

Code of Practice for Meeting Procedures

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1. Introduction

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

Sections 86(8) and 89(1) of the Local Government Act 1999 (the Act) provide those meetings of the Council, or a Council Committee, will be conducted according to the procedures:

- prescribed by the Act;
- prescribed by regulation; and
- in relation to Council meetings, insofar as the procedure is not prescribed by either the Act or regulations – as determined by the Council; and
- in relation to Committee meetings, insofar as the procedure is not prescribed by the Act or regulations, or determined by the Council – as determined by the Committee itself.

Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) specify certain procedures to be followed during the operation of Council and certain Council Committee meetings.

These meetings include:

- the meetings of the Council;
- the meetings of a Council Committee performing regulatory activities; and
- the meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that varies certain provisions of the Regulations.

This document is the Light Regional Council Code of Practice for Meeting Procedures (the Code). Each section of the Code contains information which may fall into one or more of the following categories:

- legislative requirement (a prescribed requirement that cannot be varied by Council);
- discretionary provision (a requirement that Council may vary and has chosen to vary); or
- Council practice (not prescribed by the Act or Regulations).

The Code will be available to the public to assist their understanding of the procedures associated with the operation of both the Council and Council Committee meetings of Light Regional Council.

As required under the Act, the Code is reviewed annually. The Council may, at any time, by resolution, supported by at least two-thirds of the members of Council as a whole, alter, substitute, or revoke the Code.

2. Definitions

Act means the *Local Government Act 1999*

Chief Executive Officer (CEO) means the Chief Executive Officer of Council and includes a deputy or other person acting in the office of Chief Executive Officer

Clear days is the calculation for giving notice before a meeting: the day on which the notice is given and the day on which the meeting occurs will not be taken into account; and Saturdays, Sundays and public holidays will be taken into account. If the notice is given after 5pm, the notice will be taken as given on the next day

Committee means a committee established by Council pursuant to Section 41 of the Act

Council Member as stated in the Act, means the principal member or a councillor of the Council. Elected Member is commonly utilised to refer to a Council Member

Deputation means a person or group of persons who wish to appear personally before the Council or a Committee in order to address the Council or the Committee on a particular matter

Elected Member means the principal member or a councillor of the Council

Electronic means includes a telephone, computer or other electronic devices used for communication

Independent member means a member on a committee, advisory group, or panel who is not a Council Member

Mayor is the person elected as the Principal Member of Council to represent the local government area as a whole

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

Presiding Member means the person who presides over a council or council committee meeting

Regulations means the *Local Government (Procedures at Meetings) Regulations 2013*

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

3. Guiding Principles

In adopting this Code, Council has applied the guiding principles as set out in the Regulations; that meeting procedures of the Council, and Council Committees should:

- be fair and contribute to open, transparent and informed decision-making;
- encourage appropriate community participation in the affairs of the Council;
- reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting; and
- be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

4. The Act

The Act is the governing legislation for the operation of Local Government in South Australia. The provisions of the Act are supported by the Regulations.

The provisions for the conduct of meetings of the Council and Council Committees, and the decision making processes at those meetings, are prescribed by the Act and the relevant Regulations. Chapter 6 of the Act, and in particular, Section 86 contains the provisions for procedures at Council meetings. Section 89 contains the provisions for proceedings at Committee meetings.

Every Elected member should be aware of and understand the provisions of the Act and the Regulations in relation to the conduct of the Council and Committee meetings and their participation at those meetings.

5. The Regulations

The provisions of the Regulations apply to the Council and Committee meetings. The Regulations are in 4 parts.

Part 1 contains interpretations and the Guiding Principles that should be applied with respect to the procedures to be observed at a meeting of Council, or a Council Committee.

Part 2 contains the provisions that apply to:

- all Council meetings;
- meetings of a Council Committee performing regulatory activities; and
- meetings of any other Council Committee that the Council has resolved that Part 2 apply.

Part 3 contains the provisions that apply to meetings of all other Committees.

Part 4 contains miscellaneous provisions that apply to all the Council and Committee meetings.

The Council has resolved that Part 2 of the Regulations applies to all the Council and Council Committee meetings. The meeting practices in this Code therefore apply to both the Council and Council Committees.

Regulation 6 provides, in some instances, for the Council to establish its own discretionary procedures. This provides the Council with a degree of flexibility in meeting procedures. To establish a discretionary procedure in accordance with Regulation 6, the Council must, by a resolution supported by two thirds of the members of the Council as a whole, determine that a Code of Practice be adopted by the Council that establishes its own procedures for the relevant matters. Those discretionary procedures that the Council has chosen to adopt are highlighted in this Code under the heading Discretionary Procedure.

6. Council and Council Committee Meeting Structure

6.1 Composition of Council

The Council currently consists of the Principal Member (Mayor) and nine Ward Councillors. Three Councillors each represent Dutton, Light and Mudla Wirra Wards.

6.2 Council Meetings

Council Meetings are held on the fourth Tuesday of each month (excluding December), commencing at 5:00pm starting time and to be held at Council's principal office, to be held at least three times in the next 12 months starting October 2023 at The Hewett Centre, unless otherwise resolved by Council to an alternative location, and if so, the subsequent change of meeting location shall be publicly advertised. December Council meeting is held on the second Tuesday of the month.

Special meetings of the Council may be held in accordance with the provisions of Section 82 of the Act.

6.3 Committee Meetings

Council appoints Committees under Section 41 of the Act. Committees are appointed for the term of the Council (with a bi-annual review) and have their own Terms of Reference.

Council Committees meet as required. Notice of Meetings are given in accordance with the provisions of the Act and Regulations and will be displayed at Council's principal office, 93 Main Street, Kapunda and published on Council's website.

7. Pre-Meeting Processes

7.1 Apologies and Leave of Absence

Legislative Requirement

Section 54

Elected members should seek leave of the Council meeting (leave of absence) if they intend being absent for more than three consecutive ordinary meetings of the Council in a 3 month period (the first of which having been held 3 months or more before the last). Failure to seek, and be granted, leave of absence may result in the Elected member losing office in accordance with Section 54 of the Act.

Council Practice

Apologies for non-attendance at a Council or Committee meeting should be submitted through Councils Elected Member Portal (Extranet) via the Submit an Apology or request a Leave of Absence Form or by a telephone call to the office of the CEO before the meeting. The apology will be recorded in the Minutes of the meeting.

Those Elected members not having registered an apology, will have their name recorded in the Council or Committee Minutes of the meeting as "Non Attendance".

Elected members must apply to the Council for a leave of absence. This can be submitted through Councils Elected Member Portal (Extranet) via the Submit an Apology or request a Leave of Absence Form, which will be included in the next agenda or can be raised by Elected members in the 'Mayor and Elected Members Communications' section at Council meetings.

7.2 Questions for Clarification

Council Practice

Elected members are encouraged to contact Council officers prior to Council and Committee meetings to clarify matters appearing on the agenda. The preferred method of contact is by email or telephone. Where the matter is of general importance to all Council or Committee members, emails should include a copy to the relevant General Manager, and all the Council/Committee members.

Where appropriate, a response to the query will be provided to all the Council/Committee members. The response will also be provided by the relevant officer as an update to the report at the meeting.

7.3 Mayoral Briefing

Council Practice

The CEO may convene an informal Mayoral briefing prior to a Council Meeting. This briefing will be conducted at a time and place suitable to the Mayor and the CEO, and may occur by electronic means.

The purpose of the Mayoral briefing is to assist the Mayor to undertake the statutory role provided for in Section 58(1)(e) of the Act to preside at Council Meetings. At the briefing, the CEO will brief the Mayor on:

- the content of the agenda for the meeting;
- any additional information or documents pertaining to the agenda that may need to be presented to the Elected members; and,
- any late items or urgent business that may need to be raised at the Council Meeting.

At the Mayor's absolute discretion, the Deputy Mayor and any Chairperson of a Council Committee which Committee has made recommendations to the Council that are to be considered at the Council meeting may also be invited to attend the briefing to provide advice to the Mayor.

8. Council and Council Committee Meeting Practice

8.1 Commencement of Meetings and Quorum

Legislative Requirement

Regulation 7, Section 85

In accordance with Regulation 7 of the Regulations, a Council or Committee meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

The quorum for a Council or Committee meeting is ascertained by dividing the total number of members for the time being in office by two (ignoring any fraction resulting from the division) and adding one.

If the number of apologies received by the CEO before the meeting indicate that a quorum will not be present, the CEO may adjourn the meeting to a specified day and time.

If a quorum is lost because a Council or Committee member cannot participate in a particular matter pursuant to Sections 74 (Dealing with material conflicts of interest) and 75A (Dealing with actual and perceived conflicts of interest) of the Act, the matter must be adjourned (so that the remainder of the meeting may proceed).

If, at the expiration of 30 minutes from the time specified in the notice of meeting, a quorum is not present, the Presiding Member will adjourn the meeting to a specified day and time. A record will be kept in the Minutes of the meeting indicating the reason for the adjournment, the names of any members of the Council or Committee present, and the date and time to which the meeting is adjourned.

Acknowledgement of Country Statement

At the Light Regional Council an 'Acknowledgement of Country' will be delivered at the commencement of meetings of Council and Committees. There is no set wording for an 'Acknowledgement of Country', rather there are two key points to keep in mind:

- That the correct Traditional Owner group has been identified, and
- That the Acknowledgement is personalised to suit the occasion in which it is being provided for.

As the area of Light Regional Council spans the Traditional Lands of the Ngadjuri and Kaurna Peoples, the following examples 'Acknowledgement of Country' have been prepared to support delivery at Council and Committee meetings, keeping in mind that personalisation of delivery is encouraged:

Ngadjuri Country

For example would include:

- Kapunda
- Freeling
- Greenock
- Seppeltsfield

"We acknowledge the Ngadjuri People, the traditional owners of the land on which we meet today. We pay our respects to their Elders past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people who are present today."

Kaurna Country

For example would include:

- Hewett
- Roseworthy
- Gawler Belt
- Wasleys

"We acknowledge the Kaurna People, the traditional owners of the land on which we meet today. We pay our respects to their Elders past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people who are present today."

8.2 Attendance by electronic meansLegislative Requirement

Section 90

The Act advises that a Committee meeting will be taken to be conducted in a place open to the public even if 1 or more Committee members participate in the meeting by electronic means.

Council Practice

Committee members will be considered present at a committee meeting, despite not being physically present at the meeting, subject to the following conditions:

- a) All Committee members being able to hear each other Committee member whilst a Committee member is participating by electronic means; and
- b) The Committee member who is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by electronic means); and

- c) The Presiding Member is authorised to disconnect the Committee member in the event that the technology causes any disruption or inconvenience to the Committee meeting; and
- d) Should the electronic connection fail, any attempt(s) to reconnect are made at the discretion of the Presiding Member.

8.3 Meeting Conduct for Elected Members and Officers

Council Practice

Elected members and officers are expected to abide by the principles of the Codes of Conduct for employees and Elected members as gazetted from time to time by the State government.

The Statutes Amendment (Local Government Reform) Act 2021 will introduce amended legislation “Behavioural Standards for Council Members” from the declaration of the 2022 general periodic council election.

Council will be required to adopt policy documentation considering the new standards within 12 months after the conclusion of the periodic election which may further amend this Code. The Behavioural Standards are proposed to replace the Code of Conduct for Council Members. During the Council meeting and Committee meetings, Elected members and officers should:

- be respectful in their language and behaviour;
- be appropriately attired, at a minimum of neat casual dress;
- engage the public address system (if available) during Council meetings and speak clearly for the benefit of Elected members and the public gallery;
- limit the amount of distracting activities such as passing of notes, speaking to other members;
- switch any mobile telephones to silent;
- acknowledge the Presiding Member and respond to questions from the floor only at the request of the Presiding Member;
- not consume food in the Council Chamber during meetings; and,

8.4 Addressing the Chair

Council Practice

In Council meetings the following form of address should be used:

Mayor:	Mayor and First name (e.g. Mayor Bill)
Councillor:	Councillor and First or last name (e.g. Councillor Smith)
Officer:	First name

In Committee meetings the following form of address should be used (unless otherwise determined by the Committee):

Mayor:	First name or last name (e.g. Mayor John or Mayor Citizen) subject to personal preferences
Chairperson:	First name
Councillor:	First name or last name (e.g. Councillor Jane or Councillor Smith) subject to personal preferences
Independent member:	First name
Officer:	First name

Council and Committee members will remain seated to address the Chair at Council and Committee meetings.

8.5 Declarations of Interest

Legislative Requirement

Sections 73 to 75A

The provisions in relation to an Elected Member's interest are set out in Sections 73 to 75A of the Act. The provisions of Sections 73 to 75A apply to meetings of the Council and Committees and apply to Elected members and any other person appointed to a Committee.

It is a Council or Committee Member's responsibility to ensure they are aware of, and understand, the provisions of Sections 73 to 75A of the Act in relation to declarations of interest.

A Council or Committee Member who has an interest in a matter before the Council must disclose the interest to the Council or Committee.

Council Practice

Council or Committee members may seek advice about a possible interest before a meeting by contacting the CEO. If necessary, the CEO will assist the Member to contact the Council's lawyers directly for advice, at Council's expense.

8.6 Agenda

Legislative Requirement

Sections 83 and 87

Notice of all Council and Committee meetings must contain or be accompanied by the agenda for the meeting. The agenda is generally described as 'a list of items to be discussed at a meeting'. The CEO must, as far as reasonably practical:

- ensure that items on the agenda are described with reasonable particularity and accuracy; and
- supply to each member of the Council or Committee, at the time that notice of a meeting is given, a copy of any documents or reports that are to be considered at the meeting, so far as this is practicable.

The notice of meeting and the agenda will to be delivered to each Elected member at least 3 clear days before an ordinary meeting and at least 4 hours before a special meeting of the Council or Committee.

Agendas for a meeting will be prepared by relevant Council officers and be accompanied by reports and other documentation that provides information and advice to assist in Council decision making.

Council Practice

The CEO will aim to provide the notice of meeting and agenda to each member of the council 11 clear days before an ordinary meeting.

A supplementary agenda will be provided to Elected Members, 3 clear days before an ordinary meeting, if:

- a Question on Notice is received by the CEO, and accepted by the presiding member, within the legislated timeframe of at least 7 clear days before the meeting; or
- a Motion on Notice is received by the CEO, and accepted by the presiding member, within the legislated timeframe of at least 7 clear days before the meeting; or
- a matter, which is considered urgent by the CEO, arises following the preparation and distribution of an agenda, and which, in the best interests of Council, should be dealt with prior to the next council meeting.

An electronic copy of the agenda will be made available to all Elected Members for viewing on Council tablet computers.

Reports from Council officers included in the agenda will generally be accompanied by a recommendation from the relevant officer.

A recommendation is not a motion, and has no status until moved and/or seconded. A recommendation forms the starting point for the deliberations of the Council. The Council may adopt the recommendation, vary it, or adopt another approach entirely.

It is Council Practice that significant business items of Council will first be referred to the relevant Committee for consideration. The Committee(s) will report their findings to Council and make recommendations for adoption by Council.

Committees of Council, after due consideration of the reports and recommendations presented to each Committee meeting, refer the Committee recommendations to the Council. At each meeting of the Council, Elected Members, having given the Committee recommendations due consideration, are provided the opportunity to withdraw items from those presented for separate discussion. Those items withdrawn are considered prior to the remaining recommendations which are put to a Consensus motion.

A consensus motion means that a number of individual recommendations will be considered together, as one unit, by the Council.

At each meeting of the Council, the Council will also be given a number of discussion items referred to as Reports for Decision. Reports for Decision are matters which are given for Council deliberation seeking a formal resolution from the elected body.

8.7 Order of Business

Council Practice

The order of business for Council meetings will be as follows:

1. **Meeting Opening**
 - 1.1 Acknowledgement of Country
2. **Attendance**
 - 2.1 Present
 - 2.2 Apologies
 - 2.3 Leave of Absence
 - 2.4 Non-Attendance
3. **Confirmation of Council Minutes**
4. **Communications**
 - 5.1 Mayor and Elected Member Communications
 - 5.2 Requested Documents / Correspondence to be Tabled
5. **Petitions**
6. **Deputations and Presentations**
7. **Adjourned Business**
8. **Action Items**
9. **Recommendations from Committees**
10. **Infrastructure and Sustainability Report**
11. **Strategy and Economic Development Report**
12. **Reports for Information**
13. **Reports for Decision**
14. **Questions on Notice**
15. **Questions without Notice**
16. **Motions on Notice**
17. **Motions without Notice**
18. **Confidential Items**
19. **Next Meeting**
20. **Meeting Close**

The Council may, by resolution, amend the order of business as set out in the agenda. The Mayor (at their own initiative or at the request of a Member of Council) may bring forward items for debate and resolution where, for example, a large gallery is present for the item, or contractors or consultants are present to make presentations. The adoption of this practice will be kept to a minimum to ensure minimum disruption to the meeting and to members of the public.

8.8 The Presiding Member

Legislative Requirement

Section 86

With respect to meetings of the Council:

- when the Mayor is present at a Council meeting they must Chair the meeting. In the absence of the Mayor the Deputy Mayor will Chair the Council meeting; and
- If the Deputy Mayor is not available, a Chairperson will be chosen by the Members of the Council by resolution. The CEO or their delegate will preside at the meeting until the Members choose a Chairperson.

With respect to meetings of Committees:

- when the Chairperson is present at a Committee meeting they must Chair the meeting. In the absence of the Chairperson the Deputy Chairperson will Chair the Committee meeting;
- If the Deputy Chairperson is not available, a Chairperson will be chosen by the Member of the Committee by resolution. The CEO, or their delegate, will preside at the meeting until the Members choose a Chairperson.

The Presiding Member facilitates the meeting and governs the conduct of the meeting. The Presiding Member has various powers available in carrying out this role including:

- suspending the operation of the Regulations;
- points of order; and
- making rulings regarding motions without notice and ultra vires motions.

8.9 Minutes

Legislative Requirement and Council Practice

Section 91 and Regulation 8

The minutes record the details of the meeting and the decisions made. The CEO, or in the absence of the CEO the Presiding Member, will ensure that minutes are kept.

The minutes are an accurate record of the meeting and cannot be amended or corrected to reflect the 'intention' of the Council. Regulation 8(4) of the Regulations sets out what must be included in the minutes.

Minutes of Council and Committee meetings must include: (Regulation 8(4))

- (a) the names of the members present at the meeting; and
- (b) in relation to each member present –
 - i. the time at which the person entered and left the meeting; and
 - ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
- (c) each motion or amendment and the names of the mover and seconder; and
- (d) any variation, alteration or withdrawal of a motion or amendment; and
- (e) whether a motion or amendment is carried or lost; and
- (f) any disclosure of interest made by a member; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of Council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

The minutes will also include:

- in regard to the calling of a Division concerning the matter of recording voting on resolutions made by the Council, the CEO will record in the minutes the names of the 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); and
- in regard to the short-term suspension of proceedings, a note of the suspension, including the reasons for and period of suspension must be entered in the minutes.

Council Practice

Minutes of Council and Committee meetings will also include:

- the time of commencement of the meeting;
- the names of apologies, and those Elected Members on leave of absence. Elected members absent at the commencement of the meeting but who entered the meeting following its commencement will be recorded along with the time of their entry to the meeting;
- the name of those Elected Members not having registered an apology with

the office of the CEO for non-attendance at a Council or Committee meeting will have their name recorded in the Minutes of the meeting under “Non Attendance”; and

- the time of closing of the meeting.

In regard to clause 8.9(k) noted above, where a request by an Elected Member for the tabling of document(s) is made at a meeting, then a note providing the detail of the requested document(s) is to be made in the minutes to the meeting at which the request is made. The Elected Member will be required to furnish a list of the required document(s) to the Minute Taker at the time of the request to enable an improvement to the Council’s record keeping. (also refer to Clause 8.15 – Tabling of Information)

A copy of the minutes will be made available to the public via Council’s website, within 5 days after the date of the meeting.

The minutes will be submitted for confirmation at the next meeting. No discussion may take place on the minutes before confirmation, except as to the accuracy of the minutes as a record of the proceedings.

8.10 Questions on Notice

Legislative Requirement

Regulation 9

Elected members have the right to seek information from the CEO and other officers of Council (as specified by the CEO), that is relevant to, or in connection with, the performance of the members functions and duties.

A Question on Notice:

- must be received by the Chief Executive Officer at least 7 clear days before the meeting;
- will be placed on the agenda for the meeting; and
- will be entered in the minutes with the reply.

The Presiding Member of Council or a Committee may rule that a Question on Notice, not be answered where the Presiding Member considers the question is vague, irrelevant, insulting or improper.

Council Practice

Elected Members will aim to provide a Question on Notice to the CEO at least 12 clear days before the meeting.

Where a Question on Notice is received by the CEO, and accepted by the presiding member, within the legislated timeframe of a least 7 clear days before the meeting, it will be included in a supplementary agenda.

Elected Members can submit Questions on Notice through Councils Elected Member Portal (Extranet) via the Submit a Question or Motion on Notice Form. Questions on Notice will be used by members of the Council or Committee where the answer does not warrant extensive investigation or reports being prepared.

Where a member considers that an investigation and/or report is necessary and may require the use of significant Council resources in order to provide a response, then the member should instead lodge a written Notice of Motion under section 12 of the Regulations, and seek a decision of Council or Committee as the case may be.

In circumstances where a Council or Committee member lodges a Question on Notice with the CEO which is not within the breadth of Regulation 9, in that it is 'vague, irrelevant, insulting or improper', the Presiding Member will be asked by the CEO to rule whether the question should be answered.

Council's procedure will be:

- Where the question is raised at a Council meeting, then the response to the question will be provided to the Council meeting.
- Where the question is raised at a Committee meeting, then the response to the question will be provided to the committee meeting.

In circumstances where a Council or Committee member lodges a Question on Notice with the CEO which the CEO determines would require extensive investigation or reports being prepared, the matter will be referred to the Council for its consideration and determination on whether the question should be answered.

Council officers are available to provide assistance to Council or Committee members in drafting a Question on Notice. Requests for assistance can be directed by telephone or email to the CEO or relevant General Manager. While Council officers are able to provide assistance on appropriate wording of a Question on Notice, ultimate responsibility for the wording of a Question on Notice rests with the Council or Committee member placing the Question on Notice.

8.11 Questions without Notice

Legislative Requirement

Regulation 9

Council or Committee members may ask Questions without Notice at a meeting.

A Question without Notice, and the reply, when asked at a Council or Committee Meeting, will not be entered in the minutes unless the members present at the meeting resolve that an entry should be made.

The Presiding Member may allow the reply to be given at the next meeting.

Council Practice

Questions without Notice should be direct and not used as an additional means to extend debate.

Council officers are available to provide assistance to Council or Committee members in drafting a Question without Notice. Requests for assistance can be directed by telephone or email to the CEO or relevant General Manager. While

Council officers are able to provide assistance on appropriate wording of a Question without Notice, ultimate responsibility for the wording of a Question without Notice rests with the Council or Committee member placing the Question without Notice.

8.12 Motions and Debating

8.12.1 Motions

Legislative Requirement

Regulations 12 and 15

A member may bring forward any business by way of a motion with, or without notice.

A motion will lapse if it is not seconded at the appropriate time.

A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

A member may not speak for longer than five minutes on any one item without leave of the meeting.

A member may only speak once in relation to a motion except:

- to provide an explanation in relation to a material part of his or her speech but not so as to introduce any new matter; or
- with leave of the meeting; or
- as the mover in reply.

The Presiding Member of the Council or a Committee may refuse to accept a motion if in his or her opinion the subject matter of the motion is ultra vires. The power of the Presiding Member to refuse to accept a motion may be exercised either at the meeting at which the motion is to be considered, or before the meeting.

The mover of a motion or an amendment may vary, alter or withdraw the motion or amendment with the consent of the seconder, and with the consent of the meeting.

Council Practice

Reports received by Council or Committees will be dealt with as follows:

1. updates from Council Officers;
2. questions for clarification; and
3. consideration of the recommendation and debate.

Once a motion is moved and seconded, it can be varied by a member of the Council or Committee seeking leave of the mover, consent of the seconder, and leave of the meeting to vary the wording.

With leave of the meeting, a variation to a motion may be requested of the mover by a member who has already spoken in the debate.

The use of the informal practice of “Resolving” motions of Council will be prohibited. The use of a formal “Moved” and “Seconded” proposition be enforced and the Executive Staff and Minute Taker will be encouraged to request the Presiding Member of the meeting to halt the meeting and seek the direction of the meeting in that vein in order that the meeting’s minutes accurately reflect the business of the meeting.

8.12.2 Motion on Notice

Legislative Requirement

Regulation 12

A written motion on notice must be provided to the CEO at least 7 clear days before the date of the meeting at which the motion is to be moved.

A motion on notice may be moved by any member of the Council or Committee. The motion does not, necessarily need to be moved by the member who provided written notice. If the member who provided a written Motion on Notice is absent from the meeting another member may move the motion.

Council Practice

Elected Members will aim to provide a Motion on Notice to the CEO at least 12 clear days before the meeting.

Where a Motion on Notice is received by the CEO, and accepted by the presiding member, within the legislated timeframe of a least 7 clear days before the meeting, it will be included in a supplementary agenda.

Elected Members can submit Motions on Notice through Councils Elected Member Portal (Extranet) via the Submit a Question or Motion on Notice Form. Council officers are available to provide assistance to Council or Committee members in drafting a Motion on Notice. Requests for assistance can be directed by telephone or email to the CEO or relevant General Manager. While Council officers are able to provide assistance on appropriate wording of a Motion on Notice, ultimate responsibility for the wording of a Motion on Notice rests with the Council or Committee member placing the Motion on Notice.

Where deemed appropriate by the Council’s CEO, in order to facilitate informed decision making, Council officers may provide ‘background information’ relating to a Motion on Notice placed on the agenda of a Council or Committee meeting.

8.12.3 Amendments to MotionsLegislative Requirement

Regulation 13

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.

An amendment will lapse if it is not seconded at the appropriate time.

A person who moves or seconds an amendment and speaks to the amendment will be taken to have spoken to the motion to which the amendment relates.

If an amendment is lost or carried only one further amendment may be moved to the original motion.

Discretionary Provision

A member who has spoken to a motion cannot, at a later stage of the debate, move or second an amendment to the motion.

There is no right to close the debate on an amendment as an amendment is not a motion.

Council Practice

An amendment is a minor alteration intended to refine the motion by adding to or deleting words from the motion.

A substantial amendment to a motion will not be considered an amendment, and should instead be presented as a new motion.

An amendment which goes beyond this, or which is a direct negative of the motion, is not an amendment and will be rejected by the Presiding Member.

8.12.4 Formal MotionsLegislative Requirement

Regulation 12

Formal motions are set out at Regulation 12(14) of the Regulations and may only be moved by a member who has not spoken in the debate on the question. A formal motion may be seconded by a person who has already spoken in the debate.

A formal motion is not to be considered an amendment to a substantive motion.

There are five types of formal motions:

- that the meeting proceed to the next business – the effect of this formal motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with considering the motion 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;

- that the question be put – then the effect of the motion, if successful, is that the debate is terminated and the question is put to the vote by the presiding member without further debate;
- that the question lie on the table - then the effect of the motion if successful is that the meeting immediately move to the next item of business and the question can then only be retrieved at a later time by resolution, and if so retrieved the debate then resumes at the point of interruption;
- 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 a later time at the point of interruption;
- 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.

A formal motion for adjournment, either of the question or the meeting, must include the reason for the adjournment and the details for resumption.

A formal motion, once moved and seconded, takes precedence over other business and must be put by the presiding member without discussion unless the motion is for an adjournment, in which case discussion may occur only on the details of the resumption.

If a formal motion is lost the meeting will be resumed at the point at which it was interrupted and 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.

8.12.5 Rescission Motions

Legislative Requirement

Regulation 12(3) and (4)

A motion the effect of which, if carried, would be to amend or revoke a resolution passed since the last general election of the Council (i.e. a resolution of the current Council), must be brought by written Notice of Motion.

If such a motion is lost, a motion to the same effect cannot be brought until after the expiry of twelve months, or until after the next general election (whichever is the sooner).

8.12.6 Voting

Legislative Requirement

Regulation 16

All members of the Council and Committees have a duty to vote and cannot abstain from voting in relation to a matter, subject to the conflict of interest provisions.

The Mayor (as Presiding Member) does not have a deliberative vote in Council meetings, but has a casting vote in the event of a tied vote. The Chairperson of a Committee has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.

A Member who is not in his or her seat is not permitted to vote.

The Presiding Member will, in taking a vote, ask for the votes of those members in favour of the motion, then for the votes of those members against the motion and then declare the outcome.

Motions are decided by a majority of votes.

8.12.7 Tied Votes

Council Practice

The result of a tied vote is that the motion lapses, because it is neither carried nor lost. A tied vote can only occur at a Committee Meeting.

When a vote on a motion is tied at a Committee meeting the Chairperson will declare that the result of the vote was tied. The Chairperson will then call for the matter to be voted upon again. If the vote is again tied, the Committee Chairperson will advise the meeting that as a result of the tied vote the matter will, in accordance with Council Policy, be referred to the Council for determination.

When a vote on an amendment is tied at a Committee the Chairperson will declare that the result of the vote was tied. The Chairperson will then call for the amendment to be voted upon again. If the vote is again tied the Chairperson will advise the meeting as a result of the tied vote the amendment will (in accordance with Council Policy) lapse. The Motion will then be put, or a further amendment moved (provided that there are no more than a total of two amendments).

8.12.8 Divisions

Legislative Requirement

Regulation 17

A division may be called by any member and will be taken immediately. The effect of calling for a division is that the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

A division is taken by the members voting in the affirmative standing in their places and the members voting in the negative sitting in their seats until the vote is recorded and the presiding member has counted the number of votes and declared the outcome.

In addition to the result of the vote, the CEO will record in the Minutes the names of the members who voted in the affirmative and the names of the members who voted in the negative.

8.12.9 Motions without Notice

Legislative Requirement

Regulation 12

A member of the Council or a Committee may bring business by way of a Motion without Notice.

The Presiding Member may require a Motion without Notice to be brought by way of a written Motion on Notice. The Presiding Member must take into account the Guiding Principles (referred to section 3 of this Code) in making such a ruling.

Council Practice

Motions without Notice have not been advertised to the broader community and therefore it is considered not in the interest of best governance practice, and a denial of natural justice, to have items that do not fit into the following criteria below, considered at this part of the meeting.

The agenda item 'Motions without Notice' is to be restricted to business that is:

- a request that a report on a particular topic be presented at a future meeting;
- a simple matter, requiring little information to be considered, and the impact of which on Council is deemed be minor;
- a matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion without Notice is seen as the best way to resolve the matter; or
- a matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council.

Wherever practicable, members wishing to move a Motion without Notice (in relation to an item on the agenda) that differs from that recommended in the agenda for that item are encouraged to make available a written copy of their motion. This will assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

8.13 Petitions

Legislative Requirement

Regulation 10

Petitions must be:

- legibly written, typed or printed; and
- clearly set out the request or submission of the petitioners; and
- include the name and address of each person who signs or endorses the petition; and
- be delivered to the principal office of the Council.

Once the petition is received at the principal office, the CEO will place it on the agenda of the next Council meeting.

Discretionary Provision

Regulation 10

If a petition is received, the CEO must ensure that a summary of the petition including a statement as to the nature of the request or submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the Council.

A copy of the full petition will also be placed as an Appendix on the agenda.

Council Practice

Note that the Council agenda appears on the Council's website. Contact details of petition signatories will also appear on the website.

It should be noted that a template petition form has been designed and uploaded to the Light Regional Council website and that this will be the preferred format for the Council to receive petitions from the community.

8.14 Deputations and Presentations

Legislative Requirement

Regulation 11

A deputation may be made by a person or group who wish to appear personally before a Council or Committee meeting in order to address the Council or Committee.

A deputation is also an important opportunity for community participation in the decision making process of a Council. A deputation allows individuals or groups in the community to personally address the Council and present their opinions to the meeting.

A person who wishes to appear as a deputation and address the meeting on a matter must make the request in writing.

The presiding member may refuse to allow the deputation.

The CEO must take reasonable steps to ensure that the person or persons who requested the deputation are informed of the outcome of the request.

If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report that decision to the next meeting of the Council or Committee. The Council or Committee meeting may then resolve to allow the deputation to appear despite a contrary ruling by the presiding member.

Council may refer the hearing of a deputation to a Committee.

Council Practice

Regulation 11

Members of the public wishing to appear as a deputation are to submit their request via the online Deputation Request form on Council's website and to read and comply with the following procedures:

- 8.14.1 The written request must be received by the CEO 12 clear days prior to the day on which the meeting where the deputation is sought to be presented is scheduled. This will ensure that Council officers can liaise with the relevant Presiding Member, and make arrangements to list the deputation as an item on the agenda, prior to the agenda being distributed.
- 8.14.2 A person appearing as a deputation must be present in the gallery and must stand when the Mayor reads their name. The person will be allowed to speak on an issue for a maximum of 10 minutes. The Presiding Member may allow for additional time.
- 8.14.3 Elected Members may request in writing the opportunity to address Council in their capacity as a member of the public. If the request for deputation is permitted the Elected Member will be required to request leave from the meeting during discussions and deliberations on the matter. The deputation must express the views of the Elected Member as a member of the public and not those of an Elected Member.
- 8.14.4 The Mayor will have the discretion to not accept a particular question. Questions are restricted to matters relating to Council reports, policy or operations, and those of a political or personal nature will not be accepted. Where a question is not accepted, the Mayor shall state the reason for not accepting the question.
- 8.14.5 Members of the public should recognise that the Mayor has discretion (and at times obligation) to terminate both question and response at any time in accordance with the Act and Regulations.
- 8.14.6 Questions relating to the same issue will be grouped together and one response provided to that group of questions. Council will then proceed to the next subject.

- 8.14.7 The Mayor will chair and determine who shall answer each question. Where possible responses will be provided immediately following the person's presentation, however if there is insufficient time to verbally respond to a question, or if a more detailed response is required than time allows, the Mayor may direct that a particular Council officer respond in writing to the person within 5 working days, or provide a report to the following ordinary meeting of Council.
- 8.14.8 While the deputation is provided for the public to have an opportunity to make a presentation to Council or to question Council on matters, no debate on the questions or answers provided will be entered into during the deputation, however, the Mayor may accept a follow up question in regard to the same subject from the person, should time allow. Elected Members may seek to ask questions.
- 8.14.9 The statement or question, if allowed by the Mayor, will be recorded in the minutes of the Council meeting under the heading of 'Deputation'. If possible, a précis of any response will also be noted in the minutes unless the Mayor has requested a more detailed response as discussed in Item 8.14.7 above.
- 8.14.10 It should be noted that a template deputation request form (including the option to request the distribution of handouts) has been designed and uploaded to the Light Regional Council website and that this will be the preferred format for the Council to receive deputations from the community.
- 8.14.11 The Presiding Member may request to receive a presentation from staff, affiliated groups, business partners or community groups to provide an update to Council on relevant matters. Presentations will be allowed 10 minutes of speaking time and may receive questions from Elected Members after that time. The Presiding Member may allow for additional time

8.15 **Tabling of Information**

Legislative Requirement

Regulation 18

A Council or Committee Member may require the CEO to table any documents of the Council relating to a motion that is before a meeting.

The CEO must then table the documents within a reasonable time, or at a time determined by the Mayor or Presiding Member, after taking into account the wishes of the meeting.

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.

The CEO 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.

Council Practice

Requests for the tabling of information must be reasonable and:

- accurately specify the document or documents being sought to enable them to be identified and located; and
- establish the relevance of the document or documents to the motion that is before the meeting.

If a Member is unable to satisfy these criteria, the Mayor or Chairperson will be acting within their power to refuse to accede to the request, and to defer the vote on the motion.

Where a request for additional documents to be tabled (for example, at the next meeting), has been made, the documentation shall be forwarded to all Elected Members as part of the agenda for the next meeting and the matter will be included within the agenda item "Adjourned Business". The requested document/s shall be appended to the agenda and dealt with in accordance with Regulation 18 of the Local Government (Proceedings of Meetings) Regulations 2013. (Also refer to Clause 8.9 – Minutes).

8.16 Suspension of Meeting Procedures

Legislative Requirement

Regulation 20

If the Presiding Member considers the meeting would benefit from suspending the operation of all or some of the Regulations, the presiding member may suspend the operation of the Regulations, or part of them, for a period to be determined by the Presiding Member.

Two thirds of the members present at the meeting must agree to the suspension.

A note of the suspension, including the reasons for a period of suspension, must be entered in the minutes.

The period of suspension will come to an end if the presiding member determines that the period should be brought to an end or at least two-thirds of the members present at the meeting resolve that the period be brought to an end.

8.17 Points of Order

Legislative Requirement

Regulation 28

The Presiding Member may call to order a Member of the Council or Committee who is in breach of the Act or Regulations.

A Member may draw to the attention of the Presiding Member a breach of the Act or Regulations, and must state briefly the nature of the alleged breach.

A point of order takes precedence over all other business until determined.

The Presiding Member will rule on a point of order.

If an objection is taken to the ruling of the Presiding Member, a motion that the ruling be rejected must be moved immediately. The Presiding Member is entitled to make a statement in support of the ruling before a motion is put. Such a resolution binds the meeting and, if a ruling is not agreed with, the ruling has no effect and the point of order is annulled.

8.18 Confidential Items

Legislative Requirement

Section 90, 91 and 92

The conduct of all Council and Committee meetings will be in accordance with the Council's Code of Practice Policy for Access to Council Meetings Council Committees and Council documents, which explains the use of the confidential provisions under the Act at Council and Committee meetings.

Section 91 of the Local Government Act 1999 states that the minutes of the Council must be made public with the exception of matters discussed in confidence under Section 90 of the Act. In determining a matter under Section 90, Council must also specify the duration for which the (confidentiality) order is to apply, or when it is to be reviewed. In any event the order must be reviewed at least once every twelve months.

Council Practice

Council resolved in February 2007 that it be a practice of Council that all confidential items that have not been finalised be re-presented to Council with a progress report as to their status at intervals of at least every 6 months. Since the Ombudsman's review of Confidential Procedures in 2012, Council has endeavoured to undertake a formal review of the Confidential Minute Register on a quarterly basis; at the March, June, September and December meetings of Council.

Where it is considered that confidentiality needs to be maintained, then in accordance with Section 91 it is recommended that the order for confidentiality be extended for a further 3 months or to the next scheduled review of the Register. The matter would then be reviewed for release back to the public realm at the time.

Where it is considered that confidentiality can end, either by the matter being concluded or where it is considered that the matter is at a point of being sufficiently dealt with to allow the order for confidentiality to be ended, a recommendation to remove the item from the Register is made. These items would then be made public following the adoption of the confidential minutes at the next ordinary meeting of the Council.

Where a matter is being considered in confidence and Council determines, at the meeting that the matter is being considered, that the matter is to be released immediately. These items would then be made public following the adoption of the confidential minutes at the next ordinary meeting of the Council.

8.19 Late Agenda ItemsCouncil Practice

Council considers that the inclusion in a meeting of items of business not listed in the agenda is contrary to the Act and the Guiding Principles of the Regulations, and should be avoided except for matters of urgency.

Council will avoid the presentation of late agenda items. An item will be considered a late agenda item if it forms part of a late agenda that is provided to council after the legislated 3 clear day timeframe, as outlined in section 8.6 under the heading Legislative Requirement.

Items outlined in section 8.6 under the heading – Council Practice of this document, and that are to be included within a supplementary agenda, are not considered late agenda items. As these items fall the legislated timeframes as outlined in sections 8.6, 8.10 and 8.12.2 of this document.

If a late agenda item is unavoidable, every effort will be made to email these items to Council or Committee members and to post them on Council's website as soon as possible.

Exceptions to this practice include:

- revised recommendations based on feedback after the release of the agenda;
- further information that may have come to hand relating to an agenda item and which is considered important to bring to the attention of members before they vote on the matter;
- information reports not requiring a decision of the Council or a Committee;
- matters that arise following the legislated deadline for the preparation of an agenda, and which, in the best interests of Council, should be dealt with prior to the next Council meeting.

8.20 Close of MeetingCouncil Practice

Meetings will typically conclude at the conclusion of business on the agenda, or at 10:00pm.

At 10:00pm a resolution of the Council or a Committee is required to continue with the meeting, or adjourn the remaining business to another time and place. Extensions will usually be for no longer than 30 minutes.

8.21 Visual or Audio Recordings

Council Practice

Council meetings will be recorded (where technology economically exists) using an audio and video recording device, excluding sections of the meeting that Council resolves to discuss in confidence. Recordings will be placed on a website as determined by the CEO, and retained in line with the State Records Act 1997.

9. Information or Briefing sessions

Legislative Requirement

Section 90A and Regulation 8AB of the Local Government (General) Regulations 2013

Information or Briefing sessions for Elected members on a variety of topics relevant to the business of Council are arranged as requested by the Council or deemed necessary by the CEO. These sessions must not deal with a matter in such a way as to seek to obtain, or effectively obtain, a decision on a matter outside a formally constituted Council or Committee meeting.

An Information or Briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or Committee is discussed at the session. However, the Council or CEO may order that a session be closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act. In which case, the matter will be dealt with in accordance to s90A (5) and (6) of the Act.

Council Practice

The Council is aware of the need to balance openness and transparency with opportunities for private discussions between Council/Committee members and Council/Committee members and staff. Council's preferred policy position will be for a Special Meeting of the Council or of the Committee to be called in accordance with the practice outlined in this code.

In circumstances where Council or a Committee conducts an Information or Briefing session, it is preferable that:

- the information outlined in Regulation 8AB of the Local Government (General) Regulations 2013 be made available to the public on Council's website prior to the session being held;
- Council or Committee members be provided with an agenda, three days prior to a session being held, which incorporates an outline of the matters for discussion; and
- sessions are held in the Council Offices at 93 Main Street, Kapunda.

Information or Briefing sessions are, by their nature, a non-compulsory gathering of Council or Committee. All members are encouraged to attend these sessions, particularly those designed to provide historical background, context or other additional information to assist Council and Committee members to carry out their duties.

Information or Briefing sessions will not be used for the purpose of conducting the general business of the Council or to debate issues that may subsequently be dealt with by the Council at a formal meeting. Sessions may be used for the purpose of information sharing or to discuss issues that involve strategy or policy or other matters of Council administration and to brief Elected members on issues relating to their decision-making function. Sessions will not be used for the purpose of debating issues, building consensus positions or otherwise discharging Council's deliberative and decision-making processes. Information and Briefing sessions will not involve a formal minute taking process.

If a topic falls into a category that would normally be kept confidential if it arose at a Council meeting, the item will be placed last on the agenda provided to the session and the session will be closed to the public when that item is reached and will be dealt with, as required, under section 90A (5) and (6) of the Act.

In line with Regulation 8AB of the Local Government (General) Regulations 2013, details of Information or Briefing sessions will be published on Council's website

10. Other Relevant Documents

- Code of Practice Policy for Access to Council Meetings Council Committees and Council documents.
- Elected Members Code of Conduct or successor Behaviour Standards Policy
- Deputation Request Form
- Petition Form

History of Policy Amendment

Policy adopted by Council on 19 May 2009, Council Minutes Reference 10.2.3, Page 2009/124

1. *Amendment 1. Policy reviewed by Council on 26 July 2011, Council Minutes Reference 10.2.4 Page 2011/176*
2. *Amendment 2. Policy reviewed by Council on 27 November 2012, Council Minutes Reference 10.2.2 Page 2012/375.*
3. *Amendment 3. Policy reviewed by Council on 22 October 2013, Council Minutes Reference 10.2.1 Page 2013/272.*
4. *Amendment 4. Policy reviewed by Council on 24 June 2014, Council Minutes Reference 10.2.7. Page 2014/135.*
5. *Amendment 5. Policy reviewed by Council on 24 March 2015, Council Minutes Reference 11.2.1 Page 2015/90.*
6. *Amendment 6. Policy reviewed by Council on 28 April 2015, Council Minutes Reference 12.2.1 Page 2015/138*
7. *Amendment 7. Policy reviewed by Council on 26 July 2016, Council Minutes Reference 13.2.1 Page 2016/259.*
8. *Amendment 8. Policy reviewed by Council on 24 January 2017 Council Minutes Reference Item No: 12.2.3 at Page 2017/11*
9. *Amendment 9. Policy reviewed by Council at the 9 April 2019 Special Council meeting following the conduct of the November 2018 general council election*
10. *Adopted by Council at the 23 April 2019 ordinary meeting of Council Minutes Reference 13.2.1 at Page 2019/154*
11. *Amendment 10, Policy reviewed by Council on 16 April 2020, Council Minutes Reference 5.1.1 Page 2020/56*
12. *Amendment 11, Policy adopted by Council on 24 November 2020, Minute Reference 12.2.2, Page Reference 215.*
13. *Amendment 12, Policy adopted by Council on 27 April 2021, Minute Reference 13.2.3, Page Reference 2021/99*
14. *Amendment 13, policy adopted by Council on 14 December 2021, Minute Reference 12.2, Page Reference 2021/259*
15. *Amendment 14, policy adopted by Council on 25 January 2022, Minute Reference 12.5, Page Reference 2022/9,*
16. *Amendment 15, policy adopted by Council on 28 June 2022, Minute Reference OCM-2022/113*
17. *Amendment 16, policy adopted by Council on 13 December 2022, Resolution Number OCM-2022/219*
18. *Amendment 17, policy adopted by Council on 22 August 2023, Resolution Number OCM-2023/168*
19. *Amendment 18, policy adopted by Council on 26 September 2023, Resolution Number OCM-2023/201*
20. *Amendment 19, policy adopted by Council on 23 January 2024, Resolution Number OCM-2024/009.*