings and information sessions.
- 5.8** Elected Members will receive one street-based car parking permit for use while on Council business in the Council's parking areas; and in the Council area of the Beachouse carpark outside of normal working hours.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

5.9 In addition to the above, Council has resolved to make available the following facilities and support to the Mayor in performing and discharging official duties:

- a. Office Space
- b. Administrative support for Council business only, in accordance with Council's budget
- c. A fully maintained vehicle in accordance with the Organisational Use of Vehicles Policy. Alternatively, the Mayor may choose to be reimbursed for his/her vehicle operational costs up to the equivalent cost of a fully maintained vehicle
- d. Purchase of tributes (e.g., floral arrangements, condolence, or celebratory cards etc.) on behalf of the City of Holdfast Bay for organisations and individuals affiliated with the area.

5.10 In accordance with section 55A of the Act, if a council member stands as a candidate for election as a member of the Parliament of the State, the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the relevant election close until the result of the election is publicly declared. During the leave of absence, the Council Member:

- a. Is not entitled to receive any allowance in respect of the member's office, or reimbursement of expenses that the member would otherwise be entitled to under this Act
- b. Must not use any facility, service or other form of support provided by the Council
- c. Must not carry out any function or duty as a Council Member.

6. INSURANCE OF ELECTED MEMBERS

6.1 Section 80 of the Act requires that Council insure its Elected Members. Elected Members are covered under the following insurance policies on a 24-hour basis, while discharging their duties (which also includes attendance at meetings of external bodies as Council's official representative):

- a. Personal Accident Insurance – Elected Members (and accompanying spouses/ partners) are provided with benefits to cover non-Medicare medical expenses and out of pocket expenses should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with, or on behalf of Council.
- b. Public/Professional Liability – Indemnifies Elected Members when undertaking their role as members of Council.
- c. Personal Effects – Council provides coverage for damage to Elected Members personal effects whilst on Council business.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

7. GIFTS AND BENEFITS

- 7.1** Where Elected Members receive a gift or benefit of more than a value published in the Government Gazette by the Minister, details of each gift and benefit must be recorded within a gifts and benefits register maintained and updated quarterly by Council's Civic Governance Team.
- 7.2** It is the responsibility of the Elected Member to ensure that a form is completed, accurate and lodged within 30 days of receipt of the gift or benefit. Gift declarations are recorded in the City of Holdfast Bay Gifts and Benefits Register, which is available online for public inspection.
- 7.3** An Elected Member must not:
- a. Seek gifts or benefits of any kind
 - b. Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty
 - c. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council
 - d. Fail to declare any gift or benefit, or election donation.
- 7.4** Elected Members may accept hospitality provided in context of an invitation to attend local social and sporting events. This is limited to events held within the City of Holdfast Bay, by non-professional sporting clubs and community organisations. All other invitations that include hospitality accepted by an Elected Member, over the gazetted amount, must be declared on an Elected Members Gifts and Benefits Form.

8. RECOGNITION OF SERVICE

- 8.1** From time to time Elected Members serve the communities of Holdfast Bay for more than 10 years of service. The City of Holdfast Bay recognises the value of this sustained community service and recognises their contribution.
- 8.2** Council recognises the contribution that long serving Elected Members make to the community and recognises that service by adding their names and years of service to the Honour Board in the Council Chamber at Glenelg.
- 8.3** The Chief Executive Officer is responsible for identifying Members with three continuous terms of service on Holdfast Bay Council.
- 8.4** Recognition of service for Elected Members not contesting or unsuccessful at a periodic election with the City of Holdfast Bay will be presented with an appropriate gift by the Mayor, based on years of service multiplied by \$15 with a minimum value of \$100.
- 8.5** To qualify for entitlements 'service' does not need to be continuous.

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

9. CAMPAIGN DONATIONS

- 9.1** The *Local Government (Election) Act 1999* requires a Campaign Donations Return to be completed by a person who is a candidate for election to an office of a council and must lodge their returns with the Electoral Commissioner. Candidates must lodge two returns.

For a periodic election:

- a. The first campaign donation return must be lodged with the returning officer in the period between **22 to 28 days after** the close of nominations

The second campaign donation return must be lodged **30 days after** the conclusion of the election.

The return must disclose:

- a. The total amount or value of all gifts received during the disclosure period
- b. The number of people who made those gifts
- c. The amount or value of each gift
- d. The date of which each gift was made
- e. Details of the persons and organisations (donors) providing those gifts.

- 9.2** If a candidate does not have any gifts or donations to disclose, the campaign donations return must still be lodged and include a statement to the effect that no gifts of a kind required to be disclosed were received.

10. REFERENCES

Legislation

- *Income Tax Assessment Act 1997*
- *Independent Commissioner Against Corruption (ICAC) Act 2013*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*
- *Local Government (Members Allowances and Benefits) Regulations 2010*
- *State Records Act 1997*
- *Freedom of Information Act 1991*

Other References

- Elected Members Code of Conduct Complaints and Investigations Policy
- Code of Conduct for Council Members
- Elected Members Gifts and Benefits Form
- Council Acceptable Use Policy (IT)

ELECTED MEMBER ALLOWANCES, SUPPORT AND ENTITLEMENTS POLICY

11. REVIEW AND EVALUATION

- 11.1 This entire policy will lapse at the next General Election at which time the newly elected Council will be required to adopt a new policy.
- 11.2 This policy is available for inspection at Council's principal office during business hours and is also available on Council's website at www.holdfast.sa.gov.au.

Item No: 11.4

Subject: **CODE OF PRACTICE – MEETING PROCEDURES**

Date: 29 November 2022

Written By: Executive Officer and Assistant to the Mayor

Chief Executive Officer: Mr R Bria

SUMMARY

The City of Holdfast Bay's Code of Practice – Meeting Procedures (the Code) is required to be reviewed annually and was last adopted by Council on 14 June 2022. With the conclusion of the 2022 Local Government General Election, it was deemed appropriate to update the Code with the new Council.

The Council resolution will need to be supported by at least two thirds of the members of the Council to be adopted as the new Code of Practice.

RECOMMENDATION

That Council endorse the reviewed Code of Practice – Meeting Procedures (Attachment 2).

STRATEGIC PLAN

Statutory compliance

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

BACKGROUND

The *Local Government Act 1999* (the Act), section 86(8) prescribes that the procedures at council meetings are to be observed as prescribed by regulations and where the procedure is not prescribed by regulation, as determined by Council. Section 89(1) prescribes the requirements for Committee meetings to be observed as prescribed by regulations and where the procedure is not prescribed by regulation, as determined by council or if neither of these apply as determined by the council committee.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), regulation 6(2) states a council should at least once in every financial year review the operation of a code of practice under the regulations. A council may at any time, by resolution supported by at least two-thirds of the members of the council, alter a code of practice, or substitute or revoke a code of practice (regulation 6(3)).

REPORT

Council last reviewed its Code of Practice – Meeting Procedures (the Code) in June 2022.

A council may vary those provisions in the Regulations where the Regulations allow or where the Act or Regulations are silent on a matter.

The Regulations outline the statutory requirements for meeting procedures. Under these regulations, council may adopt a Code of Practice for its own meetings of council and committees which varies certain provisions of the Regulations.

The City of Holdfast Bay combines the Regulations with a number of variations, where variations are permitted. These variations are identified in bold red text and are placed within the Regulations to enable the Holdfast Bay provisions to be read in conjunction with the formal requirements. This combined document forms the City of Holdfast Bay Code of Practice – Meeting Procedures.

Legal advice has also been sought to identify any further improvements or provisions for ‘best practice’.

The principal changes to the Code in the proposed version are:

- Regulation 6(5) and 6(6) have been repealed and reference to the same in the Code has been deleted;
- the conflict of interest provisions were amended on the publication of the Gazette Notice on Thursday 17 November 2022, and section numbers at Regulation 7 have been updated.
- Regulation 8 requires members suspended or on a leave of absence to be recorded in the Minutes;

- conflict of interest considerations are to be included in the Minutes, and reference to this have been included in the grey box at Regulation 8;
- Regulation 9 has been updated to confirm that whilst the Council may circulate in writing the answer to a question on notice at the Council Meeting, the question and the reply must be entered into the minutes of the relevant meeting;
- Regulation 28A, exclusion of member from meeting by presiding member, is a new provision that has been included;
- part 2 – Meetings of councils and key committees – removed the City of Holdfast Bay Meeting Procedures that references Strategic Planning and Development Policy Committee, as this committee was dissolved by Council at its 12 July 2022 meeting, resolution number C120722/2669;
- regulation 15 – Addresses by members etc - removed item 2 in the City of Holdfast Bay Meeting Procedures as this relates to electronic meetings; and
- The City of Holdfast Bay – Miscellaneous Meeting Procedures – Item 7 Seating Arrangements in the Council Chamber has been included.

A marked-up version of the Code is provided to Council for adoption, however before the reviewed Code comes into effect, Council is required to resolve to adopt the Code with a minimum two thirds majority.

Refer Attachment 1

A clean version of the new policy is provided for ease of reference.

Refer Attachment 2

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable

Attachment 1





Code of Practice – Meeting Procedures

Adopted by Council 28 September 2021
Updated by Council 14 June 2022

Review by 30 June 2024

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Introduction

The City of Holdfast Bay is committed to the principles 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 Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation under the Regulations.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the **Act**) provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the meeting procedures prescribed in the Regulations which have been adopted by Council (inserted in **red** text to enable them to be read in conjunction with the formal requirements under of the Regulations);
- supplementary City of Holdfast Bay meeting procedures that apply to both Council and Committee meetings (unless stated otherwise) - see grey shaded areas and the 'Miscellaneous Meeting Procedures';
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by regulation 6(2) of the Regulations (~~Regulation 6(2))~~, this Code of Practice should be reviewed at least once in every financial year and the Council may at any time, by resolution supported by at least two-thirds of members entitled to vote, alter, substitute or revoke the Code of Practice (Regulation 6(3)).

Local Government (Procedures at Meetings) Regulations 2013 **(including Variations)**

Part 1—Preliminary

Regulation 1—Short title

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

Regulation 2—Commencement

These regulations ~~will come~~commenced ~~into operation~~ on 1 January 2014, and have been varied from time to time.

Regulation 3—Interpretation

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

Act means the *Local Government Act 1999*;

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

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

electronic means includes a telephone, computer or other electronic device used for communication;

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 (see regulation 12 for specific provisions about formal motions)
±;

Guiding Principles—see regulation 4;

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

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

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

written notice includes a notice given in a manner or form determined by the council;

(2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

- (4) For the purposes of these regulations, a vote on whether ***leave of the meeting*** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

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Note—

~~1— See regulation 12 for specific provisions about formal motions.~~

City of Holdfast Bay Meeting Procedures

- (~~57~~) For the purposes of the definition of ‘written notice’ in Regulation 3 above, the Council has determined that written notice will include a legible^{ey} handwritten or typed document provided in either hard copy or electronic format.

Regulation 4—Guiding Principles

The following principles (the ***Guiding Principles***) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

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

Part 2—Meetings of councils and key committees

Regulation 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.

~~City of Holdfast Bay Meeting Procedures~~

~~()— This Part 2 applies to the Strategic Planning and Development Policy Committee.~~

Regulation 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.~~
- ~~(57)~~ Regulation 12(4) does not apply to a motion under subregulation (3).
- ~~(68)~~ 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.)

Regulation 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.

(6)

City of Holdfast Bay Meeting Procedures

- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the presiding member at the commencement of each meeting:

Kaurna Acknowledgement

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

Service to Country Acknowledgement

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

Council Prayer

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

- (7) At the appropriate place on the agenda the presiding member will draw the attention of members to the Disclosure Statement relating to sections 73, 74, 75, ~~and 75A~~, [75B](#), [76C](#) [75D](#) of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.
- (8) The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council ~~O~~fficer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.
- (9) The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded in any way by members of the public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- ~~(4)~~ The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (ab) the name of any member who is not present because the member is suspended or taken to have been granted a leave of absence from the office of the member of the council; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - ~~(ii)~~(iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (c) whether a motion or amendment is carried or lost; and
 - (d) any disclosure of interest made by a member ; and
 - (e) an account of any personal explanation given by a member; and
 - (f) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (g) 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
 - (h) details of any adjournment of business; and
 - (i) a record of any request for documents to be tabled at the meeting; and
 - (j) a record of any documents tabled at the meeting; and
 - (k) a description of any oral briefing given to the meeting on a matter of council business; and
 - (l) any other matter required to be included in the minutes by or under the Act or any regulation.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council's website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a division or as required under the conflict of interest provisions at sections 73 - 75D of the Act.
- (9) For the purposes of ~~Subr~~Regulation 8(4)(f), in the case of a material conflict of interest, the minutes must record the details specified under section 75C(5) of the Act, and in the case of ~~an actual or perceived a general~~ conflict of interest, the details specified under section ~~75B75A(4)~~ of the Act.

Regulation 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.

City of Holdfast Bay Meeting Procedures

- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, 7 clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Monday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated as a question for a subsequent meeting of the Council.
- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting, and the question and the reply must be entered into the minutes of the relevant meeting. at which the question is asked. If it is not possible for Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council meeting.

~~question is asked. If it is not possible for the Administration to compile an answer in the time prior to the Council Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Council Meeting.~~

- (10) For the purposes of ~~Subr~~Regulation 9(6), the presiding member must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- (11) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or the amendment). Questions should be succinct and relevant to the matter, and not ~~be~~ a statement.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the presiding ~~member, and~~member and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the presiding member.

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

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page ~~will~~are not ~~to~~ be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case, as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting.

- (8) On receipt of a petition, a summary report providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures with name and address details (address includes street name and/or suburb name) on the petition, will be placed on the agenda for the next ordinary council meeting, subject to provision 7 above. A full copy of the petition will be available for viewing upon request, but will not be placed on the agenda.
- (9) Signatures without name and address details will not be counted as valid signatories.
- (10) Online petitions will be dealt with as above and must meet the following requirements to be presented to Council:
 - the petition must clearly set out the request or submission of the petitioners.
 - the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street name and/or suburb name).
 - the petition must be provided to Council either by mail (including email) or in person.

Regulation 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.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

City of Holdfast Bay Meeting Procedures

- (8) A request for a deputation to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.
- (9) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to the Council or Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the Constitution and/or Rules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.

- (10) Where an organisation has provided its incorporation details as outlined in provision 8-9 above, it will not be required to provide this information again for the term of the current Council.
- (11) A deputation may not exceed 3 people and must not exceed 5 minutes in total, not including questions from members at the end of the deputation, except with the consent of the presiding member.

Regulation 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, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion **(which includes speaking to an amendment 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 **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** 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.

City of Holdfast Bay Meeting Procedures

- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 7 clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Monday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.

- (24) When placing a motion with notice ~~in-on~~ an agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the item (Administrative comments).
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion. Questions should be succinct and relevant to the matter and not be a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
- the presiding member determines ~~that~~ the matter is one of urgency; and
 - in the opinion of the presiding member, and taking into account the Guiding Principles, the motion relates to an issue that does not require additional information in order for the Council to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the presiding member, and minute taker, in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with SubrRegulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the presiding member has received written authority from the member in advance of the meeting for a another different member to move the notice of motion.
- (29) For the purposes of SubrRegulation 12(8), the presiding member is to ask for a seconder before declaring that a motionn-amendment has lapsed.
- (30) For the purposes of SubrRegulations 12(10) and 12(11), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed amendment is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 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.
- (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, **unless at the time of moving or seconding the amendment, the mover or seconder reserves their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- (8) For the purposes of Regulation 13(2), the presiding member is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 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.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) A member at a Council meeting ~~held in person (as opposed to electronically)~~ is to stand at the meeting to make an address to other members unless:
 - 7.1 that member is prevented from doing so due to physical disability;
 - 7.2 the item is discussed in Confidence; or
 - 7.3 the presiding member determines otherwise.

~~(8) The presiding member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the presiding member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.~~

~~A member who wishes to speak at a Council meeting held electronically is required to raise their hand to indicate to the presiding member that they wish to speak, who will then call upon them in turn. (8)~~

~~The presiding member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the presiding member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.~~

Regulation 16—Voting

(1) ~~(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.

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~~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) —~~

~~may be varied at the discretion of the council pursuant to regulation 6; and~~

~~does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.~~

City of Holdfast Bay Meeting Procedures

(5) Each item of business on the agenda is to be voted on separately.

(6) A member who is unable to stand to vote due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and ~~it~~ is accurately recorded in the minutes (particularly relevant in the case of a division being called). The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote and will communicate this to the meeting.

Regulation 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.

Regulation 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.

~~Regulation 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.~~

Regulation 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.

Regulation 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)~~ ~~(e)~~ the period of suspension should be limited to achieving the purpose for which it was declared; and

=====

~~(d)~~ ~~(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.

~~(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)(i) 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.~~

Regulation 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

Regulation 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.

City of Holdfast Bay Meeting Procedures

- (1) A member ~~of~~^{at} a Council Committee ~~meeting~~^{may} remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part 3 applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.
- (3) In accordance with section 90 (7a) of the Act, Committee members are able to attend the meeting electronically or via phone provided that members of the public can hear the discussion between all committee members.

Regulation 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.

~~Regulation 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)(a) that notice need not be given for each meeting separately;~~
- ~~(c)(a) 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)(a) 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.~~

Regulation 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), (3) and (4) 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.

Regulation 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

Regulation 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.

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

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

Regulation 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) ~~(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 the contravention.
- (3)- A member will not be taken to contravene section 86(6a) of the Act merely because the member is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (4)- For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.

Regulation 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.

Regulation 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—

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

Maximum penalty: \$500.

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday).
- 1.2 A member's activity report less than 6 clear days after the time specified in paragraph 1.1 above will be received and treated as an item ~~at~~for the next subsequent meeting.

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~~above will be treated as an item at the next subsequent meeting.~~

2. Agenda

- 2.12 There will be no Item of “Other ~~B~~usiness” on the agenda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and the Regulations.
- 2.23 The presiding member may alter the order of the agenda, subject to the leave of the Council or Committee, where it is expedient to do so ~~e.g.e.g.~~, if there are public in the gallery interested in a particular item in the agenda.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm, ~~unless~~ 30pm unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue, or to adjourn the ~~meeting, to~~ another date and time.

5. Appointment to External Bodies

- 5.1 The presiding member is to call for nominations before debate on a motion to appoint members to Committees and/or organisations (Council and external) can occur. If there are more nominations than positions, a ballot will be conducted.
- 5.2 All elected members (including the presiding member) will indicate which member(s) they wish to vote for on the ballot paper (or in the case of an electronic Committee where the meeting is conducted by electronic means, through electronic voting methods to be agreed prior by the meeting).
- 5.3 A senior council officer will conduct the count and provide the vote outcome to the chief executive officer, who is to report the number to the presiding member and confirm the vote count.
- ~~5.3 A senior council officer will conduct the count and provide the vote outcome to the Chief Executive Officer, who is to report the numbers to the presiding member and confirm the vote count.~~
- 5.4 In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph 5.2 and 5.3 above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.
- 5.5 The presiding member will then announce the successful candidate.
- 5.6 The meeting will then make the appointment by resolution.

6. Mobile Telephones

- 6.1 Mobile telephones may not be used during a Council or Committee meeting by members or Council Officers.

6.2 Mobile telephones may not be used during a Council Information or Briefing Session by members or Council Officers for non-Council or non-emergency use [Council Resolution C280921/2420].

6.3 Mobile telephones must be switched off or turned to silent mode before a meeting commences.

~~6.1 Mobile telephones may not be used during a Council or Committee meeting by members or Council officers.~~

~~6.2 Mobile telephones may not be used during a Council workshop by members or Council officers for non-Council or non-emergency use [Council resolution C280921/2420].~~

6.3 Mobile telephones must be switched off or turned to silent mode before a meeting

~~commences.~~ The electronic version on the internet is the controlled version of this document.

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Attachment 2





Code of Practice – Meeting Procedures

**Adopted by Council 28 September 2021
Updated by Council 14 June 2022**

Review by 30 June 2024

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Introduction

The City of Holdfast Bay is committed to the principles 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 Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation under the Regulations.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the **Act**) provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations.

This document is the City of Holdfast Bay's Code of Practice for Procedures at Meetings, which provides for:

- variations to the meeting procedures prescribed in the Regulations which have been adopted by Council (inserted in **red** text to enable them to be read in conjunction with the formal requirements under the Regulations);
- supplementary City of Holdfast Bay meeting procedures that apply to both Council and Committee meetings (unless stated otherwise) - see grey shaded areas and the 'Miscellaneous Meeting Procedures';
- guidelines on how Council and Committee meetings are to be conducted; and
- guidance to the community on how meetings of Council are conducted.

As recommended by regulation 6(2) of the Regulations, this Code of Practice should be reviewed at least once in every financial year and the Council may at any time, by resolution supported by at least two-thirds of members entitled to vote, alter, substitute or revoke the Code of Practice (Regulation 6(3)).

Local Government (Procedures at Meetings) Regulations 2013 **(including Variations)**

Part 1—Preliminary

Regulation 1—Short title

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

Regulation 2—Commencement

The regulations commenced on 1 January 2014 and have been varied from time to time.

Regulation 3—Interpretation

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

Act means the *Local Government Act 1999*;

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

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

electronic means includes a telephone, computer or other electronic device used for communication; **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 (see regulation 12 for specific provisions about formal motions);

Guiding Principles—see regulation 4;

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

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

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

written notice includes a notice given in a manner or form determined by the council;

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting—

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

- (4) For the purpose of these regulations, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

City of Holdfast Bay Meeting Procedures

- (5) For the purposes of the definition of 'written notice' in Regulation 3 above, the Council has determined that written notice will include a legible handwritten or typed document provided in either hard copy or electronic format.

Regulation 4—Guiding Principles

The following principles (the ***Guiding Principles***) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

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

Part 2—Meetings of councils and key committees

Regulation 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.

Regulation 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) Regulation 12(4) does not apply to a motion under subregulation (3).
- (6) 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.)

Regulation 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;
 - (b) and 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.

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- (6) The following will appear at the beginning of all Council and Committee Meetings and will be read by the presiding member at the commencement of each meeting:
 - Kaurna Acknowledgement**
We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.
 - Service to Country Acknowledgement**

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.
 - Council Prayer**
Heavenly Father, we pray for your presence and guidance at our Council Meeting.
Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.
- (7) At the appropriate place on the agenda the presiding member will draw the attention of members to the Disclosure Statement relating to sections 73, 74, 75, 75A, 75B, 76C 75D of the *Local Government Act 1999*. Any disclosure of interest will be recorded in the Minutes.
- (8) The Chair of a Committee or any member of a Committee may provide apologies to the relevant Council Officer at a meeting of a section 41 Committee, in which case, the apologies will be recorded in the minutes of the meeting.
- (9) The proceedings of a Council or Committee meeting are not permitted to be photographed or recorded in any way by members of the public unless permission is specifically sought and given by the Mayor and Chief Executive Officer prior to the meeting.

Regulation 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
 - (a) the names of the members present at the meeting; and
 - (ab) the name of any member who is not present because the member is suspended or taken to have been granted a leave of absence from the office of the member of the council; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; 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.

City of Holdfast Bay Meeting Procedures

- (5) Minutes will be made available electronically to members and placed on Council's website within 5 days of the meeting.
- (6) Minutes will include any Apologies, Leave of Absences granted and Absences.
- (7) The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- (8) The minutes of Council and Committee meetings will not include voting patterns, or record the names of individuals voting for and against, other than in the case of a division or as required under the conflict of interest provisions at sections 73 - 75D of the Act.
- (9) For the purposes of subregulation 8(4)(f), in the case of a material conflict of interest, the minutes must record the details specified under section 75C(5) of the Act, and in the case of a general conflict of interest, the details specified under section 75B of the Act.

Regulation 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.

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- (7) Questions on notice are required to be received by the Chief Executive Officer no later than 5.00pm, 7 clear days before the date of the meeting at which the question is to be asked (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Monday).
- (8) A question received after the timeframe specified in City of Holdfast Bay provision 7 above will be treated as a question for a subsequent meeting of the Council.
- (9) The answer to a question on notice is to be circulated in writing at the Council Meeting, and the question and the reply must be entered into the minutes of the relevant meeting.

- (10) For the purposes of Subregulation 9(6), the presiding member must give reasons for ruling that a question with or without notice not be answered at the time the determination is made. The reasons will be communicated to the member who asked the question.
- (11) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or the amendment). Questions should be succinct and relevant to the matter, and not be a statement.
- (12) Questions asked during the course of discussion or debate in a meeting that requires an answer will be directed to the presiding member and will not be asked directly to a member or officer. Answers given in response to such questions will also be directed to the presiding member.

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

City of Holdfast Bay Meeting Procedures

- (4) Each page of a petition is to be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of a petition presented to Council is to restate the whole of the request or submission of the petitioners.
- (6) Where a page of a petition does not comply with City of Holdfast Bay provision 5 above, the signatures on that page will not be taken into account by the Council when considering the petition.
- (7) A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case, as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting.
- (8) On receipt of a petition, a summary report providing the statement as to the nature of the request or submission of the petitioners, and the number of signatures with name and address details (address includes street name and/or suburb name) on the petition, will be placed on the agenda for the next ordinary council meeting, subject to provision 7 above. A full copy of the petition will be available for viewing upon request but will not be placed on the agenda.
- (9) Signatures without name and address details will not be counted as valid signatories.
- (10) Online petitions will be dealt with as above and must meet the following requirements to be presented to Council:
 - the petition must clearly set out the request or submission of the petitioners.
 - the names and addresses of each signatory must be clearly identified (in the case of an address, this must be by reference to at least a street name and/or suburb name).
 - the petition must be provided to Council either by mail (including email) or in person.

Regulation 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.
- (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.

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- (8) A request for a deputation to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.
- (9) Any person(s) wishing to appear as a deputation on behalf of an organisation, must, prior to the Council or Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation, provide a copy of the Constitution and/or Rules of the organisation, a list of members, and evidence in the form of a minute that the organisation and/or body has approved the deputation.
- (10) Where an organisation has provided its incorporation details as outlined in provision 9 above, it will not be required to provide this information again for the term of the current Council.
- (11) A deputation may not exceed 3 people and must not exceed 5 minutes in total, not including questions from members at the end of the deputation, except with the consent of the presiding member.

Regulation 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, **unless the seconder reserves their right to speak to the motion at a later stage of the debate, in which case the seconder will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion **(which includes speaking to an amendment 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 **or has reserved their right to speak to the motion at a later stage pursuant to sub-regulation (9)** 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.

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- (22) All notices of motion are required to be received by the Chief Executive Officer no later than 5.00pm 7 clear days before the date of the meeting at which the motion is to be moved (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Monday).
- (23) A notice of motion received after the time specified in City of Holdfast Bay provision 22 above will be treated as a notice of motion for a subsequent meeting of the Council.
- (24) When placing a motion on an agenda, the Chief Executive Officer may take the opportunity to provide written comments to assist the Council to make an informed decision in relation to the item (Administrative comment).
- (25) A member may ask a question prior to the moving of a motion, or during debate on a motion (including debate on an amendment to the motion), for clarification purposes only, without losing their right to speak to the motion. Questions should be succinct and relevant to the matter and not be a statement.
- (26) A motion without notice (unrelated to an agenda item of business) will not be accepted for debate at the meeting at which it is brought forward unless:
- the presiding member determines the matter is one of urgency; and
 - in the opinion of the presiding member, and taking into account the Guiding Principles, the motion relates to an issue that does not require additional information in order for the Council to make an informed decision on the motion.
- (27) A member wishing to move a motion that is different from that recommended in a Council report is encouraged to make available a written copy of their proposed motion to assist the presiding member, and minute taker, in the conduct of the meeting.
- (28) Where a member who has given notice of motion in accordance with Subregulation 12(2) is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting, unless the presiding member has received written authority from the member in advance of the meeting for another member to move the notice of motion.
- (29) For the purposes of Subregulation 12(8), the presiding member is to ask for a seconder before declaring that a motion has lapsed.
- (30) For the purposes of Subregulations 12(10) and 12(11), an amendment to a motion is an alteration to the wording of a motion. It is a procedural device for the purposes of refining the motion, it is not a motion in its own right. As such, a member speaking to an amendment will be taken to have spoken to the motion. Similarly, a member that has spoken to a motion prior to the proposed amendment is not permitted to speak to the amendment, in the absence of leave of the meeting.

Regulation 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.
- (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, **unless at the time of moving or seconding the amendment, the mover or seconder reserves their right to speak to later in the debate, in which case the mover or seconder will not be taken to have spoken to the amendment, or the motion to which the amendment relates.**

- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) Where possible, amendments are to be provided to the minute taker in writing to ensure accuracy of recording in the minutes.
- (8) For the purposes of Subregulation 13(2), the presiding member is to ask for a seconder before declaring that an amendment has lapsed.

Regulation 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.

Regulation 15—Addresses by members etc

- (1) A member must not speak for longer than **3 minutes** at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of Holdfast Bay Meeting Procedures

- (7) A member at a Council meeting is to stand at the meeting to make an address to other members unless:
 - 7.1 that member is prevented from doing so due to physical disability;
 - 7.2 the item is discussed in Confidence; or
 - 7.3 the presiding member determines otherwise.
- (8) The presiding member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. Noting that the role of the presiding member is to enhance the debate and that they can ask questions and add valuable information to the debate that the meeting may not be fully aware of.

Regulation 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.

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- (5) Each item of business on the agenda is to be voted on separately.
- (6) A member who is unable to stand to vote due to injury, illness, infirmity, disability or other cause, must advise the presiding member that they require special arrangements to be made in order for their vote to be adequately signalled to those persons present, and is accurately recorded in the minutes (particularly in the case of a division being called). The presiding member may, in consultation with the member concerned, determine the manner in which the member is to signal their vote and will communicate this to the meeting.

Regulation 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.

Regulation 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.

Regulation 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.

Regulation 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.

Regulation 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

Regulation 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.

City of Holdfast Bay Meeting Procedures

- (1) A member of a Council Committee may remain seated when speaking to a matter being considered at a Committee meeting.
- (2) This Part 3 applies to the Alwyndor Management Committee, Audit Committee, Executive Committee and the Jetty Road Mainstreet Committee.
- (3) In accordance with section 90 (7a) of the Act, Committee members are able to attend the meeting electronically or via phone provided that members of the public can hear the discussion between all committee members.

Regulation 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.

Regulation 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), (3) and (4) 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.

Regulation 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

Regulation 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.

Regulation 27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

City of Holdfast Bay Meeting Procedures

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

Regulation 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.

28A – Exclusion of member from meeting by presiding member

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

Regulation 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.

Regulation 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—

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

Maximum penalty: \$500.

City of Holdfast Bay - Miscellaneous Meeting Procedures

1. Pre-Meeting

- 1.1 Members are required to submit their activity reports in writing to the Chief Executive Officer no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday).
- 1.2 A member's activity report less than 6 clear days after the time specified in paragraph 1.1 above will be received and treated as an item for the next subsequent meeting.

2. Agenda

- 2.1 There will be no Item of "Other Business" on the agenda for meetings. Sufficient opportunity is afforded to members to raise any issue in accordance with this Code of Practice, the Act and the Regulations.
- 2.2 The presiding member may alter the order of the agenda, subject to the leave of the Council or Committee, where it is expedient to do so e.g., if there are public in the gallery interested in a particular item in the agenda.

3. Fire Evacuation Process

A copy of the Fire Evacuation process will be displayed in the Council chamber.

4. Meeting Protocols

Council and Committee meetings will conclude no later than 10.30pm unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue, or to adjourn the meeting, to another date and time.

5. Appointment to External Bodies

- 5.1 The presiding member is to call for nominations before debate on a motion to appoint members to Committees and/or organisations (Council and external) can occur. If there are more nominations than positions, a ballot will be conducted.
- 5.2 All elected members (including the presiding member) will indicate which member(s) they wish to vote for on the ballot paper (or in the case of an electronic Committee conducted by electronic means, through electronic voting methods to be agreed prior by the meeting).
- 5.3 A senior council officer will conduct the count and provide the vote outcome to the chief executive officer, who is to report the number to the presiding member and confirm the vote count.
- 5.4 In the case of a tied ballot, elected members are to cast a further vote for their preferred candidate from the candidates who are tied (repeat paragraph 5.2 and 5.3 above). In the event that a revote cannot determine a clear winner (there is a continuing tie), then lots must be drawn to determine which candidate(s) will be excluded.
- 5.5 The presiding member will then announce the successful candidate.
- 5.6 The meeting will then make the appointment by resolution.

6. Mobile Telephones

- 6.1 Mobile telephones may not be used during a Council or Committee meeting by members or Council Officers.
- 6.2 Mobile telephones may not be used during a Council Information or Briefing Session by members or Council Officers for non-Council or non-emergency use (Council Resolution C280921/2420).
- 6.3 Mobile telephones must be switched off or turned to silent mode before a meeting commences.

7. Seating Arrangements in the Chamber

The seating position of Elected Members in the Council Chambers is determined annually by the Mayor. If there are any issues which members would like to have taken into consideration when seating allocations are made, these can be addressed with the Mayor directly.

Item No: 11.5

Subject: **ELECTED MEMBER APPOINTMENTS TO THE COUNCIL ASSESSMENT PANEL**

Date: 29 November 2022

Written By: Manager, Development Services

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

The City of Holdfast Bay Council Assessment Panel (CAP) is a five member CAP consisting of one Elected Member and four Independent Members, which meets monthly to hear representations and consider the merits of specific development applications.

Following the recent Local Government Elections it is necessary for Council to appoint an Elected Member representative and deputy Elected Member to the CAP for a tenure of one year.

RECOMMENDATION

That Council:

1. appoints Councillor_____ to the City of Holdfast Bay Council Assessment Panel for the period commencing 30 November 2022 and ending 29 November 2023; and
 2. appoints Councillor_____ as the deputy Elected Member on the City of Holdfast Bay Council Assessment Panel during the incumbent Elected Member's absence for the period commencing 30 November 2022 and ending 29 November 2023.
-

STRATEGIC PLAN

Sustainability

COUNCIL POLICY

Council Assessment Panel Operating Procedures

STATUTORY PROVISIONS

Planning, Development & Infrastructure Act 2016

BACKGROUND

The City of Holdfast Bay CAP is a five member panel consisting of one Elected Member and four Independent Members, which meets monthly to hear representations and consider the merits of specific development applications. Whilst the four Independent Members are required to have prescribed qualifications and formal accreditation, the Elected Member is not.

State legislation dictates that no more than one Elected Member can be represented on a CAP, albeit with a deputy member as reserve.

By a resolution of Council on 23 November 2021, Councillors Fleming and Miller were appointed Elected Member and deputy Elected Member respectively until the end of the Council term.

REPORT

Changes to legislation enacted in 2020 make it possible for Council to appoint a deputy Elected Member to the CAP in a standby role to ensure that Elected Member representation is maintained should the incumbent be either unavailable to attend a scheduled meeting or unable to partake in the determination of a matter due to a declared conflict of interest.

Given the already limited representation of Elected Members to the CAP, it is recommended that the option to appoint a deputy Elected Member is taken to ensure that Elected Member representation is maintained at each CAP meeting. Furthermore, the appointment of a deputy also ensures ongoing Elected Member representation in circumstances where the incumbent Elected Member cannot partake in discussion on a particular matter due to a declared conflict of interest. It should be noted that the deputy Elected Member will not receive a sitting fee unless their formal attendance at a meeting is required, which is the case for all CAP members.

BUDGET

Elected Members and Independent Members of the CAP are paid a sitting fee of \$486 per meeting. The Presiding Member (who is independent), receives a sitting fee of \$631 per meeting. These fees are factored in the 2022/23 budget.

LIFE CYCLE COSTS

This report does not have any full life cycle cost implications.

Attachment 1





COUNCIL ASSESSMENT PANEL

OPERATING PROCEDURES

Interpretation:

- 1** In these Operating Procedures:
 - **Administration** means City of Holdfast Bay employees.
 - **Chief Executive Officer** means the Chief Executive Officer of the City of Holdfast Bay.
 - **Consensus** means the general agreement of the Panel.
 - **Council** means the City of Holdfast Bay.
 - **Member** means a member of the Panel.
 - **Panel** means the City of Holdfast Bay Council Assessment Panel established by the Council pursuant to the provisions of the Act.
 - **Presiding Member** means the Member of the Panel who is appointed as its Presiding Member.

Purpose and Role of the Council Assessment Panel:

- 2** The Panel is the body established by Council to be the relevant authority appointed pursuant to Sections 82-87 and clauses 12-16 of Schedule 8 of the Planning, Development and Infrastructure Act 2016.
- 3** The functions of the Panel are:
 - determine Development Applications in accordance with the powers and functions delegated to the Panel by the Council, pursuant to Section 20 of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, and the Operating Procedures;
 - to provide advice and reports to Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016; and
 - to perform other functions (other than functions involving the formulation of policy) assigned to the Panel by the Council.
- 4** The Panel shall exercise, perform and discharge the following responsibilities on behalf of the Council:
 - The consideration of matters submitted by the Administration relating to assessment and determination of applications for planning consent.
 - The provision of comment or advice to the State Commission Assessment Panel on major matters submitted to the Council by the Commission.

- The consideration of proposals for settlement on matters subject to appeal to the Environment, Resources and Development Court.
 - The consideration of such other assessment matters as may be referred to the Panel by the Administration.
- 5 The creation and operation of the Panel shall occur in a manner that confirms and reinforces its independence from the functions of the Elected Council.
- 6 The *Local Government Act 1999* does not apply to, or in relation to, the Panel.

Membership of the Panel:

- 7 The Membership of the Panel shall be comprised of:
- one (1) Independent Presiding Member (who is not a member of Council or council staff),
 - three (3) other Independent Members (who are not members of Council or council staff), and
 - one (1) Elected Council Member.
- 8 There are no proxy members on the Panel.
- 9 The Presiding Member will be appointed by the Council taking into account the following requirements:
- the Presiding Member must not be a member or officer of the Council;
 - the Presiding Member must be a fit and proper person to be a member of the Panel; and
 - the Presiding Member must be a person who is determined by Council to have a reasonable knowledge of the operation and requirements of the Development Act, 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, and appropriate qualifications or experience in a field that is relevant to the activities of the Panel.
- 10 The Independent Members of the Panel shall be appointed by the Council taking into account the following requirements:
- each must be a fit and proper person to be a member of the Panel; and
 - each must be a person who is determined by Council to have a reasonable knowledge of the operation and requirements of the Development Act, 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016 and appropriate qualifications or experience in a field that is relevant to the activities of the Panel; and
 - the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the Presiding Member, must provide a reasonable balance across the fields that are relevant to the activities of the Panel; and
 - that at least one (1) member of the Panel is a woman and at least one (1) member is a man; and
 - that, as far as practicable, the Panel consists of equal numbers of men and women.

11 The current Members of the City of Holdfast Bay Council Assessment Panel are as follows:

- Presiding Member:
 - David Bailey
- Independent Members:
 - Sarah Reachill
 - Yvonne Svensson
 - Vacant
- Council Member:
 - Jane Fleming
- Council Deputy Member:
 - William Miller

12 A vacancy on the Panel occurs when a member:

- dies; or
- completes a term of office and is not reappointed; or
- resigns from the Panel by written notice addressed to Council; or
- is a member holding the position of Councilor of the City of Holdfast Bay, and is not re-elected to the Council in periodic elections; or
- is removed from office by Council for contravention of the requirement to declare a conflict of interest in accordance with Section 56A(7) and (9) of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016; or
- is removed from office by Council for contravention of the Minister's Code of Conduct as resolved by Council; or
- is removed from office by resolution of the Council (providing on so doing the Council defines the grounds for removal, and appoints a new member to complete the term of the removed member); or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is convicted of an indictable offence punishable by imprisonment.

13 On the office of a member of the Panel becoming vacant, a person will be appointed in accordance with the provisions of the Planning, Development and Infrastructure Act 2016, and the Council's Membership and Conditions of Appointment in the Operating Procedures.

14 Council may reappoint all or any members of the Panel for a further term of office at their term's expiry.

15 A member of the Panel whose term of office expires may nevertheless continue to act as a Member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

Conditions of Appointment to the Panel:

- 16** The Presiding Member is appointed to the Panel for a maximum period of two (2) calendar years.
- 17** Independent Members are appointed to the Panel for a maximum period of two (2) calendar years.
- 18** Council Members are appointed to the Panel for a maximum period of one (1) calendar year.
- 19** Each Member of the Panel is appointed at the discretion of the Council in accordance with the provisions of the Planning, Development and Infrastructure Act 2016.
- 20** Appointment to the Panel for all Members has an associated payment of \$425 per meeting for attendance at Panel meetings. Appointment to the Panel for the Presiding Member has an associated payment of \$552 per meeting for attendance at Panel meetings.
- 21** A member of the Panel who is not a member of the Council must disclose his or her financial interests in accordance with the relevant sections of the Planning, Development and Infrastructure Act 2016.
- 22** The Council may remove a member of the Panel from office for:
 - breach of, or failure to comply with, the conditions of appointment;
 - misconduct;
 - neglect of duty;
 - incapacity to carry out satisfactorily the duties of his or her office;
 - non-compliance with the Minister’s Code of Conduct;
 - non-compliance with replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016; or
 - failure to carry out satisfactorily the duties of his or her office.
- 23** Pursuant to the relevant sections of the Planning, Development and Infrastructure Act 2016, a member of the Panel incurs no liability for an honest act done in the exercise or performance, or purported exercise or performance, of powers or function.

Responsibilities of the Presiding Member:

- 24** The role of the Presiding Member will include, but will not be limited to:
 - the conduct of the business of the Panel at meetings and ensuring appropriate meeting procedures are followed; and
 - ensuring the Panel properly considers matters in terms of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, in an efficient and timely manner; and
 - ensuring that members are aware of their role and responsibilities as a Panel member under the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, and do not confuse that role with any other role or a role as an Elected Members under the Local Government Act 1999.

Responsibilities of Panel Members:

- 25** The Panel will ensure that procedures:
- are fair and contribute to open, transparent and informed decision-making; and
 - reflect the levels of formality appropriate to the nature and scope of responsibilities exercised at that meeting; and
 - are sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.
- 26** The members of the Panel will appoint the Deputy Presiding Member of the Panel.
- 27** In the absence of the Presiding Member and Deputy, the Panel will select another Panel Member to preside at a meeting.
- 28** The Panel shall hold meetings in a place open to the public.
- 29** The Panel shall determine its ordinary meeting schedule, unless determined by the Council.
- 30** The Panel will determine the distribution and presentation requirements for Agendas and Reports for Members of the Panel and determine the distribution requirement for Agendas and Reports to the Public.
- 31** The Panel shall ensure that accurate minutes are kept of its proceedings.
- 32** The Panel shall provide reasonable access to both the Agenda for and Minutes of a meeting of the Panel to the public.

General Operating Procedures:

- 33** The Panel shall meet at 7.00pm and conclude by 11:00pm (unless otherwise determined by the Panel) on the fourth Wednesday of each month at a physical place or is to be convened through online platform, teleconference or other means. If a physical meeting is to occur, the notice must designate the location of the meeting. In all cases, the Agenda must state the venue of the meeting, and a minimum of five (5) days' notice must be given to applicants and representors of the date, time and venue of the meeting.
- 34** All meetings of the Panel shall remain accessible to the public at all stages of assessment unless resolved by the Panel to be confidential pursuant to Section 56A(12) of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016.
- 35** Ordinary meetings of the Panel will, subject to there being sufficient business for the Panel to attend to, ordinarily be held on a monthly basis on dates and at times and in a manner determined by the Panel (and, if not determined by the Panel, determined by the Assessment Manager), whether by a physical meeting at a nominated location or by use of an online platform, teleconference or other means (including, where no person requests to be heard and no person is entitled to be heard, by circular resolution).
- 36** If a physical meeting of the Panel is convened, individual Panel members who cannot, or for good reason would prefer not to, attend the physical meeting may, if doing so is reasonably practicable, attend that meeting via online platform or teleconference, etc with the approval of

the Presiding Member. Where practicable, such approval should be sought in writing no less than 24 hours prior to the meeting with copy sent to the Assessment Manager.

37 Pursuant to Section 56A(12) of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, the Panel may exclude the public from attendance:

- during so much of a meeting as is necessary to receive, discuss or consider on a confidential basis any of the following information or matters
 - information that would, if disclosed, confer a commercial advantage on a person with whom a council is conducting (or proposes to conduct) business, or prejudice the commercial position of a council;
 - commercial information of a confidential nature that would, if disclosed:
 - (A) prejudice the commercial position of the person who supplied it; or
 - (B) confer a commercial advantage on a third party; or
 - (C) reveal a trade secret;
- matters affecting the security of any person or property;
- matters that must be considered in confidence in order to ensure that the Panel does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- legal advice, or advice from a person who is providing specialist professional advice; or
- information provided by a public official or authority (not being an employee of a council, or a person engaged by a council) with a request or direction by that public official or authority that it be treated as confidential.

38 Where a meeting is convened online, via teleconference or other means other than a physical meeting, and the Panel resolves to exclude the public from the meeting pursuant to the Regulations, members of the public will, as relevant, be excluded from the meeting by means of the livestream being paused and all audio and video feeds to persons excluded from the meeting being disabled for the duration of the confidential item.

39 A quorum for meetings of the Panel is ascertained by dividing the total number of members of the Panel by two (2), ignoring any fraction resulting from the division, and adding one (1). If either a Council Member or an Independent Member is unable to attend, provided a quorum is achieved, the meeting must continue as scheduled.

40 In the event that a quorum is not present, within 30 minutes of the commencement time for a meeting, business listed on the Agenda will be dealt with at the next meeting of the Panel.

41 In the absence of the Presiding Member, the Deputy shall preside.

Representations:

42 The Panel will hear only as follows:

- All Category 3 representors who request to be heard (or their nominees);
- All Category 2 representors who request to be heard (or their nominees);

- In any case where representors are heard, the Panel will give the applicant (or nominee) the opportunity to respond.
- 43** Representors and applicants will be allowed five (5) minutes each to address the Panel, unless a longer time is allowed by the Presiding Member. The Panel will have the opportunity to question and seek clarification from representors and applicants at the conclusion of their address to the Panel, but not to debate issues with individual representors or applicants.
- 44** Only those members of the Panel who are present at any verbal representation made by representors and the applicant shall participate in the consideration of and decision of that application. The absence of a Panel member who was present for the verbal representation of an application does not preclude the remaining members present from proceeding to consider and determine the application.
- 45** All applicants of Development Application Agenda item(s) and persons who have lodged a representation will be invited to the Panel meeting no less than five (5) business days prior to the scheduled meeting.
- 46** At its discretion, the Panel may call for and hear specialist technical/professional advice related to the assessment of any application. Clarification or comment from staff members present at the meeting, can be sought by any Member of the Panel prior to discussion on any matter.
- 47** Where a Panel meeting is to be convened through means other than a physical meeting (i.e. through online platform or otherwise), the Assessment Manager will, in providing notice of the Panel meeting to them, ensure that representors and the applicant will be provided with a reasonable opportunity to appear and be heard at the meeting by providing them with online or teleconference access details such that they can be heard by and interact with the Panel members;
- 48** A reference to ‘appear’ or being ‘heard’ in the foregoing clauses is a reference to appearing or participating in the forum utilised by the meeting, e.g. physically in the case of a physical meeting, and by online or telephone participation in the case of an online or telephonic meeting, except where the Presiding Member determines otherwise (for example, a person who is known to present a health or safety risk may be required to appear by online or telephone participation even where a physical meeting is convened).

Decision Making:

- 49** The Panel must use the Holdfast Bay (City) Development Plan as the basis for its decisions, having had regard to any written and verbal representations made in accordance with the provisions of the Act.
- 50** Each member of the Panel present at a meeting of the Panel is entitled to one (1) vote and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- 51** The Panel should only defer a decision if it considers that the additional time allowed will create benefits in allowing a thorough decision to be made and provided that the reasons for the deferral are clear to the applicant and any representors that may be involved. Panel Members, however should be aware of the time frames within which certain decisions are required to be made under the Development Act, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016.

- 52** When moving to refuse an application, members of the Panel will be required to provide reasons for refusal including reference to the relevant Objectives and Principles of Development Control within the Holdfast Bay (City) Development Plan.
- 53** The Panel shall conduct its meetings without the practice of ‘calling of divisions’.

Minutes of the Meeting:

- 54** The decisions of the Panel will be recorded in the Minutes of the meeting.
- 55** The Minutes of the proceedings of a meeting will record:
- the names of the Panel members present;
 - the name and time of a Panel member entering or leaving;
 - the name of a person who has made a verbal representation to the Panel at the meeting;
 - each motion (and amendment) moved and the outcome of the vote;
 - any disclosure of interest made by a Panel member;
 - the decision of the Panel to exclude public attendance; and
 - a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the Minutes.
 - Any other matter which in the opinion of the Presiding Member warrants recording.
- 56** The Panel may, before it releases a copy of any minutes to the public, exclude from the minutes information about any matter dealt with on a confidential basis by Members of the Panel.
- 57** Minutes shall not be formal Minutes of a meeting until adopted by the Panel at the next meeting of the Panel. However, this does not preclude the issue of Decision Notification under the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, advising of the determination of the Panel of Development Applications immediately after a meeting at which the Panel determined the particular application.
- 58** Copies of the Draft Minutes of meeting will be available to the public at the Brighton Civic Centre at least five (5) working days after the date of the meeting.

Notice of Meetings:

- 59** Public notice of Panel meetings will be provided by publishing the dates, times and manner in which a meeting will be convened and such of the following details as may be relevant: the physical location of the meeting; an online link for the meeting; and teleconference details. Where a meeting is to be held via online platform or teleconference, the meeting will be livestreamed or made accessible in a manner deemed appropriate by the Presiding Member (and in the absence of such decision, by the Assessment Manager), such that members of the public can hear and (if relevant) see the meeting similarly to how they would if physically present in the public gallery of a physical meeting.
- 60** Public notice of the Panel scheduled meetings will be provided at the Brighton Civic Centre and on the Council’s website.
- 61** A minimum of five (5) working days’ notice of meetings shall be given to Panel members.

- 62** A copy of the Agenda for every meeting of the Panel shall be available for viewing by the public at the Brighton Civic Centre, Council Libraries and on the Council's web site (web site without attachments) at least five (5) working days before the Panel meeting.

Special Meetings:

- 63** Special meetings of the Panel may be held at any time.
- 64** A Special meeting of the Panel may be called at the request of:
- the Presiding Member of the Panel; or
 - the Chief Executive Officer.
- 65** A Special meeting will only deal with the business for which the meeting has been called.
- 66** A request to call a Special meeting must be accompanied with an Agenda stating the item(s) of business for which the Panel is being requested to convene. If an Agenda is not provided at the time of the request, the Special meeting will not be called.
- 67** Each Member of the Panel will be provided verbal and/or sent a notice of a Special meeting at least four (4) hours before the commencement of the meeting, accompanied by the Agenda for the meeting.

Review and Reporting of Delegated Power & Function:

- 68** Pursuant to section 56(A)(2) of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, Council delegates to the Panel the power to determine its operating procedures provided they are not inconsistent with these Operating Procedures, including but not restricted to the following:-
- Meeting procedures;
 - Meeting venue;
 - Meeting schedule;
 - Quorum;
 - Content of Minutes and policy on availability;
 - Notice of meetings;
 - Voting rights;
 - Access of public to the meetings;
 - Hearing of parties; and
 - Basis for decision making.
- 69** The Panel shall report annually to the Council in a form that allows Council to fulfill its review requirements under Section 56A(3) of the Development Act 1993, or where repealed and replaced, by relevant sections of the Planning, Development and Infrastructure Act 2016, and specifically, will detail:
- the extent to which it will delegate its powers and functions in order to facilitate the expeditious assessment of applications made to the Council;

- the conditions of appointment of members of the Panel (including as to term of office and the grounds on which a member may be removed);
- the level of attendance of Panel members;
- the Panel’s activity and performance in making decisions; and
- comment or analysis of policy or process that are relevant to the Panel’s assessment functions, and suggesting improvements.

Date of last review		Date of next review	
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