

	<h1>District Council of Cleve</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	November 2022
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Procedure Name: **9.6 - Council & Committee Meeting Procedure**

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## 1. **POLICY OBJECTIVE**

This Policy supports Council’s Strategic Plan Goal of ensuring accountable governance to the community by establishing the basis on which Council and Committee meetings will be managed in order for all participants and interested persons to have clear expectations of the procedures to be applied at each Council or Committee meeting.

This Policy also satisfies the requirement of Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013 to have a code of practice if Council chooses to vary Part 2 of the Regulations.

## 2. **SCOPE**

Council and Committee meetings of the District Council of Cleve.

## 3. **RISK MANAGEMENT**

Risk management is an important obligation which the Cleve Council takes very seriously and pro-actively manages. In its conduct of Council and Committee meetings, the Cleve Council will manage known risks to Elected Members, employees, the community and stakeholders in relation to relevant legislative compliance.

In the conduct of its Council and Committee meetings all Elected Members, employees and residents are encouraged to consider any perceived risks and, if necessary, communicate these to the Chief Executive Officer if in doubt prior to the commencement of a formal Council or Committee meeting.

## 4. **POLICY STATEMENT**

### **Legislative Framework**

Each meeting will be held in accordance with the provisions of the Local Government Act 1999 Chapter 6 and more specifically, the Local Government (Procedure at Meetings) Regulations 2013 (Regulations).

Regulation 6 of the Regulations allows councils to vary some regulations to suit their needs.

This Regulation also requires Council to have a Code of Practice under this Regulation if it chooses to implement allowable variations under Part 2 of the Regulations and this Policy satisfies that requirement. Any variation to this policy must be supported by at least two thirds

of the members of Council, which requires five Members to vote in favour of any variation. This vote should be recorded separately in detail in the Council minutes.

## 5. **POLICY**

### 5.1 **Principles**

The following principles shall apply to the conduct of Council and Committees of Council:

- a) As a matter of probity and governance best practice, the Mayor should not submit Notices of Motions at formal Council Meetings.
- b) The Presiding Member of Committees is not to submit a Notice of Motion and remain in the meeting. They should declare a Conflict of Interest in the matter and remove themselves from the meeting prior to debate commencing (Note: the Presiding Member of a Committee is legally required to vote if present when the vote is taken).
- c) The Presiding Member shall reserve their contribution to the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of Chairing meetings, from asking questions and adding valuable information to the debate that the meeting may not be fully aware of.
- d) One of the objects of the Act is 'to ensure accountability of Councils to the community' S3. Section 85 requires that matters on the agenda are described with 'reasonable particularity and accuracy' and that the reports and other documentation to be considered at a meeting are available to the public prior to the meeting. The guiding principles R4 provide that meeting procedures should 'be fair and contribute to open, transparent and informed decision-making', and 'encourage appropriate community participation in the affairs of the Council' and that 'procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations at the meeting'. The inclusion of matters at a meeting on which there has been no public notification, no relevant report from officers and possible subsequent decisions of the Council is not in keeping with the provisions or the tenor of the Act.

### 5.2 **Code of Practice for Variations to the Regulations – Part 2 Allowable Variations**

In implementing the allowable variations to the Regulations for Council and Key or Standing Committee Meetings under Part 2 of the Regulations, Council has adopted the following variations:

- R10 (2) – Petitions- No variation
- R12 (9), (10), & (11) – Motions – No variations
- R13 (1), (3), (4) & (5) – Amendments to Motions – No variations
- R15 (1) & (2) – Address by Members – Although the Regulations limit each speaker to a maximum of 5 minutes, if the regulated limit is insufficient, Members may seek the leave of the Meeting to have the period extended beyond that to speak for a further specified period.
- R16 (3) – Voting – No variations
- R17 (3) – Divisions – No variations
- R19 – Adjourned Business – No variation.

### 5.3 Meeting Procedures

Each meeting will follow the practices as detailed below:

- Meetings shall conclude on or before 5 hours (including breaks) unless there is a specific motion adopted at the meeting to continue the meeting beyond that time.
- The order of agenda items may be varied by the Presiding Member to suit the needs of the public, staff, consultants, individual members and any person making a deputation.
- All motions moved by Members shall be in writing and it will be the responsibility of each mover of a motion, that varies from a staff prepared recommendation, to provide the motion to the Chief Executive Officer in writing to ensure that the minutes of each meeting are accurately recorded.
- Staff or external bodies may make presentations to Council or the relevant Committee on matters relating to items tabled for discussion or on urgent matters of significant importance to Council at the discretion of the Chief Executive Officer.
- Any petition lodged with Council will be reported to the next available relevant meeting. In order to protect the privacy of individuals (noting that petitions usually include names and addresses and would be readily available to the wider community if part of the public record and published on the Internet with all other public records) the petitions will not be copied individually and circulated. A summary of the words contained in the petition will be reported along with the number of signatures on each petition. A copy of each petition will be available for Council Members to inspect prior to and at each meeting.  
*This will not apply to Committees.*
- Matters of urgency - Regulation 15(2) provides that a member may, with leave of the meeting, raise a matter of urgency. The principal member may seek leave to introduce an urgent matter. The most effective way for a member of Council or a Committee to introduce a matter for consideration at a meeting is by way of a motion with notice.

### 6. COUNCIL & COMMITTEE AGENDA

The Agenda for a Council or Committee meeting will be based on a standard template determined by the Chief Executive Officer from time to time addressing at least the minimum requirements of the Local Government Act 1999 and the Local Government (Procedures and Meetings) Regulations 2013 and fulfilling best practice governance principles.

All agendas of Council will be readily available to the public at 10 Main Street Cleve and via Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au). Other Committees' minutes will be available at the Council office.

### 7. MINUTES

Each member of a Committee will, within five days after a meeting, be supplied with a copy of all minutes of the proceedings of the meeting.

A copy of the minutes will be placed on public display at the District Council of Cleve and on the website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au)

**8. DOCUMENTATION**

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

**9. AVAILABILITY OF THE POLICY**

This Policy will be available for inspection at the Council's offices during ordinary business hours and via the Council's website <http://www.cleve.sa.gov.au>. Electronic versions are the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

**10. ADOPTION OF THE POLICY**

This Policy was adopted by the Council at its Ordinary Council meeting on 29 November 2022.

**11. DOCUMENT REVIEW**

This document will be reviewed by the District Council of Cleve following Council elections every (4) four years in November 2026.