



# **Code of Practice – Meeting Procedures**

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# Contents

Introduction.....	3
Local Government (Procedures at Meetings) Regulations 2013, including Variations.....	4
Part 1—Preliminary .....	4
<b>Regulation 1—Short title</b> .....	4
<b>Regulation 2—Commencement</b> .....	4
<b>Regulation 3—Interpretation</b> .....	4
<b>Regulation 4—Guiding Principles</b> .....	5
Part 2—Meetings of councils and key committees .....	6
<b>Regulation 5—Application of Part</b> .....	6
<b>Regulation 6—Discretionary procedures</b> .....	6
<b>Regulation 7—Commencement of meetings and quorums</b> .....	6
<b>Regulation 8—Minutes</b> .....	8
<b>Regulation 9—Questions</b> .....	9
<b>Regulation 10—Petitions</b> .....	10
<b>Regulation 11—Deputations</b> .....	11
<b>Regulation 12—Motions</b> .....	11
<b>Regulation 13—Amendments to motions</b> .....	14
<b>Regulation 14—Variations etc</b> .....	15
<b>Regulation 15—Addresses by members etc</b> .....	15
<b>Regulation 16—Voting</b> .....	16
<b>Regulation 17—Divisions</b> .....	16
<b>Regulation 18—Tabling of information</b> .....	17
<b>Regulation 19—Adjourned business</b> .....	17
<b>Regulation 20—Short-term suspension of proceedings</b> .....	17
<b>Regulation 21—Chief executive officer may submit report recommending revocation or amendment of council decision</b> .....	18
Part 3—Meetings of other committees .....	19
<b>Regulation 22—Application of Part</b> .....	19
<b>Regulation 23—Notice of meetings for members</b> .....	19
<b>Regulation 24—Public notice of committee meetings</b> .....	19
<b>Regulation 25—Minutes</b> .....	19
Part 4—Miscellaneous .....	20
<b>Regulation 26—Quorum for committees</b> .....	20
<b>Regulation 27—Voting at committee meetings</b> .....	20
<b>Regulation 28—Points of order</b> .....	20
<b>Regulation 28A – Exclusion of Member from meeting by Presiding Member</b> .....	21
<b>Regulation 29—Interruption of meetings by members</b> .....	21
<b>Regulation 30—Interruption of meetings by others</b> .....	21
City of Holdfast Bay - Miscellaneous Meeting Procedures .....	22
1. <b>Pre-Meeting</b> .....	22
2. <b>Agenda</b> .....	22
3. <b>Fire Evacuation Process</b> .....	22
4. <b>Meeting Protocols</b> .....	22
5. <b>Appointment to External Bodies</b> .....	22
6. <b>Mobile Phones</b> .....	23
7. <b>Seating arrangements in the Chamber</b> .....	23

## 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 20<sup>1</sup>.

#### **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.

### **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, 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.

### **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.

- (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.

### **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 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 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.

### 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 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 observed<sup>1</sup>; 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 for making or receiving calls during a Council or Committee meeting or Council Information/Briefing Session by members or Council Officers. Devices may be used to look up information relevant for the discussion on hand.
- 6.2 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.