

## Code of Practice - Meetings and Documents – Access and Procedures

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Policy Name:	Code of Practice – Meetings and Documents – Access and Procedures
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Responsible Officer:	Principal Governance Officer
Divisional Manager	General Manager Corporate Services
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i> <i>Development Act 1993</i> <i>Independent Commissioner Against Corruption Act 2012</i> <i>Freedom of Information Act 1991</i>
Related Policies:	Code of Conduct for Council Members Informal Gatherings Policy
Revoked Policies	Code of Practice – Access to Meetings and Documents Code of Practice Meeting Procedures Petitions Policy Deputations Policy

### 1. Introduction

- 1.1 The City of Burnside is committed to the principle of open and accountable government and encourages community participation in the business of Council.
- 1.2 Section 92 of the *Local Government Act 1999 (the LG Act)* requires Council to have a Code of Practice for Access to Meetings and Documents (the Code).
- 1.3 The *Local Government (Procedures at Meetings) Regulations 2013 (the Meetings Regulations)* provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to or vary certain aspects of the provisions of these Regulations.
- 1.4 This Code supplements and should be read in conjunction with the *Meetings Regulations*.

## 2. Interpretation and Definitions

- 2.1 *CEO* means the Chief Executive Officer.
- 2.2 *Elected Members* means the Mayor and the Councillors.
- 2.3 *LG Act* means the Local Government Act 1999.
- 2.4 *Meeting Member* means a person (whether *Elected Members* or others) who is entitled to be present and vote (whether deliberative or casting) at Council/Committee meetings.
- 2.5 *Meetings Regulations* means the Local Government (Procedures at Meetings) Regulations 2013.
- 2.6 *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.
- 2.7 The expression "*in writing*" includes but is not limited to, email.

## 3. Application of the Code of Practice

- 3.1 This Code applies to all ordinary and special meetings of Council and Council Committees at the City of Burnside.
- 3.2 The legislated Guiding Principles underpin the details in this Code of Practice.

## 4. Strategic Plan Desired Outcomes

- 4.1 Delivery of good governance in Council business.

## 5. Our Approach

- 5.1 Regularly review, update and adopt leading governance, risk management and administrative practices.

## 6. Legislative Requirements and Corporate Policy Context

- 6.1 The rules and procedures for meetings of Council and its Committees are contained in the *LG Act* and in the *Meetings Regulations*.

## 7. Policy

- 7.1 Notice of Meetings
  - 7.1.1 Section 84 of the *LG Act* sets out the public notice requirements. The Agenda and supporting documentation for ordinary Council meetings is provided to *Meeting Members* on the Thursday preceding the meeting. Agendas and material for Committee meetings and special meetings is provided within the statutory timeframe.
  - 7.1.2 Where the *CEO* (after consultation with the Mayor/Presiding Member) believes that a document or report on a particular matter should be considered in confidence to the exclusion of the public, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified.

- 7.1.3 The non-confidential components of the Agenda and supporting documentation are made available to the public within the statutory time-frames. The Agenda is placed on public display at the Council Civic Centre. The Agenda and the supporting documentation is placed on Council's website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au), at the Civic Centre Customer Service Desk and in the Council Library. Copies will be provided to the public for a fee to cover the costs of photocopying, in accordance with Council's schedule of fees and charges.
- 7.2 Distribution of Confidential Agendas, Reports, and Minutes
  - 7.2.1 Confidential Agenda Item Reports, Attachments, and subsequent confidential Minutes and confidential information documents will only be distributed to Administration staff and Meeting Members via encrypted electronic methods.
- 7.3 Public Access to Meetings
  - 7.3.1 Council/Committee meetings are open to the public and attendance is encouraged. In relation to some items, however, where the Council/Committee believes it is necessary to do so, for reasons authorised by the *LG Act*, and where the need for confidentiality outweighs the principle of open decision-making, the public may be excluded from the relevant discussion and/or decision.
  - 7.3.2 Informal gatherings of staff and *Meeting Members* must proceed in accordance with Council's Informal Gatherings Policy and are not meetings of the Council/Committee. They must not and do not deal with any matter which would ordinarily form part of the Agenda for a formal meeting in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council/Committee and are permitted by the *LG Act*.
- 7.4 Conduct of Meetings – General
  - 7.4.1 Unless otherwise resolved, Council meetings:
    - 7.4.1.1 are held at 401 Greenhill Road, Tasmore;
    - 7.4.1.2 are held on the second and the fourth Tuesdays of each month;
    - 7.4.1.3 commence at 7 pm;
    - 7.4.1.4 may include a short refreshment break, by resolution specifying the duration of the break and the re-commencement time;
    - 7.4.1.5 conclude not later than 10.30 pm, unless the time period at any meeting is extended by up to 30 minutes by resolution in exceptional circumstances; and
    - 7.4.1.6 Council may resolve after 10.30 pm and prior to 11.00 pm that the meeting be further extended by no longer than an additional 30 minutes, to no later than 11.30 pm, in order to continue debate on the same item of business, with a view to finalising the item.

- 7.4.2 The Administration's Executive team will be available to individual *Meeting Members* from the time of the Agenda being released to the commencement of the relevant Council Meeting to discuss matters on the Agenda.
- 7.4.3 Wherever possible any queries should be referred to the *CEO* prior to the meeting for any explanation and clarification as necessary.
- 7.4.4 Special meetings may be called in accordance with the provisions of *LG Act*.
- 7.4.5 All meetings are conducted in accordance with the provisions of the *LG Act*, *Meetings Regulations* and as modified by this Code.
- 7.4.6 The General Managers and Principal Governance Officer attend all meetings of Council as required by the *CEO*. Senior staff attends Council and/or Committee Meetings when required by the *CEO*.
- 7.4.7 Recording of Meetings and publication of Minutes
  - 7.4.7.1 Council meetings are audio recorded for the purposes of checking the accuracy of minutes and may be visually recorded, at the discretion of the Council, to provide a corroborative mechanism for providing an accurate record of events.
  - 7.4.7.2 The recordings of all proceedings of Council are retained for a period of at least four years from the date upon which each such recording was made.
  - 7.4.7.3 *Meeting Members* and the public are permitted to make audio recordings of Council meetings except where the meeting has resolved that the matter be dealt with In Camera (in confidence), in which case only the Council may determine that the minute taker will record that part of the meeting.
  - 7.4.7.4 *Meeting Members* must not record any items of Council meetings in relation to which they have declared an interest.
  - 7.4.7.5 Minutes record:
    - 7.4.7.5.1 the opening and closing time of the meeting;
    - 7.4.7.5.2 Presiding Member and *Meeting Members*;
    - 7.4.7.5.3 CEO and General Managers in attendance (and their names and roles);
    - 7.4.7.5.4 the closing and opening of doors in relation to any confidential session;
    - 7.4.7.5.5 apologies, approved leave and un-notified absences of *Meeting Members*;
    - 7.4.7.5.6 conflict of interest declarations (material conflicts of interest, and actual or perceived conflicts of

- interest), which are required to be declared by *Meeting Members* promptly at the time the relevant item of business is called on by the Presiding Member (see 7.6.12);
- 7.4.7.5.7 motions and resolutions;
  - 7.4.7.5.8 points of order;
  - 7.4.7.5.9 the names of the *Meeting Members* who voted in the affirmative or negative for a particular item, but only if a “division” is called by a *Meeting Member*;
  - 7.4.7.5.10 adjournments, and the reasons for adjournments, required pursuant to Council’s Dealing with Disruptive Behaviours Policy.
- 7.4.7.6 Minutes do not record:
- 7.4.7.6.1 the general tenor of debate;
  - 7.4.7.6.2 the names of the *Meeting Members* who voted in the affirmative or negative for a particular item, in the absence of a “division” being called by a *Meeting Member*.
- 7.4.7.7 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that does not occur, at a subsequent meeting.
- 7.4.7.8 Acceptance of minutes as true and correct has the effect of making ‘true and correct’ that which may in fact not be entirely accurate. *Meeting Members* are expected to read the minutes carefully before acceptance is voted upon, to ensure that any errors are addressed prior to acceptance.
- 7.4.7.9 Minutes of all Council and Committee meetings will be posted on Council’s website and available in printed copy at the Civic Centre as soon as practicable after they are completed but no later than five working days after a Council or Committee Meeting. They will be kept on public display in the Principal Office of Council for a period of one month.
- 7.4.8 Council has established the following Committees:
- 7.4.8.1 Audit (pursuant to s41 *LG Act*).
  - 7.4.8.2 Chief Executive Officer Recruitment, Performance Appraisal and Remuneration Review (pursuant to s41 *LG Act*).
  - 7.4.8.3 Strategic Planning and Development Policy (pursuant to s101A of the *Development Act 1993*).
  - 7.4.8.4 The Strategic Planning and Development Policy Committee comprises the whole of Council with the Mayor as the

Presiding Member. The Committee's business is conducted within Council meetings, as required.

7.4.8.5 All other Committees meet and attend to business in accordance with their respective Terms of Reference.

7.4.9 A *Meeting Member* who expects to be late for or absent from a meeting is expected to inform the Mayor, the CEO or the Executive Officer prior to the meeting.

7.4.10 *Meeting Members* must seek leave of absence if they intend being absent for more than three consecutive meetings.

7.4.11 *Meeting Members* will be recorded in the minutes as absent if their apology has not been received prior to the commencement of the meeting pursuant to paragraph 7.4.9. If a *Meeting Member* arrives after the meeting commences, the time of arrival will be noted in the minutes.

## 7.5 Chamber Conduct

7.5.1 The legislated *Code of Conduct for Council Members* is a public declaration of the principles of good conduct and standards of behaviour to be upheld by the *Meeting Members* of the City of Burnside when undertaking Council business.

7.5.2 Staff will respond to questions from the floor at the invitation of the Mayor or Presiding Member and will acknowledge the Mayor or Presiding Member in their response.

7.5.3 At a Council meeting the Mayor will be addressed as either 'Your Worship' or 'Mayor'. The Presiding Member of a Committee should be addressed as Councillor.

7.5.4 Meeting Members who intend to speak or vote during a meeting of Council are to clearly indicate their intention to speak by using Council's electronic queuing system for meetings in the Chamber or by raising their hand to signal the Presiding Member in the event that the electronic queuing system is not being utilised for that meeting. When invited by the Presiding Member to speak they are to speak clearly for the benefit of all present in the Chamber and into the operating microphone provided to the Meeting Member.

7.5.5 Meeting Members should be aware that as soon as they leave their seats they have left the meeting. A Meeting Member, who leaves their seat and does not wish to return to the meeting, should advise the Presiding Member that they will not be returning to the meeting.

7.5.6 Any mobile telephones brought into the Council Chamber are to be switched off or switched to silent, unless there is express permission of the Presiding Member eg for security or emergency contact requirements.

## 7.6 Conduct of Meetings – Procedure

7.6.1 The Agenda for Council/Committee meetings comprises a list of items for the consideration of the meeting.

- 7.6.2 The order of the Agenda is set by resolution of Council/Committee. The order of business for a Council/Committee meeting will generally be in accordance with the Agenda, but the Mayor/Presiding Member (if the meeting so resolves), may bring forward items for debate and resolution where:
- 7.6.2.1 a large contingent of interested parties is present in the gallery;
  - 7.6.2.2 contractors or consultants are present to make presentations; or
  - 7.6.2.3 it may otherwise be considered expedient or appropriate.
- 7.6.3 The order of business is also affected by the differing treatment of certain items. When considering Officers' Reports and recommendations, the Presiding Member will call out each item sequentially and ask, in relation to each, for *Meeting Members* to indicate whether they wish to discuss/ask questions about the item. Those items not so selected are dealt with sequentially in the first instance as straightforward matters, in accordance with the Officers' Recommendations. The remaining items, which have been selected, will then be dealt with and the *Meeting Member* who has selected an item during the initial call-over will be given the first opportunity to address it.
- 7.6.4 The content of the Agenda items is evident from their description and/or the accompanying agenda papers, except for the following matters.
- 7.6.5 Deputations
- 7.6.5.1 'Deputation' is the term used to describe the process whereby members of the public address Council/Committee.
  - 7.6.5.2 A Deputation may be made on a policy issue or general matters of concern to (or affecting the interests of) the City as a whole or a proportion of the residents of the City.
  - 7.6.5.3 A request to make a Deputation must be made *in writing* to the *CEO* at least 24 hours before the commencement of the meeting, who will refer the request to the Presiding Member.
  - 7.6.5.4 Unless the Presiding Member determines otherwise in relation to a request, Deputations in relation to:
    - 7.6.5.4.1 planning or building applications;
    - 7.6.5.4.2 orders, prosecutions or expiation matters;
    - 7.6.5.4.3 procedural matters; and
    - 7.6.5.4.4 specific grievances that do not fall within 7.6.5.2 aboveare not permitted, unless the matter is the subject of a non-confidential report contained in the Agenda papers.

- 7.6.5.5 Unless the Presiding Member determines otherwise in relation to a request, Deputations are not permitted where another method of expressing a viewpoint is more appropriate or if the Council has consulted, or intends to consult with its community.
- 7.6.5.6 If there are more than five requests to make a Deputation at a particular meeting, the Presiding Member and the *CEO* may select five, having regard to the relevance and timeliness of the matters to be raised and the desirability of spreading the opportunity for residents to address the Council as widely as possible.
- 7.6.5.7 The *CEO* will notify the applicant *in writing* whether the request has been refused or approved.
- 7.6.5.8 If the request has been approved, the *CEO* will provide details of the date and time of the meeting at which the Deputation will be heard.
- 7.6.5.9 If the request has been refused, the *CEO* must inform the applicant of the provisions of clause 7.6.5.10 of this Policy.
- 7.6.5.10 The Presiding Member must inform the meeting of any requests to make a Deputation that have been refused. That decision may be overturned by resolution of the meeting provided it is not in breach of clause 7.6.5.4.
- 7.6.5.11 A person making a Deputation should attend the meeting place 10 minutes prior to the commencement time and inform the staff of their presence and reason for attendance, following which they are to wait in the public gallery until called.
- 7.6.5.12 Immediately prior to delivering their Deputation, the person must state their name and address, for the public record.
- 7.6.5.13 A maximum of five minutes is allotted for each Deputation, following which *Meeting Members* may ask questions, but the matter will not be debated and the participation in the meeting of the person making the Deputation ends with the conclusion of that Deputation.
- 7.6.5.14 No privilege against defamation attaches to a Deputation.
- 7.6.5.15 Persons making Deputations are to avoid derogatory and defamatory comments and must present their Deputation courteously.
- 7.6.5.16 If a person wishes to distribute or present information to the *Meeting Members* in support of their Deputation then the person must provide the information to the *CEO* at least 24 hours prior to the start of the meeting, to ensure that the information is not derogatory or defamatory. If the person does not provide the information to the *CEO* for vetting then the material will not be distributed or presented to the *Meeting Members*.

- 7.6.5.17 Disorderly behaviour is subject to the Dealing with Disruptive Behaviours Policy and *Meetings Regulations*, including a monetary penalty.
  - 7.6.5.18 The *CEO* or delegate will contact each person who has made a Deputation to inform them of any resolutions of Council/Committee in relation to the subject of the Deputation made at the meeting which heard the Deputation.
  - 7.6.5.19 If multiple persons use the same written application to apply to make a deputation, the *CEO* and Presiding Member are to treat the application as being one for a joint deputation, not separate individual deputations. If such persons wish to negate this presumption, the written application must clearly state that each person wishes to make a separate deputation.
- 7.6.6 Petitions
- 7.6.6.1 Residents of the City of Burnside are entitled to petition Council to express their concerns in relation to legitimate existing or proposed courses of action, or alternative courses of action desired by residents.
  - 7.6.6.2 To be valid, a petition must:
    - 7.6.6.2.1 be the **original** of each page of the document.
    - 7.6.6.2.2 be legibly typed, written or printed.
    - 7.6.6.2.3 clearly set out, **on each page**, the request or submission of the petitioners.
    - 7.6.6.2.4 contain the name and address and signature of each petitioner.
    - 7.6.6.2.5 not contain material that, in the opinion of the *CEO*, is defamatory or offensive.
  - 7.6.6.3 If the *CEO* considers that the petition contains defamatory or offensive material, it will be refused and not placed on the Agenda. In that event, the *CEO* will inform one of the signatories to the petition that it has been refused and inform that person that if they submit a further petition that conforms to requirements, it will be placed on the Agenda in accordance with this Policy.
  - 7.6.6.4 The petition is to be sent or delivered to the *CEO* of the City of Burnside, 401 Greenhill Road, Tusmore SA 5065 and should be accompanied by a letter with the name and contact details of the head petitioner, who will be treated as speaking for all petitioners and the contact person for all petitioners. The covering letter, however, does not constitute part of the petition. The petition speaks for itself, in its own terms.
  - 7.6.6.5 The petition must reach the *CEO* at least a week before the meeting at which the petitioners wish it presented to Council.

Receipt of the petition will be acknowledged to the head petitioner (or if there is none, to the person whose name appears first on the petition), who will be advised of the Agenda date upon which it will appear.

- 7.6.6.6 Subject to paragraph 7.6.6.10 the *CEO* must place the Petition on the Agenda for the next ordinary meeting of Council (or, if applicable, Committee), together with a statement setting out the nature of the request or submission and the number of signatures or the number of persons endorsing the Petition and include the entirety of the Petition in the Agenda papers, but not the covering letter.
  - 7.6.6.7 Council will consider whether to receive the petition. The usual practice is for a report on the matter to be provided to Council at a subsequent meeting, for detailed consideration.
  - 7.6.6.8 A Petitioner may also seek to make a Deputation, if they wish to make oral submissions to Council on the matter (refer clause 7.6.5).
  - 7.6.6.9 The outcome of the detailed consideration of the Petition will be communicated:
    - 7.6.6.9.1 if there are 100 signatures or less, to all petitioners who are residents/ratepayers of the City of Burnside; or
    - 7.6.6.9.2 if there are more than 100 signatures, to the head petitioner (or, if none, the person whose name appears first on the petition). A public notice will be placed on the City of Burnside website ([www.burnside.sa.gov.au](http://www.burnside.sa.gov.au)).
  - 7.6.6.10 The *CEO* has the absolute discretion to contact the head petitioner should a petition not comply with paragraph 7.6.6.2 or it is unclear to the *CEO* whether the document is intended to be a “petition”. In such circumstances the operation of paragraph 7.6.6.6 will be suspended until such time as the petition complies with paragraph 7.6.6.2 or it is confirmed to the *CEO* by the head petitioner that the document is intended to be a “petition”.
- 7.6.7 Memorials (Council meetings only)
- 7.6.7.1 *Meeting Members* may utilise this section of the meeting to reflect and recognise the passing of recent members of the Burnside Community.
  - 7.6.7.2 Provided that the address has been distributed in writing to all *Meeting Members* and the Minute Taker prior to its oral delivery at the meeting, a *Meeting Member* may, immediately following the oral delivery, move a resolution that the Memorial address be recorded in the minutes.
- 7.6.8 Questions on Notice and Notices of Motion

- 7.6.8.1 The *Meetings Regulations* provide that five clear days' notice must be given for these items. The cut-off time is 5 pm on the relevant day. In relation to Council meetings, the relevant day is the Wednesday prior to the meeting. If receipt is after this time, the items will be placed on the Agenda for the following meeting.
- 7.6.8.2 Answers to Questions on Notice are published in the Minutes of the relevant meeting, but are not included in the Agenda papers. They will be circulated at the Meeting in respect of which the questions appear on the Agenda. If it is not possible to compile an answer in the time prior to the Meeting, the reason is to be recorded in the minutes and the answers provided at the next available Meeting. Answers to Questions on Notice are included in the Minutes of the Meeting at which they were provided.
- 7.6.8.3 Where a *Meeting Member* who has given Notice of a Motion in accordance with regulation 13(2) of the *Meetings Regulations* is absent from the meeting at which the motion is to be considered, the motion will be adjourned to the next meeting or may be moved by any other member who has the written permission of the giver of the Notice of Motion. Evidence of the written permission must be tabled at the meeting prior to the Motion being moved.
- 7.6.9 Questions and Motions without Notice
  - 7.6.9.1 The Agenda makes special provision for these. All questions and motions that are not on notice and do not relate to published Agenda items should be raised at this time.
  - 7.6.9.2 Questions and motions raised during the course of considering the Officers' Reports, however, are part of the business of the meeting with respect to which general notice has been given to *Meeting Members* and the public.
  - 7.6.9.3 Questions without notice and their answers are not recorded in the minutes unless Council, in relation to any particular question, resolves to do so.
  - 7.6.9.4 Motions without Notice are dealt with in the Minutes in the same manner as Motions on Notice.
- 7.6.10 Other Business
  - 7.6.10.1 Matters under this heading will not be recorded in the Minutes, except for Leave of Absence.
  - 7.6.10.2 It is not an appropriate place to raise Motions without Notice, unless leave is given by a majority of *Meeting Members* present and entitled to vote.
- 7.6.11 When exercising a casting vote on any matter the Presiding Member may provide a brief explanation to the Chamber.

- 7.6.12 Disclosure Statement relating to sections 73, 74, 74, 75A, and 75B of the *LG Act*.
- 7.6.12.1 *Meeting Members* are expected to declare known material conflicts of interests, and actual or perceived conflicts of interests promptly at the time the relevant item of business is called on by the Presiding Member and give a brief explanation of the type of conflict of interest, the nature of the interest including whether the interest is direct or indirect and personal or pecuniary.
- 7.6.12.2 Council's minute taker will note the type of conflict of interest declared (material, actual or perceived) from *Meeting Members* when those declarations are made.
- 7.6.12.3 *Meeting Members* are encouraged to notify the minute taker prior to the meeting of any conflicts of interest which will be declared at the meeting (including type of conflict of interest, the item the declaration relates to, and the nature of the interest including whether the interest is direct or indirect and personal or pecuniary).
- 7.6.12.4 The Presiding Member must announce any declared conflicts of interest before commencing any item of business, to enable the persons so affected to leave the meeting prior to the commencement of that item.
- 7.6.12.5 A *Meeting Member* who has not made the declaration referred to in 7.6.12.1, but realises that he or she does need to declare an interest or conflict of interest in relation to any item of business, must promptly raise the matter prior to the debate of the relevant item of business.
- 7.6.12.6 A *Meeting Member* who leaves the chamber because of a conflict of interest is required to ensure that he or she is sufficiently removed from the meeting room so as to not be able to hear those proceedings. Failure to do so constitutes a breach of the Code of Conduct.
- 7.6.13 Conflict of Interest
- 7.6.13.1 The issue of conflict of interest has the potential to result in serious penalties for *Meeting Members*. For example, failure to declare a material conflict of interest and failure to vacate the chamber are offences in accordance with Section 74 of the LGA Act.
- 7.6.13.2 Accordingly, Council will pay for legal advice obtained by the *CEO* if the *CEO* is not able to provide or is not comfortable with providing that advice. If *Meeting Members* wish to seek legal advice about a possible conflict of interest, they should advise the *CEO* in writing at least 24 hours prior to the relevant meeting at which the conflict may arise. The *CEO* will provide the advice or make appropriate arrangements for it to be provided by Council's solicitors. As a matter of course Council's solicitors will provide the *CEO* with a copy of the written advice provided to the *Meeting Member*. If the

publication of the advice would breach any legal requirement for confidentiality, the solicitors will provide only so much of the information to the *CEO* (which may be confined to a statement that there is or is not a conflict of interest with limited or no reasons in support) as is permitted by law.

7.6.13.3 All advice provided to the *CEO* pursuant to clause 7.6.13.1 must be made available to all *Meeting Members*.

7.6.13.4 If a member of staff has any doubt as to whether he or she has a conflict of interest in a particular matter, they should seek the advice of the relevant General Manager or the *CEO*.

#### 7.6.14 Points of Order

7.6.14.1 If the Presiding Member or a *Meeting Member* believes that there has been a breach of the Act, regulations or Policy and calls a Point of Order, they must briefly state the nature of the alleged breach such that the Presiding Member can determine which if any part of the Act, Regulations or Policy has been breached. The nature of the alleged breach will be recorded in the minutes.

7.6.14.2 The Presiding Member will then make a ruling on the point of order, which will be recorded in the minutes.

7.6.14.3 If an objection is taken to the ruling of the Presiding Member on the point of order, a challenge by way of a motion that the ruling not be agreed with must be moved immediately.

7.6.14.4 The Presiding Member is entitled to make a statement in support of the ruling before a motion under 7.6.14.3 is put.

#### 7.6.15 Council Appointments

7.6.15.1 The process for determining a Council appointment to a particular position is as follows:

7.6.15.1.1 Each appointment is by way of a resolution of Council confirming the results of an election and is for such term as Council resolves.

7.6.15.1.2 The method of voting is by secret ballot.

7.6.15.1.3 Nominations will be called for the position/s to be filled.

7.6.15.1.4 Nominees must give a brief explanation (maximum five minutes) as to why they are nominating and the skills, qualifications and experience they bring to the position.

7.6.15.1.5 Each *Meeting Member* (including the Presiding Member) has one vote.

7.6.15.1.6 In the event of two candidates being nominated for a position, the method of voting will be the first

past the post majority vote. In the event of three or more candidates nominated for a position, the method of voting will be bottom up lowest vote elimination until two candidates remain.

7.6.15.1.7 In the event of tie, the matter is decided by drawing of lots, the candidate first drawn being the candidate excluded.

7.6.15.1.8 *Meeting Members* absent from the meeting may nominate for a position in writing/email in advance to the *CEO* to have their nomination recognised, providing text for their brief explanation.

7.6.15.1.9 The ballot papers from each secret ballot will be returned to the Administration for filing.

## 7.7 Confidential Items

7.7.1 The *LG Act* favours open and accountable local government. The bias is therefore always against excluding the public, but the legislation recognises that the exclusion of the public is appropriate in certain circumstances.

7.7.2 Section 90(2) of the *LG Act* permits Council/Committee to order that the public be excluded from the Meeting to allow confidential discussion of matters when certain criteria are met. The *LG Act*, however, makes it clear that neither embarrassment to Council/Committee or employees, nor possible loss of confidence in Council/Committee, are reasons for excluding the public. A request by someone that information be kept confidential is not a sufficient reason for excluding the public; the matter must always satisfy the legislative criteria.

7.7.3 This determination of whether the public should be excluded is made in the presence of the public. If it is resolved that an order be made however, all persons excluded by the terms of the resolution must immediately leave the room and neither listen to nor record the confidential proceedings that follow. *Meeting Members* are entitled to remain, whether or not their inclusion is identified in the wording of the resolution.

7.7.4 Any person who, knowing that an order is in force, enters or remains in a room in which such a meeting is being held commits an offence. Further, if the person fails to leave on request, an employee of Council or a member of the police may use reasonable force to remove the person from the room.

7.7.5 When discussion of the matter concludes, and while the meeting is still in confidential session, the meeting will consider the need to make an order that a document associated with that Agenda item (including minutes) remain confidential and, if appropriate, resolve accordingly. In determining this, the meeting has regard to the provisions of section 91 and in particular s91(8) which specifies circumstances in which it is not permitted to order that a document remain confidential.

- 7.7.6 Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting.
- 7.7.7 Each Agenda item listed for consideration as an “in confidence” matter is determined separately.

## **8. Acting Presiding Member at Council Meetings**

- 8.1 If the Mayor is absent from a meeting, or the consideration of a particular Agenda Item, then the meeting will select an Acting Presiding Member by:
  - 8.1.1 in the first instance calling for a volunteer; or
  - 8.1.2 where more than one Meeting Member volunteers, the names of the volunteering members be drawn by the CEO and the Meeting Member who is chosen to preside is the one whose name is drawn first; or
  - 8.1.3 as a last resort, if no Meeting Member volunteers, the names of all Meeting Members present be placed in the draw and the name of the first Meeting Member drawn by the CEO is to preside.

## **9. Availability**

- 9.1 The Policy is available to be downloaded, free of charge, from Council’s website [www.burnside.sa.gov.au](http://www.burnside.sa.gov.au). The legislation referred to in this Policy can be obtained from the following website: <http://www.austlii.edu.au>
- 9.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Burnside Civic Centre  
401 Greenhill Road, Tasmore SA 5065  
Telephone; 8366 4200  
Fax: 8366 4299  
Email: [burnside@burnside.sa.gov.au](mailto:burnside@burnside.sa.gov.au)

Office hours: Monday to Friday, 8.30am to 5.00pm (except public holidays)

- 9.3 Any inquiries with respect to this Policy should be directed to Council’s Principal Governance Officer.