



# NOTICE

of

## SERVICES COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the  
Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**TUESDAY, 16 JULY 2019 AT 7:00PM**

**SAM GREEN  
ACTING CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 11 July 2019

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### MEMBERSHIP

#### **PRESIDING MEMBER – CR ANDREW CRAIG**

Mayor Glenn Docherty	Cr Akram Arifi	Cr Marilyn Baker
Cr Stephen Coppins	Cr Veronica Gossink	Cr Shirley Halls
Cr David Kerrison	Cr Clint Marsh	Cr Misty Norris
Cr Jane Onuzans	Cr Peter Rentoulis	Cr Dennis Ryan
Cr Gay Smallwood-Smith	Cr Katrina Stroet	Cr Cathy-Jo Tame

# CITY OF PLAYFORD STRATEGIC PLAN

<b>1. Smart Service Delivery Program</b>	
<p>This program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services they require. It means making the most of our community's existing strengths, talents and diversity, and working smarter to connect our community with each other to contribute to overall wellbeing and the economic life of the City.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>1.1 High quality services and amenities</li> <li>1.2 Improved service delivery</li> <li>1.3 Working smarter with our community</li> <li>1.4 Enhanced City presentation, community pride and reputation</li> </ul>
<b>2. Smart Living Program</b>	
<p>This program is about Council playing its part to make the City more liveable and connected. As our older suburbs age and our population and urban footprint expands, we will find innovative ways to renew and 'future proof' the liveability of our neighbourhoods. It also means ensuring our community has access to smart technologies.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>2.1 Smart development and urban renewal</li> <li>2.2 Enhanced City presentation, community pride and reputation</li> <li>2.3 Liveable neighbourhoods</li> </ul>
<b>3. Smart Jobs &amp; Education Program</b>	
<p>This program is about Council leading by example and advocating to other organisations to support the diversification of our local economy and improve the employment prospects for our community. This includes providing the right environment for investment and business attraction and connecting our community up with the right skills and education for the transitioning economy.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>3.1 Growth and diversification of local jobs matched with relevant education and training</li> <li>3.2 Commercial and industrial growth</li> <li>3.3 Sustainable economic transformation</li> <li>3.4 International market connections</li> </ul>
<b>4. Smart CBD Program</b>	
<p>This program relates to Council's long term strategy for the redevelopment and expansion of the Elizabeth Regional Centre. In the longer term Elizabeth can expect to be home to a number of facilities and services such as hospitals, a university, significant retail services, medium to high density commercial offices, peak business organisations and high density housing.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>4.1 Expanded range of local services</li> <li>4.2 Growth and diversification of local jobs in the CBD</li> <li>4.3 Greater housing choice</li> <li>4.4 Increased social connections</li> <li>4.5 Commercial growth</li> </ul>
<b>5. Smart Sport Program</b>	
<p>This program is about Council's long term vision to create the Playford City Sports Precinct providing local community, state and national level sporting facilities. It will create a focus on healthy communities and promote greater participation in sport and physical activity. It will also support the renewal of adjoining suburbs.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>5.1 Enhanced community pride and reputation</li> <li>5.2 Healthy and socially connected community</li> <li>5.3 Access to elite sporting facilities</li> </ul>
<b>6. Smart Health</b>	
<p>In the longer term the Playford will see expansion of the area around the Lyell McEwin Hospital into a key precinct with tertiary training, research, allied health facilities and residential accommodation. It will have potential links to advanced manufacturing in assistive devices in health, aged and disability. This program is about raising the profile and amenity of the precinct and facilitating new investment.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>6.1 Access to quality, local health services</li> <li>6.2 Increased employment opportunities in health, disability and aged sectors</li> </ul>



## SERVICES COMMITTEE CHARTER

### 1 Role

1.1 The Committee's role is to:

- 1.1.1 Act in an advisory capacity to the Council regarding all high level operations.
- 1.1.2 Monitor the Operational performance of the Council as it relates to the delivery of services to standards.

### 2 Terms of Reference

2.1 The Committee's terms of reference are to consider all matters relating to the:

- 2.1.1 Review and develop operational aspects of Council business.
- 2.1.2 Review and develop the delivery of Council services.
- 2.1.3 Review and develop Council service standards assessed against community need.
- 2.1.4 Review and approve relevant policies where delegation permits.
- 2.1.5 To consider on a regular basis reports on the performance of the Council.

### 3 Definitions

**Act** for the purpose of this policy means the *Local Government Act 1999*.

**Chief Executive Officer (CEO)** means the Chief Executive Officer of a council and includes a deputy or other person acting in the officer of Chief Executive Officer.

**Committee** includes Section 41 Committees, other Committees and Panels established by Council.

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

**Executive Officer** is a staff member appointed by the Chief Executive Officer to support a Section 41 Committee, other committee or advisory group.

**Independent Members** are members on a committee or panel who are not elected but have been appointed by the Council to undertake a similar role as Councillors on Council's Section 41 Committees or the Council Development Assessment Panel. They are external appointees.

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

**Staff** includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

## **4 Delegations**

**4.1** The Committee has delegation for the following:

4.1.1 Approve Committee's Minutes as a true and accurate record of proceedings.

4.1.2 Develop and approve the Committee's Work Plan.

4.1.3 Appoint a Presiding Member from within the Committee.

4.1.4 Consider and provide a response to LGA Circulars, or other business of an operational nature, in line with the Committee's role.

4.1.5 Consider and approve relevant policies submitted to the Committee in line with the Committee's Role and Terms of Reference. Nothing in this clause prevents the Committee from referring the policy to Council for consideration.

4.1.6 The Committee has the power pursuant to Section 87 (1) of the Act to determine the months of the year that the Committee meets.

**4.2** Any other business referred to the Committee in accordance with its Role and Terms of Reference, or where the Committee does not hold the delegated authority, this business may be debated with a recommendation referred to the next Ordinary Council Meeting for consideration.

**4.3** The Executive Officer in consultation with the Presiding Member may approve a deputation request for business that falls in-line with the Committee's Role and Terms of Reference. The Committee may resolve to seek further information on the business of a deputation, although no further resolution may be passed for the business of a deputation at the meeting the deputation was provided.

**4.4** Petitions are not delegated to the Committee and are only to be presented to Council.

## **5 Meetings**

**5.1** The Committee Meeting will be held on the 3rd Tuesday of the month, starting at 7:00pm, with the months of the year to be determined and reviewed by the Committee.

**5.2** The Committee Meeting will be held in Council Chambers at the Playford Civic Centre, 10 Playford Boulevard, Elizabeth, unless otherwise determined by the Committee prior to the meeting.

**5.3** Committee Meetings may be called, amended or cancelled by the Committee's Executive Officer of the Committee, in consultation with the Presiding Member.

**5.4** The agenda will be prepared and distributed to all Committee Members on the Thursday prior to the meeting, with the preference being to distribute electronically.

**5.5** Special Meetings of the Committee may be necessary from time to time and may be called in accordance with Section 82 of the Local Government Act 1999. Notice of a Special Committee Meeting may be at a minimum of four (4) hours notice, due to the urgency of the matters on the agenda.

## **6 Membership**

**6.1** The Committee shall comprise the Mayor and all Elected Members.

**6.2** The Presiding Member will be determined by the Committee.

**6.3** The Term of the Presiding Member will be one (1) year, after which they may stand for re-election.

**6.4** The term of the Council Committee Members' appointment will be for a period not exceeding the next General Election.

## **7 Role of the Presiding Member**

**7.1** Oversee the conduct of Committee Meetings in accordance with the Local Government Act 1999 and Code of Practice for Council, Special and Committee Meetings.

**7.2** Ensure all Committee Members have the opportunity to participate in debate and discussions in an open and encouraging manner.

**7.3** Where a matter has been debated significantly and no new information is being discussed the Presiding Member may call the meeting to order and ask for the debate to be finalised and a motion be put forward.

## **8 Role of Committee Members**

**8.1** Actively participate in debate and discussion in a professional manner at all times.

**8.2** Ensure the Member is prepared and informed of meeting matters prior to the meeting.

**8.3** Utilise the skills and experience of the Committee Members to effectively carry out the Committee's role.

## **9 Role of the Executive Officer and Administrative Support**

**9.1** The Executive Officer is appointed by the CEO to support the administration and operation of the Committee.

**9.2** The Executive Officer and relevant staff may provide advice during the meeting in order to aid informed decision making.

**9.3** The Committee is appointed a Minute Taker.

## **10 Reporting and Review**

**10.1** Council will assess the on-going role and effectiveness of the Committee as part of the Committee Review following a General Election or as required by Council.

- 10.2** As determined by the Committee, it may communicate with Elected Members and staff on issues of importance to the Council. This communication may be delivered by the Presiding Member or Executive Officer in the form of a presentation to Elected Members, a communiqué, a written memo or a report to Council.

## 11 Supporting Documentation

- [Local Government Act 1999](#)
- [Code of Practice for Council and Committee Meetings](#)
- [Code of Practice for Public Access to Meetings and Associated Meeting Documents](#)
- [Code of Conduct for Council Members](#)

## 12 Approval and Change History

Approval Date	Approval by	Change
27 Nov 2012	Council Resolution	Scheduled review.
16 Dec 2014	Council Resolution No. 2008	Alignment to Council Elections 2014, Name change from Assets & Services to Services Committee, change to common format, meeting day changed to second Tuesday of month and other minor amendments
28 Jun 2016	Council Resolution No. 2604	Template & Committee Structure Review
18 Dec 2018	Council Resolution No. 3362	Alignment to Council Elections 2018 and the inclusion of clause 2.1.5 Terminology changed – Council Member replaced with Elected Member Definition of Elected Member updated Committee now delegated to determine meeting schedule

**City of Playford  
Services Committee Meeting**

**AGENDA**

**TUESDAY, 16 JULY 2019 AT 7:00PM**

**1 ATTENDANCE RECORD**

1.1 Present

1.2 Apologies

Cr Marilyn Baker

1.3 Not Present

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

The Minutes of the Services Committee Meeting held 18 June 2019 be confirmed as a true and accurate record of proceedings.

**3 DECLARATIONS OF INTEREST**

**4 DEPUTATION / REPRESENTATIONS**

Nil

**5 STAFF REPORTS**

**Matters to be considered by the Committee and referred to Council**

*Matters which cannot be delegated to a Committee or Staff.*

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*Matters for Information.*

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**6 INFORMAL DISCUSSION**

Nil

**7      INFORMAL ACTIONS**

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**9      CONFIDENTIAL MATTERS**

Nil

**10     CLOSURE**



## STAFF REPORTS

### MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL

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***Matters which cannot be  
delegated to a Committee or  
Staff.***

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## 5.1 ADOPTION OF CODE OF PRACTICE FOR COUNCIL AND COMMITTEE MEETINGS

**Responsible Executive Manager** : Ms Grace Pelle

**Report Author** : Ms Susie Reichstein

**Delegated Authority** : Matters which cannot be delegated to a Committee or Staff.

**Attachments** :

- 1 [↓](#). Proposed Code of Practice for Council and Committee Meetings
- 2 [↓](#). Current Code of Practice for Council and Committee Meetings
- 3 [↓](#). Summary of Changes
- 4 [↓](#). Local Government (Procedures at Meetings) Regulations 2013

### PURPOSE

For Council to consider and adopt the proposed Code of Practice for Council and Committee Meetings (Attachment 1).

### STAFF RECOMMENDATION

Council adopts the proposed Code of Practice for Council and Committee Meetings (Attachment 1).

### EXECUTIVE SUMMARY

The *Local Government Act 1999* and *Local Government (Procedures at Meetings) Regulations 2013* (attachment 4) provide the legislative meeting procedure framework for the conduct of Council and Committees meetings. Council may determine further meeting procedures not contained within the *Regulations* or vary the procedure as allowed for in the *Regulations*.

A review of the current Code of Practice for Council and Committee Meetings has been undertaken, in accordance with the legislation and taking into consideration Council's meeting practices and needs.

#### 1. BACKGROUND

In accordance with Section 86 of the *Local Government Act 1999*, the procedure to be observed at a meeting of a Council is to be as prescribed by regulation. *The Local Government (Procedures at Meetings) Regulations 2013* details the minimum meeting procedures Council must observe. The *Regulations* also provide for Council to determine procedures not prescribed within the *Regulations*.

The Code of Practice for Council and Committee Meetings was last reviewed in August 2016.

Elected Members were provided a brief overview of some of the major changes proposed to the Code of Practice as a part of the Mandatory Training Module 3 – Council and Committee Meetings session held on 2 April 2019. Members were requested to provide any feedback or suggestions on the proposed Code of Practice, for consideration by staff when formulating the revised Code.

Council were presented the proposed changes at the Informal Gathering on the 9 July 2019 allowing a further opportunity for feedback.

## 2. RELEVANCE TO STRATEGIC PLAN

### 1: Smart Service Delivery Program

#### Outcome 1.2 Improved service delivery

The adoption of the Code of Practice for Council and Committee Meetings provides the framework for meetings to be conducted in accordance with legislative requirements and Council resolved procedures.

## 3. PUBLIC CONSULTATION

There is no requirement under the *Local Government Act 1999* to consult the community on the Code of Practice for Council and Committee Meetings.

## 4. DISCUSSION

**4.1** The Code of Practice for Council and Committee Meetings is scheduled for review following the November 2018 general election. This is in accordance with the legislative requirement to review the Code within 12 months of a general election.

**4.2** The revised Code has been formulated in accordance with the *Local Government Act 1999* and *Local Government (Procedures at Meetings) Regulations 2013* and taking into consideration meeting practices of the new Council and Committees. The Code includes an annotated copy of the *Local Government (Procedures at Meetings) Regulations 2013* and Clarification where appropriate.

**4.3** Regulation 4 sets out the Guiding Principles that need to be taken into consideration when formulating meeting procedures:

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

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

**4.4** A summary of changes proposed, which are included in the proposed Code of Practice for Council and Committee Meetings, is provided in Attachment 3. The major amendments relate to the following areas:

- Administrative amendments to improve readability and reflect correct policy names where reference to other policies are made;
- Deleted sections where direction is provided for in the legislation;
- The inclusion of a Clarifications section that provides additional clarity between legislation and Council agreed practice;

- Cancellation of Meetings section deleted as there is no power for the Mayor and/or CEO to cancel or reschedule a meeting;
- Leave of Absence section revised as requests must be considered by Council;
- Reports by Council Members section reworded to provide clarity that Members can submit written reports to be included in the minutes if not in attendance at the meeting;
- Definition of Questions (On or Without Notice) included to provide clarity regarding what constitutes a question;
- In accordance with legislative days a Questions on Notice and Motions on Notice altered to be submitted with 5 clear days' notice not 8 days;
- Questions Without Notice that cannot be answered at a meeting, will be treated as a question on notice at the following Ordinary Council meeting;
- Section on Petitions revised;
- Deputation requests to provide 48 hours' notice prior to a Council meeting;
- Motions Without Notice should be restricted to matters closely related to Agenda items, house-keeping issues or matters of extreme urgency;
- Private Ballot amended to clarify that members not present must indicate their wishes if they wish to stand for a position;
- Removed section about moving items en bloc as this is not recommended practice;
- Combined sections on photography at meetings with recording at meetings; and
- Removed requirement for Committee Charter, Strategic Plan and work plan/forward agenda to be included in the Committee Agendas.

**4.5** The Code of Practice relates to Council and Committee Meetings as governed by the *Local Government Act 1999*. The Council Assessment Panel is established under the *Planning, Development and Infrastructure Act 2016* and operates under its own Terms of Reference and also has its own operating procedure to guide its procedures.

## **5. OPTIONS**

### Recommendation

Council adopts the proposed Code of Practice for Council and Committee Meetings (Attachment 1).

### Option 2

Council adopts the proposed Code of Practice for Council and Committee Meetings (Attachment 1) with the following amendments:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## **6. ANALYSIS OF OPTIONS**

### **6.1 Recommendation Analysis**

#### 6.1.1 Analysis & Implications of the Recommendation

A comprehensive review of the Code of Practice for Council and Committee Meetings has been undertaken. The recommendation reflects this thorough review and ensures Council meets its legislative requirements in regards to meeting practices and procedures.

#### 6.1.2 Financial Implications

There are no financial or resource implications associated with the adoption of the Code of Practice for Council and Committee Meetings.

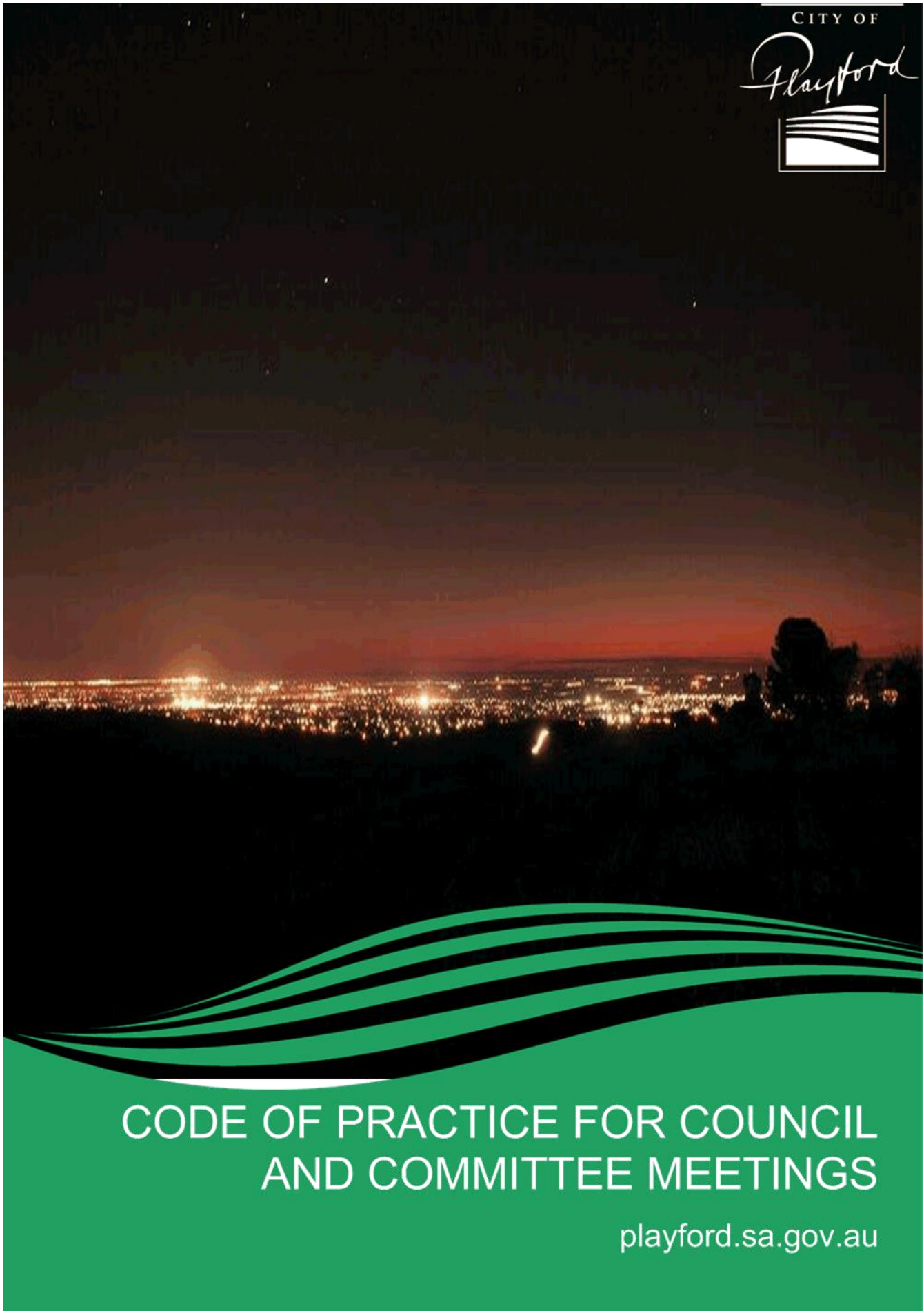
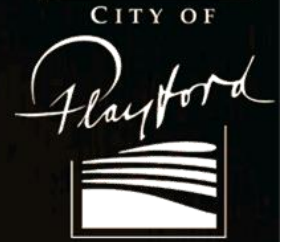
### **6.2 Option 2 Analysis**

#### 6.2.1 Analysis & Implications of Option 2

Option 2 allows Council to propose amendments to the Code of Practice for Council and Committee Meetings and consider the adoption of a revised Code at a future Ordinary Council meeting. Any proposed amendments must be in accordance with legislative requirements and as such will be considered by staff to ensure compliance with the *Local Government Act 1999* and *Local Government (Procedures at Meetings) Regulations 2013*.

#### 6.2.2 Financial Implications

If Council proposes amendments, staff resources will be utilised to prepare a report for Council's consideration at a future meeting, to ensure meeting procedures are adopted as required. Financial expenditure may be necessary if Council's legal services provider is engaged to provide advice on any proposed amendments.



# CODE OF PRACTICE FOR COUNCIL AND COMMITTEE MEETINGS

[playford.sa.gov.au](http://playford.sa.gov.au)



# Code of Practice for Council and Committee Meetings

*This policy is set by Council for use by the community and council administration*

**ECM Document Set No.:**

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**Version No.:** 5

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**Date of Current Version**

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**Responsible Team** Governance

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**Other Key Internal Stakeholders**

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**Initial Date of Adoption** 23 August 2013

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**Last Reviewed** 23 August 2016

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**Authorised By** Council

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**Resolution No.:**

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**Legal Requirement**

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**Date of Next Review** February 2020

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## 1. Purpose

This Code of Practice seeks to provide a consistent framework for the meeting processes and meeting structure of all Council and Council Committees in accordance with Regulation 6 of the *Local Government (Procedure at Meetings) Regulations 2013* (the *Regulations*).

The Code of Practice does not apply to the Council Assessment Panel (CAP) which has its own *CAP Operating Procedure*.

## 2. Scope

The rules and procedures for all meetings of Council and its Committees are outlined in the *Local Government Act 1999* (the *Act*) and the *Regulations*. This Code of Practice has been developed in accordance with the relevant legislation.

This Code of Practice outlines the meeting procedures set out in the *Regulations* with annotations. In addition, where the Council has varied a procedure set out in the *Regulations* (being a procedure that is capable of variation) or has adopted a procedure in circumstances where the *Act* or *Regulations* do not prescribe a procedure, this Code of Practice sets out those varied or additional procedures (as the case may be) in highlighted text boxes.

## 3. Legislation and References

- *Local Government Act 1999* (the *Act*)
- *Local Government (Procedures at Meetings) Regulations 2013*
- *Deputation Request Form*
- *Petition Template*
- *Declaration of Interest Forms – Appendix A and B*
- *Motion on Notice Form – Appendix C*
- *Ordinary Council Meeting Agenda Format – Appendix D*
- *Committee Meeting Agenda Format – Appendix E*

## 4. Definitions

**Act** means the *Local Government Act 1999*.

**Agenda** means a list of items of business to be considered at a meeting.

**Business Casual** is the minimum acceptable standard of clothing to be worn when representing Council. Clothing should not be ripped, frayed or torn; all attire must be in good condition with no obscene or offensive messages. This standard of dress also extends to activities, events, training and conferences that Council Members may attend in line with their functions and duties as a Council Member.

- Acceptable Standards for Men include slacks or pants, collared polo shirt or business
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shirt, blazer or jacket, closed toe shoes in good condition made of leather, suede or canvas.

- Acceptable Standards for Women include slacks, pants or knee-length skirt, blouse, collared polo shirt or business shirt, blazer or jacket closed toe shoes in good condition made of leather, suede or canvas.

**Business Day** means any day that is not a Saturday, Sunday or public holiday.

**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.

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

**Clear days** in 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 on a day, the notice will be taken as given the next day.

**Council Member** as stated in the Local Government Act 1999, member of a council means the principal member or a councillor of the Council. Elected Member is commonly utilised to refer to Council Member.

**Executive Officer** is a staff member appointed by the Chief Executive Officer to provide administrative support to a Committee, panel or advisory group.

**Independent Members** are members on a Committee, advisory group or panel who are not Council members but have been appointed by Council to the Committee, advisory group or panel.

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

**Returning Officer** is a Council staff member appointed to conduct the election of a ballot.

**Staff** includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

Further definitions directly related to the *Regulations* are listed in section 3, *Interpretation*.

## 5. Principles

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

This Code of Practice will be the key reference document (in addition to the legislation) for the Mayor and Council Members and staff in regard to meeting procedures (the rules, procedures, formality and etiquette) to be followed in relation to meetings of Council and Committees.

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In accordance with legislative requirements, this Code of Practice will be reviewed once every year.

## 6. Annotated Local Government (Procedures at Meetings) Regulations 2013

### Part 1 – Preliminary

#### 6.1 Short Title

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

#### 6.2 Commencement

These regulations will come into operation on 1 January 2014.

#### 6.3 Interpretation

1. In these regulations, unless the contrary intention appears—  
**Act** means the Local Government Act 1999;  
**clear days**—see subregulations (2) and (3);  
**deputation** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;  
**formal motion** means a motion—
  - (a) that the meeting proceed to the next business; or
  - (b) that the question be put; or
  - (c) that the question lie on the table; or
  - (d) that the question be adjourned; or
  - (e) that the meeting be adjourned<sup>1</sup>;**Guiding Principles**—see regulation 4;  
**Member** means a member of the council or council committee (as the case may be);  
**point of order** means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;  
**presiding member** means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;  
**written** notice includes a notice given in a manner or form determined by the council.
2. In the calculation of **clear days** in relation to the giving of notice before a meeting—
  - a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - b) Saturdays, Sundays and public holidays will be taken into account.
3. For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been

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given on the next day.

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

**Note** — See regulation 12 for specific provisions about formal motions

#### **6.4 Guiding Principles**

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

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

### **Part 2 – Meetings of Councils and Key Committees**

#### **6.5 Application of Part**

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

#### **6.6 Discretionary Procedures**

1. Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
2. A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
3. A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
4. A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

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5. A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
6. A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
7. Regulation 12(4) does not apply to a motion under subregulation (3).
8. This regulation does not limit or derogate from the operation of regulation 20<sup>1</sup>.

**Note—**

1. Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
  - a) as determined by the council; or
  - b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

**6.7 Commencement of Meetings and Quorums (Regulation 7)**

1. A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
2. If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
3. If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
4. If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
5. If a meeting is adjourned to another day, the chief executive officer must—
  - a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

**Special Council**

Special Council meetings may be called in accordance with the requirements detailed under Section 82 of the Local Government Act 1999.

The Council may only consider at a special Council meeting those items as appearing on the agenda provided to the Chief Executive Officer requesting a Special Meeting.

**Informal Gatherings**

Please refer to Council's adopted [Informal Gathering Policy](#).

**Agenda Structure**

The Agenda Structure for Ordinary Council Meetings will be as per Appendix D.  
The Agenda Structure for Committee Meetings will be as per Appendix E.

**Quorums**

A quorum of the Council is calculated by dividing the total number of Council members for the time being in office by two, ignoring any fraction and adding one.

Pursuant to Section 41(6) of the Act, the Council appoints the Mayor as an 'ex-officio' member of all Committees except where the Mayor is a member of the Committee.

Where the Mayor is an ex-officio member of a Committee, the Mayor will only be included in the membership of the Committee if actually present at the meeting.

**6.8 Minutes (Regulation 8)**

1. The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
2. No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
3. On the confirmation of the minutes, the presiding member will—
  - a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
4. The minutes of the proceedings of a meeting must include—
  - a) the names of the members present at the meeting; and
  - b) in relation to each member present—
    - (i) the time at which the person entered or left the meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - 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

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- 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.

### **Minutes**

The format of the minutes of a meeting is at the discretion of the Chief Executive Officer.

The minutes of a meeting will include points of order including the name of the member drawing the Presiding Member's attention to the alleged point of order and the ruling of the Presiding Member on the point of order.

All staff in attendance at a Council or Committee meeting in an official capacity (staff required to address the meeting or have a report on the agenda) will be recorded in the Minutes.

The minutes will not include staff leaving and entering the meeting except where a staff member identifies at the meeting a conflict of interest in a matter or the meeting has moved into confidence.

### **Declarations of Interest**

Council Members who intend declaring a conflict of interest, in a matter to be considered at a meeting are encouraged to complete the applicable Declaration of Interest Form (Appendices A or B) to assist them in disclosing their conflict of interest at the meeting.

### **Mayor's Report**

At an Ordinary Council Meeting, the Mayor may provide a report on any activities of the Mayor for the previous month. A summary of the Mayor's Report will be included in the Minutes.

*Clarification: The Mayor may also draw to the attention of the Members any matter or issue they believe is necessary for the Members to be aware.*

### **Leave of Absence**

A Council Member may request leave of the Council to be absent from one or more meetings of the Council.

The request for leave must be made in writing and provided to the Mayor and Chief Executive Officer who will arrange for the request of leave to be considered by the Council as soon as possible.

A Council Member must advise of the specific dates of the Council meetings that they will be absent.

### **Apologies**

If a Council Member becomes aware of a situation or circumstance that will prevent that Member's attendance at a Council or Committee Meeting, they should provide an apology either in person, by phone or by email to one of the following people:

- Mayor (in relation to a Council Meeting),
- Presiding Member of the Committee,
- CEO,
- Governance,
- Another Council Members or
- Executive Officer of the Committee.

Apologies will be noted in the minutes provided the meeting is made aware of the apology.

If an apology is not recorded and notified to the meeting, the Member's non-attendance will be recorded as Not Present.

*Clarification: If a Council Member is incapacitated due to serious illness or injury, an apology on their behalf can be made by a family member or close associate.*

### **Change in Order of Discussing Agenda Items**

The Presiding Member of the Council or a Committee, at their discretion, is able to change the order of discussion of agenda items during the meeting to bring agenda items forward to an earlier time or defer an agenda item to a later time in the meeting.

The following justifications (not limited to this list) may be utilised for re-ordering of agenda items:

- The attendance of an external presenter at a Meeting.
- Community attendance at the Meeting for a particular item.
- If external parties present a deputation on a specific agenda item, that item may be brought forward to immediately follow the deputation.

### **Reports of Representatives of Council on Other Organisations**

Council Members who have been appointed or nominated by Council to an external organisation should provide a brief verbal report on matters affecting that organisation, which they believe, should be brought to the attention of Council as far as this is possible.

These reports by Council Members will be noted in the minutes and will include the name of the Council Member providing the report the name of the external organisation and a summary of the matter that they are reporting on. Detailed accounts of the report from Council Members will not be included in the meeting minutes.

Council Members may ask for the administration to distribute additional information on the matter to all Council Members. If provided to Members at the meeting for information, any such documentation should be tabled and a note of the tabled documents would be recorded in the minutes of the meeting.

Reports of representatives of Council on other organisations will only be made at Ordinary Council Meetings.

### **Reports by Council Members**

Council Members may at or prior to an ordinary Council meeting provide a written list of events attended by that Council Member since the last ordinary Council meeting which will be included in the minutes of that meeting.

A Council Member may speak to the written list of events for a maximum of five (5) minutes.

### **Reports of Representative – Conference and Training Programs**

Where a Council Member has attended any training and development paid for by the Council, the Council Member shall provide a written report to Council as soon as possible and preferably at the next Ordinary Council Meeting following the training or conference, in the prescribed form, which will be made publically available on the Council's website as soon as practicable after receipt.

## **6.9 Questions (Regulation 9)**

1. A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
2. If notice of a question is given under subregulation (1)—
  - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.
3. A member may ask a question without notice at a meeting.
4. The presiding member may allow the reply to a question without notice to be

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- given at the next meeting.
5. A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
  6. The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

#### **Questions (Without Notice or On Notice)**

*Clarification:* A question has an answer that can be provided immediately and does not require research, investigation or lengthy preparation of a response. If a response to a question requires preparation, investigation, consultation and/or research by staff, a resolution of Council should be carried supporting the utilisation of Council resources for that purpose.

#### **Questions Without Notice**

Where possible a question without notice should be put in writing and provided to the Presiding Member and Minute Taker prior to the commencement of the meeting at which the question is to be asked.

If the question could not be answered at the meeting at which it was asked, a reply will be provided at the next Ordinary Council Meeting and will be treated as a question on notice for the purpose of inclusion in the agenda and minutes.

Council Members are encouraged to, where possible, utilise the **Question on Notice** process.

*Clarification:* Questions without Notice can be asked on any matter whether on the meeting's agenda or a separate unrelated topic.

#### **Questions on Notice**

No debate is permitted in relation to questions on notice and replies to questions on notice.

The CEO or their delegate shall include the question and reply to the question on notice in the Agenda and the Minutes of the meeting.

*Clarification:* A Question on Notice must be submitted in writing to the CEO at least 5 clear days before the date of the meeting.

### **6.10 Petitions (Regulation 10)**

1. A petition to the council must—
  - a) be legibly written or typed or printed; and
  - b) clearly set out the request or submission of the petitioners; and
  - c) include the name and address of each person who signed or endorsed

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- d) the petition; and
- d) be addressed to the council and delivered to the principal office of the council.
- 2. If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- 3. Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

### **Petitions**

A petition will be placed on the agenda for an Ordinary Council Meeting, only if the petition is submitted at least five (5) clear days prior to the meeting to the Chief Executive Officer. If the petition is received less than five (5) clear days prior to the meeting, it will be placed on the agenda for the next scheduled Ordinary Council Meeting. Petitions will not be placed on Committee agendas.

A petition will not be placed on the agenda for a Council meeting if, in the opinion of the Chief Executive Officer, it is defamatory.

When the petition is submitted to Council, the person submitting the petition will be informed that the petition will become a public document.

When Council considers a petition submitted and included in an agenda, Council will receive the petition and if necessary resolve any further action regarding the petition.

It should be noted that a template petition document has been designed and been uploaded to the Council's website along with the relevant guidelines. The petition template is the preferred format for the Council to receive petitions from the community.

*Clarification; Petitions enable the public to bring to the attention of Council any matters they believe require action.*

*If a Petition is received regarding a Development Application, it shall be referred to the Council Assessment Panel via the representation process (if applicable).*

*The Chief Executive Officer will determine what is considered a petition and what is considered general correspondence or customer action request and advise the applicant/head petitioner accordingly including the action Council will undertake on the matter.*

### **6.11 Deputations (Regulation 11)**

- 1. A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- 2. The chief executive officer must transmit a request received under Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

subregulation (1) to the presiding member.

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

### **Deputations/Representations**

A person requesting to appear as a deputation at a meeting must submit a request to the Council 48 hours prior to the meeting. The application for deputation form is available on the Council website.

At their discretion, the Presiding Member may allow a person to appear as a deputation notwithstanding that a request has not been received by the Council 48 hours prior to the meeting.

If a request for deputation is received to speak about a Development Application it shall be referred to the Council Assessment Panel for consideration via the representation process under the relevant legislation (if applicable).

Guidelines for a deputation:

- Handouts or presentations may be provided as part of the deputation but must be included in the application for approval.
- A person appearing as a deputation can speak for no more than five (5) minutes, unless an extension is granted by the meeting.

Process for the deputation within the meeting:

- The content of deputations will not be included in the minutes. Only the names of those persons appearing as a deputation at the meeting will be recorded along with the topic or reference to the relevant agenda item.
- Council Members may ask questions of the deputation at the discretion of the Presiding Member. This time will not be part of the allocated five (5) minutes per deputation.

Deputations provide an opportunity for the community or interested persons to bring a matter to the attention of the Council. At all times, appropriate behaviour shall be maintained by the deputation and the Council Members with all persons being considerate of other people's points of view. Sarcasm, criticism, and other inappropriate behaviour and conduct are not appropriate and will not be tolerated.

*Clarification: In determining whether a deputation is permitted, the Presiding Member will take into account the subject matter, is it within the powers of Council and the integrity of the request.*

### **6.12 Motions (Regulation 12)**

1. A member may bring forward any business in the form of a written notice of motion.
2. The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
3. A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
4. If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
  - a) until after the expiration of 12 months; or
  - b) until after the next general election, whichever is the sooner.

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5. Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
6. The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
7. The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
8. A motion will lapse if it is not seconded at the appropriate time.
9. A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
10. A member may only speak once to a motion except—
  - a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
  - b) with leave of the meeting; or
  - c) as the mover in reply.
11. A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
12. A member who has not spoken in the debate on a question may move a formal motion.
13. A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
14. If the formal motion is—
  - a) that ***the meeting proceed to the next business***, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
  - b) that ***the question be put***, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
  - c) that ***the question lie on the table***, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
  - d) that ***the question be adjourned***, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
  - e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
15. If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).



16. A formal motion does not constitute an amendment to a substantive motion.
17. If a formal motion is lost—
  - a) the meeting will be resumed at the point at which it was interrupted; and
  - b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
18. A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
19. Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
20. The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
21. Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

#### **Motions Without Notice**

In order to assist Council in maintaining open, transparent and informed decision making in accordance with Regulation 4, the Guiding Principles, motions without notice should be restricted to matters closely related to Agenda items, house-keeping issues or matters of extreme urgency.

Where possible, motions without notice should be discussed with Governance and shall be provided in writing to the Presiding Member and the Minute Taker prior to the commencement of the meeting.

*Clarification: Council Members are encouraged to provide Motions on Notice, where the matter is not closely related to Agenda items or extreme urgency, to support transparency and informed decision making.*

#### **Motions on Notice**

A motion on notice submitted to the CEO at least five (5) clear days before the meeting at which it is to be moved will be included in the meeting agenda.

*Clarification: Council Members may submit motions on notice for consideration of any matter not included on the agenda or alternatively, to revoke or amend a previous Council decision.*

*Motions on Notice have the same status as any other motion and will be moved, seconded by any Member and can be amended during the debate.*

### **6.13 Amendments to Motions (Regulation 13)**

1. A member who has not spoken to a motion at an earlier stage of the debate

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- may move or second an amendment to the motion.
2. An amendment will lapse if it is not seconded at the appropriate time.
  3. A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
  4. If an amendment is lost, only 1 further amendment may be moved to the original motion.
  5. If an amendment is carried, only 1 further amendment may be moved to the original motion.
  6. Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

**6.14 Variations etc (Regulation 14)**

1. The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
2. The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

**Clarification Regarding Amendments**

The purpose of an amendment is to alter or modify the wording of a motion before the meeting, not to substantially change the intention of the motion.

Amendments may be used to insert, delete or substitute words in the motion or to add to or detract from the substantive purpose of the motion.

Clarification: *Amendments are not to be used to put up a completely new motion which contradicts the motion before the meeting.*

**6.15 Addresses by Members etc (Regulation 15)**

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

**6.16 Voting (Regulation 16)**

1. The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
2. The presiding member will, in taking a vote, ask for the votes of those

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members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

3. A person who is not in his or her seat is not permitted to vote.  
(4)Subregulation (3)—
  - a) may be varied at the discretion of the council pursuant to regulation 6; and
  - b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

#### **Tied Vote**

*Clarification: In the event that a tied vote on a matter at Council Meeting occurs, the Presiding Member must advise the meeting that they are exercising their right to use a casting vote.*

*In the event that tied vote on a matter at a Committee Meeting occurs, the Presiding Member does not have a casting vote and therefore the matter will be referred to Council for decision.*

#### **Election of Office Bearers, Representatives to Committee/External Bodies or Industry Meetings/Conferences.**

When electing office bearers or representatives, such as:

- the Deputy Mayor,
- a Presiding Member of a Committee,
- Members to represent Council on external bodies or organisations, or
- attendees to LGA, ALGA meetings or conferences.

the election process determined by Council, will be by a private ballot.

It should be noted that before any voting process is undertaken, the term of office for the relevant position(s) must be determined.

If the election process determined by Council (e.g. private ballot) is to be used, a motion must be moved setting out the procedure for the election process. The election will be conducted in public unless the matter is being dealt with in confidence under section 90(2) of the Act.

*Clarification: A private ballot involves each Member (including the Presiding Member) to vote on the matter through a written vote. This method maintains the privacy of the way each Member voted and the need for Members who have been nominated the need to declare an interest.*

#### **Process to Undertake a Private Ballot**

1. If this process is undertaken to appoint a person(s) to a position, then prior to undertaking the nomination process it is important for the Council or Committee to resolve the term of office for the position and that the result of the private ballot process will be the election of the person to the position.

2. The resolution for a private ballot will include the following wording:

*If required, the private ballot process outlined in the Code of Practice for Council and Committee Meetings – Section 16 will be utilised to elect the Council Member(s) to the [insert details], with the results of the ballot becoming the outcome.*

3. Expression of interest from Members wishing to be a candidate for the position are called by the Presiding Member during the Meeting. Candidates may nominate themselves or be nominated by another Member.

Please note: There is no requirement to have a seconder for each nomination.

4. Members who are not in attendance at the Meeting at the time of the private ballot may still be considered for nomination provided they have advised of their intention to accept or decline the position to the Presiding Member or CEO in writing.

5. Each candidate is asked by the Presiding Member if they are willing to stand for the position.

6. Each candidate has one opportunity to either accept or decline the nomination or stand for the position.

7. Nominations can be received or withdrawn up until the commencement of the private ballot.

8. Where the Deputy Mayor position is being considered the candidate should provide a short verbal overview of why they want the position and what they will bring to the position.

9. Names of candidates are then called out by the Presiding Member.

10. If only one (1) nomination or the appropriate number of nominations required for the positions available are received, that Member (or Members) shall be elected the representative(s) for the matter through a motion.

11. If more than the required number of nominations are received then a private ballot may be conducted with the person(s) gaining the majority of votes elected to the position.

12. In order to proceed with a private ballot, a motion is needed to be moved, seconded and carried by the Council or Committee body seeking the matter to be conducted using the private ballot process.

13. Each Council Member (including the Mayor and Presiding Member) shall have one (1) vote.

14. The CEO or the next most senior staff member present at the Meeting will act as Returning Officer for the private ballot process and shall maintain the confidentiality of all votes. Governance will support and assist the Returning Officer with the private ballot process.

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15. If, after the first private ballot, there is a tied vote between two (2) or more candidates another vote is to be conducted of the candidates who received equal votes until there is a 'first past the post' preference identified.  
  
Please note: Votes that do not nominate a candidate nominated for the position shall be considered donkey votes and therefore invalid and not included in the quota calculations.
16. If after the second private ballot there is another tied vote, the result will be decided by drawing lots, the candidate first drawn being the candidate excluded.
17. The results of the process and the number of votes for each candidate should be announced and recorded in the minutes.
18. No absentee votes will be allowed during the private ballot process. All votes are to be made by Council Members seated in their seats.

**6.17 Divisions (*Regulation 17*)**

1. A division will be taken at the request of a member.
2. If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
3. The division will be taken as follows:
  - a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
  - b) the members voting in the negative will, until the vote is recorded, sit in their seats;
  - c) the presiding member will count the number of votes and then declare the outcome.
4. The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
5. Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

### **Divisions**

#### Clarification:

A Council Member may call for a division for the purpose of recoding how the individual Members vote on the motion.

When a division is called, the decision is set aside by the Presiding Member and another vote is taken on the motion.

All Members must show whether they are voting For or Against the motion. The Members voting For the motion will stand until the Presiding Member and Minute Taker have noted their names, whilst the voting Against the motion remain seated. The Presiding Member will then declare the vote.

### **6.18 Tabling of Information (Regulation 18)**

1. A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
2. The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

### **6.19 Adjourned Business (Regulation 19)**

1. If a formal motion for a substantive motion to be adjourned is carried—
  - a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - b) the debate will, on resumption, continue from the point at which it was adjourned.
2. If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
3. Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
4. The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

### **6.20 Short Term Suspension of Proceedings (Regulation 20)**

1. If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this

Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

2. The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
3. If a suspension occurs under subregulation (1)—
  - a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
  - b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
    - i) the provisions of the Act must continue to be observed<sup>1</sup>; and
    - ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
    - iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
  - c) the period of suspension should be limited to achieving the purpose for which it was declared; and
  - d) the period of suspension will come to an end if—
    - i) the presiding member determines that the period should be brought to an end; or
    - ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

**Note—**

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

**Order of Speaking**

In accordance with Regulation 12 subregulation 21 the following procedures apply to subregulation 9 and 10 Motions.

- Each Member shall speak for no more than five (5) minutes unless the Presiding Member rules otherwise.

*Clarification: A Member may ask a question in relation to the item at any time in the debate.*

*A Member who has already spoken to the motion can speak to an amendment.*

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

**Confidential Items**

This Code of Practice should be read in conjunction with the Code of Practice for Public Access to Meetings and Associated Meeting Documents.

Confidential Items will be listed as a separate item and will as far as practicable be the final item on the agenda for the meeting. This will ensure that members of the public in the gallery can observe as much of the open meeting as possible.

Before the Council or Committee is to debate an item that the CEO has recommended or indicated may be discussed in confidence, the Presiding Member will announce this and advise the public that they can remain in the gallery until the meeting has made a decision as to whether the matter will be dealt with in confidence or not.

After the Council or Committee have resolved to exclude the public, the Presiding Member will announce that the public must leave the meeting. Names of all staff members or other person(s) who are required to assist the Council or Committee in their decision making and permitted to remain in the meeting during the confidential matter are recorded in the minutes.

The Report will be divided into three (3) parts:

- A) Procedural Decision** – Council/Committee move a motion to go into Confidence.
  
- B) Business Decision** – The Matter
  
- C) Procedural Decision** – Council is to decide what is to be confidential after the Meeting and for how long the item should be kept confidential.

*Clarification: It is preferred that Members and staff do not leave the meeting while the meeting is considering a matter in confidence. In the event that Members or staff do leave the meeting while a matter is being considered in confidence, their name and times they left and returned to the meeting will be recorded in the minutes.*

**Mayor**

For Ordinary Council Meetings, all present in the meeting will stand as the CEO announces the Mayor and the Mayor takes their position in the Chamber. This represents a sign of respect of the position of the Mayor and applies to Ordinary Council Meetings only.

*Clarification: The Mayoral robes are to be worn at ceremonial occasions only.*



**Speaking During a Meeting**

The CEO and other staff will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member in their response.

At a Council Meeting the Presiding Member will be addressed as 'Mayor'.

The Presiding Member of a Committee will be address as 'Presiding Member'.

The CEO may request other staff to speak at a meeting on a matter.

Members shall await acknowledgement from the Presiding Member before speaking. Members who speak during a meeting of Council are to stand when speaking, as a sign of respect. Wherever possible, Members are to utilise their microphone, in order to encourage amplification within the Chamber.

Except to move a Point of Order, Members should only speak with the acknowledgement of the Presiding Member.

**Mobile Devices**

Any mobile devices brought into Council or Committee Meetings are to be switched to silent or off.

**Recording and Photography at Meetings**

Audio, video or photographic recording devices are not permitted to be used during any Informal Gatherings, Ordinary Council, Special Council or Committee Meetings unless express permission has been granted by the Council .

**6.21 Chief Executive Officer May Submit Report Recommending Revocation or Amendment of Council Decision (*Regulation 21*)**

1. The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
2. The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
3. The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

**Part 3 – Meetings of Other Committees**

**6.22 Application of Part**

The provisions of this Part apply to or in relation to the meetings of any council

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committee that is not subject to the operation of Part 2.

**6.23 Notice of Meetings for Members (Regulation 23)**

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- b) that notice need not be given for each meeting separately;
- c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

**6.24 Public Notice of Committee Meetings (Regulation 24)**

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- a) that public notice need not be given for each meeting separately; and
- b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

**6.25 Minutes (Regulation 25)**

- 1. The minutes of the proceedings of a meeting must include—
  - a) the names of the members present at the meeting; and
  - b) each motion carried at the meeting; and
  - c) any disclosure of interest made by a member; and
  - d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- 2. The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

**Part 4 – Miscellaneous**

**6.26 Quorum for Committees (Regulation 26)**

- 1. The prescribed number of members of a council committee constitutes a quorum. The prescribed number of members of a committee is the quorum for that committee. Electronic version is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

2. For the purposes of this regulation, the prescribed number of members of a council committee is—
  - a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
  - b) a number determined by the council.

**Note—**

See also section 41(6) of the Act.

**6.27 Voting at Committee Meetings (Regulation 27)**

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

**6.28 Points of Order (Regulation 28)**

1. The presiding member may call to order a member who is in breach of the Act or these regulations.
2. A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
3. A point of order takes precedence over all other business until determined.
4. The presiding member will rule on a point of order.
5. If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
6. The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
7. A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
  - a) the ruling has no effect; and
  - b) the point of order is annulled.

**6.29 Interruption of Meetings by Members (Regulation 29)**

1. A member of a council or council committee must not, while at a meeting—
  - a) behave in an improper or disorderly manner; or
  - b) cause an interruption or interrupt another member who is speaking.
2. Subregulation (1)(b) does not apply to a member who is—
  - a) objecting to words used by a member who is speaking; or

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- b) calling attention to a point of order; or
  - c) calling attention to want of a quorum.
  - 3. If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
  - 4. Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
  - 5. If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
    - a) censure the member; or
    - b) suspend the member for a part, or for the remainder, of the meeting.
  - 6. A member who—
    - a) refuses to leave a meeting in contravention of subregulation (4); or
    - b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of an offence.
- Maximum penalty: \$1 250.

### **6.30 Interruption of Meetings by Others (*Regulation 30*)**

- 1. A member of the public who is present at a meeting of a council or council committee must not—
  - a) behave in a disorderly manner; or
  - b) cause an interruption. Maximum penalty: \$500.

## **7 Responsibilities**

It is the responsibility of all staff, Council and Committee Members to comply with this Code of Practice and relevant legislation.

## **8 Relevance to Strategic Plan**

### 1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

Outcome 1.2 Improved service delivery

Outcome 1.3 Working smarter with our community

Outcome 1.4 Enhanced City presentation, community pride and reputation

## **9 Accessibility**

The Code of Practice can be located on the City of Playford website and internally on Click in the Corporate Policy Library.

## **10 Feedback**

We invite your feedback on this policy which can be directed to Manager - Governance to [playford@playford.sa.gov.au](mailto:playford@playford.sa.gov.au).


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## 11 Approval and Change History

Version	Approval Date	Approval by	Change
1	23 Aug 2013	Council Resolution No. 1248	Scheduled review.
2	25 Feb 2014	Council Resolution No. 1678	Scheduled review and legislated Change to the <i>Regulations</i>
3	16 Dec 2014	Council Resolution No. 2010	Alignment to Council Elections 2014, change to common format and other minor amendments to align with practices.
4	23 Aug 2016	Council Resolution No. 2659	Scheduled review.
5	27 November 2018	Council Resolution	Scheduled review for new Council

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**Appendix A – Declaration of Interest – Actual or Perceived**



## DECLARATIONS OF INTEREST FORM

### Actual or Perceived

*Note: The information contained in this declaration will be included in the meeting minutes and on a central register made available to the public. For the accuracy of minutes, please read your statement from this when you speak to your conflict of interest.*

Council Member Name: \_\_\_\_\_

Independent Member Name: \_\_\_\_\_

Meeting (please tick): \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering

Date of Meeting: \_\_\_\_\_

Item No. on Meeting Agenda/Subject: \_\_\_\_\_

**Description of Conflict of Interest:**

This conflict of interest has been identified using the LGA Conflict of Interest Guidelines (pages 13-18) as:

An Actual Conflict of Interest                       A Perceived Conflict of Interest

Please provide full and accurate details of the relevant interest:

\_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

\_\_\_\_\_

This conflict of interest is of the following nature:

<input type="checkbox"/> Direct	or	<input type="checkbox"/> Indirect
<input type="checkbox"/> Personal	or	<input type="checkbox"/> Pecuniary

*continued on next page...*

		Version No.:	1.0
	ECM Document Set No.:	2382531	Initial Date of Adoption:
	Authorised by:	Senior Manager Corporate Services	Date of Current Version:
	Document Maintained by:	Governance	Next Review Date:
			01 Nov 2017

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**How the Conflict of Interest will be addressed:**

Will you remain in the meeting? *(if no please stop here and sign and date at the end of the form)*

Yes

No

Did you remain in the meeting to maintain quorum?

Yes

No

If you responded to either of these questions with yes, please provide details of how you intend to deal with the actual or perceived conflict of interest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Outline any further steps you will take to ensure transparency and accountability in this matter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Voting (if you remained in the meeting)**

Did you vote on the matter?

Yes

No

How did you vote on the matter?

For

Against

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Staff Use Only**

Declaration Received by:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_


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**Appendix B – Declaration of Conflict of Interest – Material**



### DECLARATIONS OF INTEREST FORM Material

*Note: The information contained in this declaration will be included in the meeting minutes and on a central register made available to the public. For the accuracy of minutes, please read your statement from this when you speak to your conflict of interest.*

Council Member Name: \_\_\_\_\_  
 Independent Member Name: \_\_\_\_\_

Meeting (please tick):

<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering

Date of Meeting: \_\_\_\_\_  
 Item No. on Meeting Agenda: \_\_\_\_\_  
 Subject: \_\_\_\_\_  
 Description of Material Conflict of Interest:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_


Was Minister approval granted to participate in the meeting, pursuant to section 74(3) of the Act?  Yes  No (if no you are required to leave)

If yes:

- Has Minister approval been provided to Council?  Yes  No
- Did you participate in the discussion of the matter?  Yes  No
- Did you remain in the meeting while the matter was being considered?  Yes  No

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Use Only  
 Declaration Received by: Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

	ECM Document Set No.:	2382537	Version No.:	1.0
	Authorised by:	Senior Manager Corporate Services	Initial Date of Adoption:	05 Apr 2016
	Document Maintained by:	Governance	Date of Current Version:	17 Jul 2016
			Next Review Date:	01 Nov 2017

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**Appendix C – Motion on Notice Form**

**COUNCIL AND COMMITTEE MOTION ON NOTICE FORM**



Council/Independent Member: _____		
<b>Meeting (please tick):</b>		
<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee	
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee	
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee	
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering	
Preferred Meeting Date: _____		
Subject: _____		
<b>Motion</b> <i>(please provide a brief overview of the key issues and the reasons for the Motion on Notice):</i>		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
Additional Supporting Documentation Attached:      Yes / No		
<b>If proposing to amend or revoke a previous Council or Committee decision, please provide the following:</b>		
Meeting: _____	Date: _____	Resolution No: _____
Staff Use Only		
Received by _____	Name: _____	Date: _____
Referred to responsible Executive Officer: _____	Date: _____	
Date of meeting motion to be presented: _____		

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**Notes:**

1. Councillors may submit Motions of Notice for consideration of any matter not included on the agenda or alternatively, to revoke or amend a previous Council decision, as desired by the Councillor.
2. All Motions on Notice to Council or Committee must be submitted to the Chief Executive Officer at least eight (8) days before the meeting and will be featured in the meeting agenda.
3. Motions on Notice will be included in the agenda as an attachment with only the title of the motion included in the opening agenda pages.
4. The Motion on Notice will not be listed again on the Council agenda under motions without notice but will be included in the agenda papers as a matter considered by Council for resolution. It is therefore recommended that Motions on Notice request staff to investigate a particular matter (that is, write a report), as a decision regarding the matter would be made at the following meeting.
5. All Motions on Notice for a Committee may only come from a Committee Member and must relate to the Charter of the Committee.
6. The Motion on Notice for Council or Committee will not proceed unless the Councillor who submitted the motion is present or another member has been authorised in writing to move the motion.
7. Motions on Notice have the same status as any other motion and can be amended during the debate.
8. A Motion on Notice submitted to a Committee shall be referred onto the next Council meeting for resolution. The Motion of Notice will not be listed again on the Council agenda under motions without notice but will be included in the agenda papers as a matter considered by Committee and referred to Council for resolution.
9. A Motion of Notice can be withdrawn from the agenda at any time up until midday on the day the agenda is distributed by staff. Further, a Motion on Notice can be withdrawn when it is in the agenda if the Councillor does not move the motion at the Council or Committee meeting.

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**Appendix D – Ordinary Council Meeting Agenda Format**



# NOTICE

of

## ORDINARY COUNCIL MEETING

*Pursuant to the provisions of Section 84(1) of the  
Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**DAY, DATE MONTH YEAR AT TIME**

**CHIEF EXECUTIVE OFFICER**

Issue Date: Day, Date

MEMBERSHIP

**PRESIDING MEMBER – MAYOR**

Cr

Cr

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**City of Playford  
Ordinary Council Meeting**

**AGENDA**

**DAY, DATE MONTH YEAR AT TIME**

- 1 ATTENDANCE RECORD**
  - 1.1 Present
  - 1.2 Apologies
  - 1.3 Not Present
- 2 CONFIRMATION OF MINUTES**
- 3 DECLARATIONS OF INTEREST**
- 4 MAYOR'S REPORT**
- 5 REPORTS OF REPRESENTATIVES OF COUNCIL ON OTHER ORGANISATIONS**
- 6 REPORTS BY COUNCILLORS**
- 7 REPORTS OF REPRESENTATIVES (CONFERENCES & TRAINING PROGRAMS)**
- 8 QUESTIONS WITHOUT NOTICE**
- 9 QUESTIONS ON NOTICE**
- 10 PETITIONS**
- 11 DEPUTATION/REPRESENTATIONS**
- 12 MOTIONS WITHOUT NOTICE**
- 13 MOTIONS ON NOTICE**

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**14 COMMITTEE REPORTS**

**Chief Executive Officer Review Committee**

**Civic Events Committee**

**Corporate Governance Committee**

**Services Committee**

**Strategic Planning Committee**

**15 STAFF REPORTS**

**16 INFORMAL DISCUSSION**

**17 CONFIDENTIAL MATTERS**

**18 CLOSURE**

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**Appendix E – Committee Meeting Agenda Format**



# NOTICE

of

## COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the  
Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**DAY, DATE MONTH YEAR AT TIME**

**CHIEF EXECUTIVE OFFICER**

Issue Date: Day, Date

MEMBERSHIP

**PRESIDING MEMBER – CR**

Mayor

Cr

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**City of Playford  
Committee Meeting**

**AGENDA**

**DAY, DATE MONTH YEAR AT TIME**

**1 ATTENDANCE RECORD**

1.1 Present

1.2 Apologies

1.3 Not Present

**2 CONFIRMATION OF MINUTES**

**3 DECLARATIONS OF INTEREST**

**4 DEPUTATION / REPRESENTATIONS**

**5 STAFF REPORTS**

**6 INFORMAL DISCUSSION**

**7 INFORMAL ACTIONS**

**8 CONFIDENTIAL MATTERS**

**9 CLOSURE**

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# Code of Practice for Council and Committee Meetings

## 1 Policy Statement

This Code of Practice seeks to provide a consistent framework for the meeting processes and meeting structure of all Council and Section 41 Committees in accordance with Regulation 6 of the *Local Government (Procedure at Meetings) Regulations 2013*.

The Council Development Assessment Panel (CDAP) is governed by the Development Act 1993 and therefore has its own *CDAP Operating Procedure*.

## 2 Scope

The rules and procedures for all meetings of Council and its Committees are outlined in the *Local Government Act 1999* (the *Act*) and the *Local Government (Procedures at Meetings) Regulations 2013*, as such this Code of Practice has been developed in accordance with the legislation.

This Code of Practice is based on the *Local Government (Procedures at Meetings) Regulations 2013* (the *Regulations*) with annotations and additional sections highlighted in text boxes outlining the specific procedures to occur for the City of Playford, as compliant with each section of legislation.

The Guiding Principles of *Regulation 4* seek to ensure that all procedures at a meeting of Council or Committee:

- apply fair, open and transparent 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 of the meeting itself; and
- encourage confidence of all stakeholders in the decisions of the meeting.


## 3 Definitions

**Act** for the purpose of this policy the “Act” means the *Local Government Act 1999*.

**Agenda** means a list of items of business to be considered at a meeting.

**Business Casual** is the minimum acceptable standard of clothing to be worn when representing Council. Clothing must not be ripped, frayed or torn; all attire must be in good condition with no obscene or offensive messages. This standard of dress also extends to activities, events, training and conferences that Council Members may attend in line with their functions and duties as a Council Member.

- Acceptable Standards for Men include slacks or khaki pants, collared polo shirt or business shirt, blazer or jacket, closed toe shoes in good condition made of leather, suede or canvas.

	ECM Document Set No.:	2509040	Initial Date of Adoption:	23 Aug 2013
	Authorised by:	Council (Resolution 2659)	Date of Current Version:	23 Aug 2016
	Document Maintained by:	Corporate Services, Governance	Next Review Date:	Feb 2018

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- Acceptable Standards for Women include slacks, khaki pants or knee-length skirt, blouse, collared polo shirt or business shirt, blazer or jacket closed toe shoes in good condition made of leather, suede or canvas.

**Business day** means a day that is not a Saturday, Sunday or public holiday.

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

**Committee** includes Section 41 Committees, other Committees and Panels established by Council.

**Council Member** means the Principal Member or a Councillor elected by the electors of a particular ward, as a representative of the ward in the City of Playford.

**Executive Officer** is a staff member appointed by the Chief Executive Officer to support a Section 41 Committee, other committee or advisory group.

**Independent Members** are members on a committee or panel who are not elected but have been appointed by the Council to undertake a similar role as Councillors on Council's Section 41 Committees or the Council Development Assessment Panel. They are external appointees.

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

**Returning Officer** is a member of Council staff appointed to conduct the election of a private ballot.

**Staff** includes Council staff, contractors, volunteers and all others who perform work on behalf of Council.

Further definitions directly related to the *Regulations* are listed in section 3, *Interpretation*.

#### 4 Legislation References

- [Local Government Act 1999 \(the Act\) – Chapter 6](#)
- [Local Government \(Procedures at Meetings\) Regulations 2013](#)

#### 5 Policy Principles

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

This Code of Practice document will be the key reference document (in addition to the legislation and accompanying regulations) for the Mayor and Council Members and staff in regard to meeting procedures (the rules, procedures, formality and etiquette) to be followed in relation to Council, Special Council and Committee meetings of Council.

This Code of Practice document will enable Council to enhance and adapt the decision making process utilised in our Council and Committee meetings in order to engage more adequately with our community.

In accordance with the legislation, this document will be reviewed to ensure compliance and effectiveness and to maximise its benefit to the decision makers of the Playford community in adhering to legislative requirements.

## 6 Responsibilities

It is the responsibility of all staff, Council and Committee Members to ensure compliance with the Code of Practice and associated legislation.

## 7 Supporting Documentation

- [Local Government Act 1999 \(the Act\)](#)
- [Local Government \(Procedures at Meetings\) Regulations 2013](#)
- [Deputation Request Form](#)
- [Petition Template](#)
- *Declaration of Interest Forms – Appendix A and B*
- *Motion on Notice Form – Appendix C*
- *Ordinary Council Meeting Agenda Format – Appendix D*
- *Committee Meeting Agenda Format – Appendix E*

## 8 Approval and Change History

Approval Date	Approval by	Change
23 Aug 2013	Council Resolution No. 1248	Scheduled review.
25 Feb 2014	Council Resolution No. 1678	Scheduled review and legislated Change to the <i>Regulations</i>
16 Dec 2014	Council Resolution No. 2010	Alignment to Council Elections 2014, change to common format and other minor amendments to align with practices.
23 Aug 2016	Council Resolution No. 2659	Scheduled review.

# Annotated for the City of Playford Code of Practice for Council and Committee Meetings

Version: 1.1.2014 – with City of Playford Code of Practice Procedures

South Australia

## Local Government (Procedures at Meetings) Regulations 2013

under the *Local Government Act 1999*

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## Schedule 1—Revocation of Local Government (Procedures at Meetings) Regulations 2000

### Part 1—Preliminary

#### 1—Short title

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

#### 2—Commencement

These regulations will come into operation on 1 January 2014.

#### 3—Interpretation

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

**Act** means the Local Government Act 1999;

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

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

**formal motion** means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned<sup>1</sup>;

**Guiding Principles**—see regulation 4;

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

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

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

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

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

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

- (3) For the purposes of the calculation of **clear days** under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these regulations, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

**Note—**

- 1 See regulation 12 for specific provisions about formal motions.

**4—Guiding Principles**

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

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

## **Part 2—Meetings of councils and key committees**

### **Division 1—Preliminary**

#### **5—Application of Part**

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

#### **6—Discretionary procedures**

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 201.

#### **Note—**

1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—

- (a) as determined by the council; or
- (b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)



## **Division 2—Prescribed procedures**

### **7—Commencement of meetings and quorums**

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

#### **Council's Meeting Structure**

Council will meet in accordance with its adopted Council and Committee Structure and Schedule (Resolution No. 2604). Council Members, staff and members of the public should refer to the Council's website for the most current meeting schedule.

#### **Cancellation of Meetings**

Where required, the Executive Officer will consult with the Presiding Member as to whether a meeting is needed to be cancelled.

If it is determined that a meeting needs to be cancelled, a notice of cancellation of a meeting will be distributed to Members stating the reason for cancellation and if necessary may include an appropriate alternative meeting time.

A notice of cancellation of a meeting will be forwarded to members by email and if time permits in Council's weekly Courier Run where applicable.

The notice of cancellation of a meeting will be made publically available on the Council's website and public offices.

#### **Public Holidays falling on Scheduled Meeting Dates**

If a scheduled meeting falls on a public holiday, the Executive Officer and the Presiding Member shall determine when the meeting shall be re-scheduled and will advise the public accordingly.

### **Special Council**

The Council may only consider matter on the agenda as received by Council Members for Special Council Meetings. At each Special Council Meeting, the Council will also consider:

- Attendance Record
- Declarations of Interest
- Deputations relating to matters on the agenda.

### **Informal Gatherings**

Please refer to Council's adopted [Informal Gathering Policy](#).

### **Agenda Structure**

The Agenda Structure for Ordinary Council Meetings will be as per Appendix D.

The Agenda Structure for Committee Meetings will be as per Appendix C.

### **Quorums**

The quorum for a Council Meeting is a majority of Council Members who hold office.

The quorum for a Committee Meeting is a majority of the Council Members or Independent Members appointed to that Committee.

For the purpose of the Council Meeting the Mayor will be included in calculating the quorum.

A quorum is half of the Members of the Council or Committee plus one, ignoring any fraction.

By virtue of the office of Mayor, where the Mayor is not a Member of the Committee the Mayor is an 'ex-officio'.

The Mayor will only be included in a quorum if actually present at the meeting.

A Member shall only be deemed to be present at a Meeting when:

- That Member is within the room in which the meeting is being held at the time the meeting commences; or
- When a Council Member is permitted to take part in a meeting by another form such as teleconference. There must first be quorum to open the meeting and call in the Member who is to take part through the teleconference.

## 8—Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) (The minutes of the proceedings of a meeting must include—
  - (a) the names of the members present at the meeting; and
  - (b) in relation to each member present—
    - (i) the time at which the person entered or left the meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - (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.

### **Minutes**

The format of the Minutes prepared are at the discretion of the CEO.

The Minutes will include Points of Order including the name of the Member making the point of order and the action taken by the Presiding Member.

The number of members of the public or representation of any media organisations present will not be recorded in the minutes. Only Executive, Governance Officer the assigned Minute Taker and those staff required to address the Council or Committee or have a report on the agenda will be recorded in the Minutes.

Staff will not be noted in the Minutes when leaving and returning to the meeting with exception where have identified a conflict of interest has been declared or the meeting moved into confidence.

In order to enhance accountability to all stakeholders, including Committee Members, some Committees may choose to record informal actions specific to their Committee role, in addition to their formal minutes.

### **Declarations of Interest**

Council Members declaring a Conflict of Interest, do so by completing and tabling the applicable Declaration of Interest Form (Appendix A and B). Members are encouraged to complete the form prior to the meeting should they become aware of the Conflict of Interest on reviewing the agenda.

### **Mayor's Report**

At a Council Meeting, the Mayor may provide a report on any activities that the Mayor had been involved with for the previous month. The Mayor may also draw to the attention of the Members any matter or issue they believe is necessary for the Members to be aware. Only a summarised listing of matters mentioned in the Mayoral Report will be recorded in the Minutes.

### **Leave of Absence**

The Council Members may take leave from time to time from their Council Member duties.

Advice of leave must be made in writing to the Mayor and CEO.

A Council Member must:

1. advise of specific dates of the Leave of Absence in writing; and
2. step down from their Council Member duties during the period of leave.

In the case of the Mayor taking Leave of Absence, the Mayoral duties will be transferred to the Deputy Mayor.

### Apologies

If a Council Member becomes aware of a situation or circumstance that will prevent that Member's attendance to a Council or Committee Meeting, they should notify of their apology personally either in person, by phone or by email to one of the following people:

- Presiding Member,
- CEO,
- Executive Officer of the Committee, or
- Another Council or Committee Member.

It is the Council Members responsibility to ensure that the recipient received the message and the notification can be given in the meeting in order to be recorded within the Council or Committee Minutes.

If the recipient does not mention the apology during the Meeting, the apology will not be noted in the Minutes.

If a Council Member is incapacitated due to serious illness or injury, an apology on their behalf can be made by a family member or close associate.

If notification is not given by the process outlined above, the Member's non-attendance will be recorded as **Not Present**.

### Change in Order of Discussing Agenda Items

The Presiding Member of the Council or Committee, at their discretion, is able to change the order of discussion of agenda items during the meeting. This discretionary power shall be used to bring agenda items forward to an earlier time or to later time in the meeting.

The following justifications may be used for re-ordering of agenda items:

- The attendance of an external presenter at a Meeting.
- Community attendance at the Meeting for a particular item.
- If external parties present a deputation on a specific agenda item, that item may be brought forward to immediately follow the deputation.

### **Reports of Representatives of Council on Other Organisations**

Council Members who have been endorsed by Council to represent Council's interests on an external organisation should provide a brief verbal report on matters affecting that organisation, which they believe, should be brought to the attention of Council.

Examples of these organisations include the Murray Darling Association.

Reports by Council Members will be noted in the minutes and will include the name of the Council Member providing the report and a very brief summary of the issue or organisation that they are reporting on. Detailed accounts of the report from Council Members will not be included in the meeting minutes.

Members may ask for the administration to distribute additional information on the matter to all Council Members. This documentation will be for information purposes only and shall not form part of the official minutes of the meeting.

Reports of representatives of Council on other organisations will only be received at Ordinary Council Meetings not Special Council or Committee Meetings.

### **Reports by Council Members**

Council Members will have the opportunity to provide a written list of events attended by the Council Member since the last Ordinary Council Meeting to be inserted into the minutes. Reports by Council Members may be included in the Agenda provided the report is received by Council a minimum of five (5) clear days prior to the meeting.

It is at the Presiding Member's discretion whether the Council Member may speak to the report and how long they may speak to the report during the meeting. A maximum of five (5) minutes per Council Member will be allowed.

### **Reports of Representative – Conference and Training Programs**

Where Council Members have attended any training and development it shall be reported back to Council (preferably at the next Council Meeting) through a written report in the prescribed format which will be made publically available on the Council website.

## **9—Questions**

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under subregulation (1)—
  - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

**Questions on Notice**

Questions on Notice must be submitted in writing to the CEO by 9:00am on the Monday eight (8) days prior to the meeting on the following Tuesday. The member asking the question is required to provide a brief history of the context or reason why the question is being asked. This history is to accompany to the question and should be included in the agenda with the actual question itself.

Committees which do not meet on the Tuesday evening will follow the guidelines of eight (8) clear days before the meeting.

The Presiding Member, or the CEO or their delegate shall include the question and reply to a question on notice in the Council or Committee agenda. The question and reply will also be recorded in the minutes. No debate is permitted on questions and answers.

Questions on notice submitted for inclusion on Committee agendas may only be submitted by Council Members on that Committee.

A question on notice will only be accepted for inclusion in a Committee agenda if it relates to a matter which falls within the Role and Terms of Reference, specified in the Committee's Charter.

**Questions Without Notice**

Questions without Notice can be asked on any matter whether on the meeting's agenda or a separate unrelated topic.

Where possible a question without notice should be put in writing and provided to the Presiding Member and Minute Taker prior to the commencement of the meeting.

The following details of the Question without notice will be recorded in the minutes:

- the Council Member asking the question;
- the question;
- If the question was resolved at the meeting and the details of the response;
- who the question was responded to by, for example the Presiding Member, the staff member; and
- the name of the staff member who will follow up the question if it could not be answered at that meeting.

If the question could not be answered at the meeting, the staff member responsible to follow up the question and provide a response is to in writing to **all** Council Members.

Council Members are encouraged to, where possible, seek answers to a particular matters/issues from other Council Members or staff prior to the meeting, or alternatively utilise the **Question on Notice** process.

**10—Petitions**

- (1) A petition to the council must—
  - (a) be legibly written or typed or printed; and

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- (b) clearly set out the request or submission of the petitioners; and
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

### **Petitions**

Petitions enable the public to bring to the attention of Council any matters they believe require action.

Petitions from the public shall be submitted at least five (5) clear days prior to the Council meeting to the Chief Executive Officer. Petitions will be referred to the next Ordinary Council meeting and will not be listed on Committee agendas.

If a Petition is received regarding a past or present Development Application, it shall be referred to the Council Development Assessment Panel for consideration via the representation process.

Petitions received shall be listed on the next Ordinary Council meeting agenda and shall include a statement on the number of signatories and a summary of the main issues outlined in the header of the petition. A copy of the petition will be included in the Council agenda, unless it is vexatious, libellous or defamatory.

The Chief Executive Officer shall determine what is considered a petition and what is considered general correspondence or customer service requests.

Generally a petition is considered to be a document with a number of signatories, with names and addresses, with a statement outlining the concerns or issue which residents/interested parties want addressed by Council. It is preferred that each signatory is identified as to whether they are a ratepayer or resident of the City of Playford. The document must have a heading statement on each page for it to be considered by Council as a petition. At least fifteen (15) individual signatures should be listed on the document for the document to be recognised as a petition.

Each petition must have a head petitioner and clearly state who the head petitioner is, this must include the name and address of each person who signed or endorsed the petition. This will ensure that any communication or correspondence made to petitions will be via the head petitioner.

The City of Playford will receive electronic petitions. However, each petition, whether they are electronic or handwritten, must have the first name and surname of each petitioner and must have either an email address or residential address as a minimum.

When the petition is submitted to Council, the person submitting the petition will be informed that the petition will become a public document.

Council Members shall receive a copy of any petition received by Council at the next available courier run. A covering memorandum will be sent to Council Members outlining the date the petition was received.

It should be noted that a template petition document has been designed and been uploaded to the City of Playford website and that this will be the preferred format for the City of Playford to receive petitions from the community.



All other documents will be treated as normal correspondence and forwarded to the appropriate officer to consider the request and undertake action as appropriate.

These types of documents will not be listed on the Ordinary Council agenda papers and will not be forwarded to Council Members under separate notification.

If a petition is listed on the Ordinary Council agenda, the responsible department will provide a short statement advising the Council Members of the action that will be taken on the matter.

There are three (3) standard responses to be included when a petition is listed on the Council agenda papers. These include:

1. This request has been assessed and will be actioned through Council's routine customer request processes.
2. This request has been actioned and completed on (date).
3. This request has been assessed and cannot be actioned as a routine customer request. Further investigation will be undertaken and a report presented to a future Council meeting.

The responsible Council department would then advise the head petitioner of the action Council will undertake on the matter.

## 11—Deputations

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

### Deputations/Representations

The public may request in writing the opportunity to address Council, providing that the request is submitted to the CEO eight (8) clear days prior to the meeting. The application for deputation form is available on the [City of Playford Website](#).

Council 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 Council Member will be required to request leave from the meeting during the discussion and deliberations on the matter. The deputation must express the views of the Council Member as a member of the public and not those of a Council Member.

At their discretion, the Presiding Member may allow a request for a deputation within the eight (8) clear days any time prior to the commencement of the meeting if the issue to be presented is relevant to an item on the Council or Committee agenda for that meeting. Requests for deputation

or representation cannot be made during the meeting.

The Presiding Member in consultation with the Executive Officer may approve to receive a deputation. The Presiding Member may refuse to allow a deputation; the refusal of a deputation however, must be reported at the next meeting.

If a request for deputation is received to speak about a Development Application it shall be referred to the Council Development Assessment Panel for consideration via the representation process.

In determining whether a deputation is permitted, the Presiding Member will take into account the following:

- the subject matter of the proposed deputation;
- whether the subject matter is within the powers of Council; and
- the integrity of the request.

Guidelines for a deputation:

- Handouts or presentations may be included as part of the deputation but must be included in the application for approval.
- Representatives can speak for no more than five (5) minutes, unless an extension is granted by the Presiding Member at the meeting.

Process for the deputation within the meeting:

- The content of deputations will not be included in the minutes. Only the names of those representatives who spoke at the meeting will be recorded along with the topic or reference to the relevant agenda item.
- If a deputation is being made on a particular agenda item, those representors objecting to the staff or committee recommendation shall speak first, followed by the representors speaking for the staff or committee recommendation.
- Where the matter involves a community issue which has been requested to be considered by a resident or organisation, that person will be considered to be the applicant and will speak at the conclusion of all other deputations on the matter.
- Council Members may ask questions of the representors at the discretion of the Presiding Member. This time will not be part of the allocated five (5) minutes per representation/deputation.
- A decision on the deputation will not be made at the same Committee Meeting the deputation is received.

Deputations provide an opportunity for the community or interested persons to bring a matter to the attention of the Council. At all times, appropriate behaviour shall be maintained by the representors and the Council Members with each party being considerate of other people's points of view. Sarcasm, criticism, and inappropriate behaviour and conduct are not appropriate and the Presiding Member shall maintain appropriate behaviour of all parties involved.

## 12—Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed

- since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
    - (a) until after the expiration of 12 months; or
    - (b) until after the next general election, whichever is the sooner.
  - (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
  - (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
  - (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
  - (8) A motion will lapse if it is not seconded at the appropriate time.
  - (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
  - (10) A member may only speak once to a motion except—
    - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
    - (b) with leave of the meeting; or
    - (c) as the mover in reply.
  - (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
  - (12) A member who has not spoken in the debate on a question may move a formal motion.
  - (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).
  - (14) If the formal motion is—
    - (a) that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
    - (b) that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
    - (c) that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
    - (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

- (e) that ***the meeting be adjourned***, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
  - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

#### **Motions on Notice**

Council Members may submit motions on notice for consideration of any matter not included on the agenda or alternatively, to revoke or amend the previous Council decision.

All motions on notice to Council or Committee must be submitted to the CEO at least eight (8) clear days before the meeting and will be featured in the meeting agenda. Motions on notice will be included in the agenda as a Motion on Notice report type (see appendix C and E).

If the subject of the Motion on Notice needs to be considered at a following meeting to allow time for staff to investigate, the Motion on Notice will return in the form of a Decision Report for Council consideration by resolution. A Motion on Notice submitted to Committees shall be referred onto the next Council Meeting for Resolution.

All Motions on Notice for a Committee may only come from a Committee Member and must relate the Role and Terms of Reference specified in the Committee's Charter.

The Motion on Notice for a Council or Committee will not proceed unless the Council Member who submitted the motion is present or another Member has been authorised in writing to move the motion.

Motions on notice have the same status as any other motion and can be amended during the debate.

A Motion on Notice can be withdrawn from the agenda at any time up until midday on the day the agenda is distributed by staff. Further, a Motion can be withdrawn when it is in the agenda if the Council Member does not move the motion at the Council or Committee Meeting.

**Motions without Notice**

Council Members may submit Motions Without Notice to bring forward any business, including bringing forward matters of urgency not included in the agenda.

Where possible, Motions Without Notice should be discussed with Governance and shall be provided in writing to the Presiding Member and the Minute Taker prior to the commencement of the meeting.

All Motions Without Notice will be discussed at the relevant time in the meeting where the Presiding Member will call for a seconder for the motion.

A Motion Without Notice submitted to Committees shall be referred onto the next Council Meeting for Resolution.

Council Members are encouraged to provide Motions without Notice at Committee Meetings, to enable a report to be written for the Council to ensure all information possible is available to the Council when making its decision.

**13—Amendments to motions**

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

**14—Variations etc**

- (1)The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2)The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

**Clarification Regarding Amendments**

The purpose of an amendment is to alter or modify the wording of a motion on the floor, not to substantially change the intention of the motion.

Amendments may be used to insert, delete or substitute words in the motion or to add to or detract from the substantive purpose of the motion.

Amendments are not to be used to put up a completely new motion which contradicts the motion on the floor. The natural process of voting on the current motion must occur and then a new

motion moved to try introduce an alternative decision on the matter.

### 15—Addresses by members etc

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

### 16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote. (4) Subregulation (3)—
  - (a) may be varied at the discretion of the council pursuant to regulation 6; and
  - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

#### Tied Vote

In the event that a tied vote (equal Members for and against the motion) on a matter at the Council Meeting occurs, the Presiding Member may exercise a casting vote. The Presiding Member must advise the meeting that they are exercising their right to use a casting vote.

In the event that a tied vote on a matter at a Committee Meeting occurs, the Presiding Member does not have a casting vote. The matter is to be referred to Council for decision.

#### Lost Vote

In the event that a motion is moved not seconded, the motion becomes lost and a new motion needs to be put forward for a decision to be made.

#### Election of Office Bearers

When electing Office Bearers, such as:

- the Deputy Mayor,
- a Presiding Member of a Committee, or
- Members to represent Council on external bodies or organisations,

The following options are available:

1. By resolution of Council, utilising the standard voting processes under the Act and its corresponding regulations, or
2. By an election process determined by Council, which can include a private ballot.

It should be noted that before any voting process is undertaken, the term of office for the relevant position(s) must be determined.

It is the responsibility of the Presiding Member to ensure that before any voting or selection process is commenced that all Members present understand the process.

If an election process determined by Council (e.g. private ballot) varied the normal voting procedures in the *Act* and *Regulations*, a motion must be moved to utilise the private ballot process for the matter in question. The private ballot will be conducted in a public forum unless the matter is being dealt with in confidence under section 90(2) of the *Act*.

### Private Ballot

A private ballot involves each Member (including the Presiding Member) voting on the matter through a written vote. This method maintains the privacy of the way each Member voted.

### Recommended Process to Undertake a Private Ballot

1. If this process is undertaken to appoint a person(s) to a position, then prior to undertaking the nomination process it is important for the Council or Committee to resolve the term of the officer for the position and that the result of the private ballots process will be the decision of the Council or Committee.

2. The resolution for a private ballot will include the following wording:

*[Any terms applicable]*

*If required, the private ballot process outlined in the Code of Practice for Council and Committee Meetings – Section 16 will be utilised to elect the Council Member(s) to the [insert details], with the results of the ballot becoming the outcome.*

3. Expression of interest from Members wishing to be a candidate for the position are called by the Presiding Member during the Meeting. Candidates may nominate themselves or be nominated by another Member.

Please note: There is no requirement to have a seconder for each nomination.

4. Members who are not in attendance at the Meeting at the time of the private ballot may still be considered for nomination provided they have advised of their intention to accept or decline the position to the Presiding Member or another Member of Council Present.
5. Each candidate is asked by the Presiding Member if they are willing to stand for the position and then should provide a short verbal overview of why they want the position and what they will bring to the position.
6. Each candidate has one opportunity to either accept or decline the nomination or stand for

- the position.
7. Nominations can be received or withdrawn up until the commencement of the private ballot.
  8. Names of candidates are then called out by the Presiding Member.
  9. If only one (1) nomination or the appropriate number of nominations required for the positions available are received, the Members shall be resolved as the representative(s) for the matter through a motion.
  10. If more than the required number of nominations are received then a private ballot may be conducted with the person(s) gaining the majority of votes endorsed as the representative(s) for Council on the matter.
  11. In order to proceed with a private ballot, a motion is needed to be moved, seconded and carried by the Council or Committee body seeking the matter to be conducted using the private ballot.
  12. Each Council Member (including the Mayor and Presiding Member) shall have one (1) vote.
  13. Members who have nominated for the position(s) do not have a conflict of interest on the matter and shall remain in the meeting room to vote on the matter.
  14. The CEO or the next most senior staff member present at the Meeting will act as Returning Officers for the private ballot process and shall maintain the confidentiality of all votes.
  15. If, after the first private ballot, there is a tied vote between two (2) or more candidates another vote is to be conducted of the candidates who received equal votes until there is a 'first past the post' preference identified.  
  
Please note: Votes that do not nominate a candidate nominated for the position shall be considered donkey votes and therefore invalid and not included in the quota calculations.
  16. If after the second tied vote, the result will be decided by drawing lots, the candidate first drawn being the candidate excluded.
  17. The results of the process and the number of votes for each candidate should be announced and recorded in the minutes.
  18. No absentee votes will be allowed during the private ballot process. All votes are to be made when Council Members are seated in their seats.

## 17—Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
  - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
  - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in



the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

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

#### **Divisions**

A Council Member may call for a division to record how individual Members vote on a motion.

This is the only method that can be used to record how Members vote on a particular issue. When a division is called, the decision is set aside by the Presiding Member and another vote is taken on the motion.

All Members must show whether they are voting for or against the motion as requested by the Presiding Member. The Members voting for the motion will stand until the Presiding Member and Minute Taker have noted their names, whilst those voting against the motion remain seated. The results of the division will be recorded in the minutes of the meeting.

All Members present at the meeting must vote when a division is called.

#### **18—Tabling of information**

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

#### **19—Adjourned business**

- (1) If a formal motion for a substantive motion to be adjourned is carried—
  - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

#### **20—Short-term suspension of proceedings**

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the

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approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

(2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).

(3) If a suspension occurs under subregulation (1)—

(a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and

(b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—

(i) the provisions of the Act must continue to be observed<sup>1</sup>; and

(ii) no act or discussion will have any status or significance under the provisions which have been suspended; and

(iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and

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

(d) the period of suspension will come to an end if—

(i) the presiding member determines that the period should be brought to an end; or

(ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

**Note—**

1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

**Order of Speaking**

The mover of a motion or amendment must not speak to a motion or amendment until this is seconded, unless the Presiding Member otherwise permits.

A Member may request further information from or through the Presiding Member after the motion or amendment is seconded and the mover and seconder have spoken.

Following the seconding of a motion or amendment, the Presiding Member must call for the mover to speak in favour of the motion or amendment and then call on further speakers as the Chairperson permits.

Each Member shall speak for no more than five minutes unless the Presiding Member rules otherwise.

**Moving items “en bloc”**

Committee reports are presented to Council in their entirety in the Ordinary Council Agenda.

The Presiding Member will call for Members to identify Committee reports they wish to have

withdrawn for debate and discussion.

The first Council Member to identify an item will be provided with the opportunity to lead the debate on the matter.

The remainder of items will be endorsed in groups "en bloc" and the recommendation within the paper will be resolved by resolution.

### Reports

When reports are presented to Council or a Committee, the report will include the Council's responsible Executive or staff member as a contact person for the report, should Members require clarification on the report or matter prior to the Meeting.

### Late Reports

Late Reports will only be accepted when a matter requires urgent decision by Council or a Committee on a critical matter.

With agreement of the Presiding Member, the CEO may submit a Late Report to Members via, email or urgent courier prior to the Meeting or at the Meeting in extreme circumstances.

Late Reports will be made available to the Public Gallery and on the City of Playford website at the earliest opportunity.

When a Late Report is presented to Members at a Meeting, the Presiding Member is to provide adequate reading time during the Meeting in order to allow Members to digest and understand the issued in the Late Report. The practice of the provision of adequate reading time is designed to aid good decision making of the Council.

### Confidential Items

This Code of Practice should be read in conjunction with the Code of Practice for Public Access to Meetings and Associated Meeting Documents.

Confidential Items will be listed as a separate item and will be the final item on the agenda before closure of the meeting. This will ensure that guests in the gallery can observe as much of the open meeting as possible.

Before the Council or Committee is to debate an item that staff have recommended to be discussed in confidence, the Presiding Member will announce this and advice the public that they can remain in the gallery until the Members have made the decision as to whether the matter will be dealt with in Confidence or not.

After the Council or Committee have resolved to move into confidence the Presiding Member will announce that the public must leave the meeting, giving the reasons as per section 90(3) why. Names of all staff members or other person(s) who are required to assist the Council or Committee in their decision making who remain in the meeting during the confidential matter are recorded in the minutes.

The Report will be divided into three (3) parts:

**A) Procedural Decision** – Council/Committee move a motion to go into Confidence.

Please Note: The Minute Taker must record the details of the grounds for making confidentiality orders under the Act in the Minutes of the Meeting at which the orders

are made.

**B) Business Decision** – The Matter – [Name of the Report]

**C) Procedural Decision** – Council is to decide what is to be confidential after the Meeting and for how long the item should be kept confidential.

It is preferred the members of staff do not leave the meeting while in-confidence. In the event that Members or staff do leave and return during the meeting while in-confidence, their name and times they left and returned to the meeting will be recorded in the minutes.

This will enhance accountability and transparency in decision making and will assist to remove any doubt of lobbying that may occur during the period of public absence from the meeting.

### **Moving an Amendment**

Wherever practicable, Members wishing to move a motion that is different from the recommendation in the agenda papers are strongly encourage to make available a written copy of their motion prior to the meeting in order to assist the Presiding Member and Minute Taker in the conduct of the meeting and in the subsequent preparation of the minute of the meeting.

### **Mayor**

For Ordinary Council Meetings, all present in the meeting will stand as the CEO announces the Mayor and the Mayor takes their position in the Chamber. This represents a sign of respect of the position of the Mayor and applies to Ordinary Council Meetings only.

The Mayoral robes are to be worn at ceremonial occasions only, with the occasion to be determined by the Mayor.

### **Speaking During a Meeting**

The CEO and Executive Member will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member in their response.

At a Council Meeting the Presiding Member will be addressed as 'Mayor'.

The Presiding Member of a Committee will be address as 'Presiding Member'.

The CEO or Executive Member may request additional staff involved in the preparation of the agenda report to speak on the matter on their behalf.

Members shall await recognition from the Presiding Member before speaking. Members who speak during a meeting of Council are to stand when speaking, as a sign of respect. Wherever possible, Members are to utilise their microphone, in order to encourage amplification with in the Chamber.

Except to move a **Point of Order**, Members should only speak with the acknowledgement

of the Presiding Member.

**Distribution of Material to Council Members**

The Executive Officer is to approve any additional material at the Meeting. Additional material must be related to an agenda item and include the appropriate City of Playford branding.

**Mobile Devices**

Any mobile devices brought into Council or Committee Meetings are to be switched to silent or off, unless there is express permission of the Presiding Member (for example for security or emergency contact requirements).

Members are encouraged to utilise their tablet to view electronic agendas during the meeting.

**Recording of Meetings**

Voice, video or graphic recording devices are not permitted to be used during any Informal Gatherings, Council, Special Council or Committee Meetings unless express permission has been granted by the Presiding Member.

**Photography at Meetings**

The Presiding Member may permit photographs to be taken.

**21—Chief executive officer may submit report recommending revocation or amendment of council decision**

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

## **Part 3—Meetings of other committees**

### **22—Application of Part**

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

### **23—Notice of meetings for members**

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

### **24—Public notice of committee meetings**

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

### **25—Minutes**

- (1) The minutes of the proceedings of a meeting must include—
  - (a) the names of the members present at the meeting; and (b) each motion carried at the meeting; and
  - (c) any disclosure of interest made by a member; and
  - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

## **Part 4—Miscellaneous**

### **26—Quorum for committees**

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the prescribed number of members of a council committee is—
  - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
  - (b) a number determined by the council.

#### **Note—**

See also section 41(6) of the Act.

### **27—Voting at committee meetings**

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

### **28—Points of order**

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a

motion under subregulation (5) is put.

(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—

- (a) the ruling has no effect; and
- (b) the point of order is annulled.

### **29—Interruption of meetings by members**

(1) A member of a council or council committee must not, while at a meeting—

- (a) behave in an improper or disorderly manner; or
- (b) cause an interruption or interrupt another member who is speaking.

(2) Subregulation (1)(b) does not apply to a member who is—

- (a) objecting to words used by a member who is speaking; or
- (b) calling attention to a point of order; or
- (c) calling attention to want of a quorum.

(3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.

(5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—

- (a) censure the member; or
- (b) suspend the member for a part, or for the remainder, of the meeting.

(6) A member who—

- (a) refuses to leave a meeting in contravention of subregulation (4); or
- (b) enters a meeting in contravention of a suspension under subregulation (5), is guilty of an offence.

Maximum penalty: \$1 250.


### **30—Interruption of meetings by others**

A member of the public who is present at a meeting of a council or council committee must not—

- (a) behave in a disorderly manner; or
- (b) cause an interruption. Maximum penalty: \$500.



## Appendix A – Declaration of Interest – Actual or Perceived



### DECLARATIONS OF INTEREST FORM Actual or Perceived

*Note: The information contained in this declaration will be included in the meeting minutes and on a central register made available to the public. For the accuracy of minutes, please read your statement from this when you speak to your conflict of interest.*

Council Member Name: \_\_\_\_\_  
 Independent Member Name: \_\_\_\_\_

Meeting (please tick): \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering

Date of Meeting: \_\_\_\_\_


Item No. on Meeting Agenda/Subject: \_\_\_\_\_

**Description of Conflict of Interest:**  
 This conflict of interest has been identified using the LGA Conflict of Interest Guidelines (pages 13-18) as:  
 An Actual Conflict of Interest       A Perceived Conflict of Interest

Please provide full and accurate details of the relevant interest:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

This conflict of interest is of the following nature:  
 Direct                                      or                                       Indirect  
 Personal                                      or                                       Pecuniary

*continued on next page...*

	ECM Document Set No.:	2382531	Version No.:	1.0
	Authorised by:	Senior Manager Corporate Services	Initial Date of Adoption:	05 Apr 2016
	Document Maintained by:	Governance	Date of Current Version:	27 Jul 2016
			Next Review Date:	01 Nov 2017

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Page 1 of 2

**How the Conflict of Interest will be addressed:**

Will you remain in the meeting? *(if no please stop here and sign and date at the end of the form)*

Yes

No

Did you remain in the meeting to maintain quorum?

Yes

No

If you responded to either of these questions with yes, please provide details of how you intend to deal with the actual or perceived conflict of interest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Outline any further steps you will take to ensure transparency and accountability in this matter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Voting (if you remained in the meeting)**

Did you vote on the matter?

Yes

No

How did you vote on the matter?

For

Against

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Staff Use Only**

Declaration Received by:


Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix B – Declaration of Conflict of Interest – Material



### DECLARATIONS OF INTEREST FORM Material

*Note: The information contained in this declaration will be included in the meeting minutes and on a central register made available to the public. For the accuracy of minutes, please read your statement from this when you speak to your conflict of interest.*

Council Member Name: \_\_\_\_\_

Independent Member Name: \_\_\_\_\_

Meeting (please tick):

<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering

Date of Meeting: \_\_\_\_\_

Item No. on Meeting Agenda: \_\_\_\_\_

Subject: \_\_\_\_\_

Description of Material Conflict of Interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was Minister approval granted to participate in the meeting, pursuant to section 74(3) of the Act?  Yes  No (if no you are required to leave)


If yes:

- Has Minister approval been provided to Council?  Yes  No
- Did you participate in the discussion of the matter?  Yes  No
- Did you remain in the meeting while the matter was being considered?  Yes  No

Name: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Use Only

Declaration Received by: Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

	ECM Document Set No.:	2382537	Version No.:	1.0
	Authorised by:	Senior Manager Corporate Services	Initial Date of Adoption:	05 Apr 2016
	Document Maintained by:	Governance	Date of Current Version:	17 Jul 2016
			Next Review Date:	01 Nov 2017

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### Appendix C – Motion on Notice Form

#### COUNCIL AND COMMITTEE MOTION ON NOTICE FORM



Council/Independent Member: _____		
<b>Meeting (please tick):</b>		
<input type="checkbox"/> Ordinary Council	<input type="checkbox"/> CEO Performance Review Committee	
<input type="checkbox"/> Special Council	<input type="checkbox"/> Corporate Governance Committee	
<input type="checkbox"/> Civic Events Committee	<input type="checkbox"/> Services Committee	
<input type="checkbox"/> Strategic Planning Committee	<input type="checkbox"/> Informal Gathering	
Preferred Meeting Date: _____		
Subject: _____		
<b>Motion</b> <i>(please provide a brief overview of the key issues and the reasons for the Motion on Notice):</i>		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
_____		
Additional Supporting Documentation Attached: Yes / No		
If proposing to amend or revoke a previous Council or Committee decision, please provide the following:		
Meeting: _____	Date: _____	Resolution No : _____
Staff Use Only		
Received by	Name: _____	Date: _____
Referred to responsible Executive Officer:	_____	Date: _____
Date of meeting motion to be presented:	_____	

**Notes:**

1. Councillors may submit Motions of Notice for consideration of any matter not included on the agenda or alternatively, to revoke or amend a previous Council decision, as desired by the Councillor.
2. All Motions on Notice to Council or Committee must be submitted to the Chief Executive Officer at least eight (8) days before the meeting and will be featured in the meeting agenda.
3. Motions on Notice will be included in the agenda as an attachment with only the title of the motion included in the opening agenda pages.
4. The Motion on Notice will not be listed again on the Council agenda under motions without notice but will be included in the agenda papers as a matter considered by Council for resolution. It is therefore recommended that Motions on Notice request staff to investigate a particular matter (that is, write a report), as a decision regarding the matter would be made at the following meeting.
5. All Motions on Notice for a Committee may only come from a Committee Member and must relate to the Charter of the Committee.
6. The Motion on Notice for Council or Committee will not proceed unless the Councillor who submitted the motion is present or another member has been authorised in writing to move the motion.
7. Motions on Notice have the same status as any other motion and can be amended during the debate.
8. A Motion on Notice submitted to a Committee shall be referred onto the next Council meeting for resolution. The Motion of Notice will not be listed again on the Council agenda under motions without notice but will be included in the agenda papers as a matter considered by Committee and referred to Council for resolution.
9. A Motion of Notice can be withdrawn from the agenda at any time up until midday on the day the agenda is distributed by staff. Further, a Motion on Notice can be withdrawn when it is in the agenda if the Councillor does not move the motion at the Council or Committee meeting.

### Appendix D – Ordinary Council Meeting Agenda Format



# NOTICE

of

## ORDINARY COUNCIL MEETING

*Pursuant to the provisions of Section 84(1) of the Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**TUESDAY, DAY MONTH YEAR AT 7:00PM**

**MAL HEMMERLING**  
**CHIEF EXECUTIVE OFFICER**  
Issue Date: Thursday, DAY MONTH YEAR

### MEMBERSHIP

#### MAYOR GLENN DOCHERTY – Principal Member

Cr Marilyn Baker	Cr Samantha Blake	Cr Andrew Craig
Cr Denis Davey	Cr Joe Federico	Cr Shirley Halls
Cr Michael Joy	Cr Duncan MacMillan	Cr Dino Musolino
Cr Carol Muzyk	Cr Jane Onuzans	Cr Max O'Rielly
Cr Peter Rentoulis	Cr Adam Sherwood	Cr Gay Smallwood-Smith

## CITY OF PLAYFORD STRATEGIC PLAN

<b>1. Smart Service Delivery Program</b>	
<p>This program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services they require. It means making the most of our community's existing strengths, talents and diversity, and working smarter to connect our community with each other to contribute to overall wellbeing and the economic life of the City.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>1.1 High quality services and amenities</li> <li>1.2 Improved service delivery</li> <li>1.3 Working smarter with our community</li> <li>1.4 Enhanced City presentation, community pride and reputation</li> </ul>
<b>2. Smart Living Program</b>	
<p>This program is about Council playing its part to make the City more liveable and connected. As our older suburbs age and our population and urban footprint expands, we will find innovative ways to renew and 'future proof' the liveability of our neighbourhoods. It also means ensuring our community has access to smart technologies.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>2.1 Smart development and urban renewal</li> <li>2.2 Enhanced City presentation, community pride and reputation</li> <li>2.3 Liveable neighbourhoods</li> </ul>
<b>3. Smart Jobs &amp; Education Program</b>	
<p>This program is about Council leading by example and advocating to other organisations to support the diversification of our local economy and improve the employment prospects for our community. This includes providing the right environment for investment and business attraction and connecting our community up with the right skills and education for the transitioning economy.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>3.1 Growth and diversification of local jobs matched with relevant education and training</li> <li>3.2 Commercial and industrial growth</li> <li>3.3 Sustainable economic transformation</li> <li>3.4 International market connections</li> </ul>
<b>4. Smart CBD Program</b>	
<p>This program relates to Council's long term strategy for the redevelopment and expansion of the Elizabeth Regional Centre. In the longer term Elizabeth can expect to be home to a number of facilities and services such as hospitals, a university, significant retail services, medium to high density commercial offices, peak business organisations and high density housing</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>4.1 Expanded range of local services</li> <li>4.2 Growth and diversification of local jobs in the CBD</li> <li>4.3 Greater housing choice</li> <li>4.4 Increased social connections</li> <li>4.5 Commercial growth</li> </ul>
<b>5. Smart Sport Program</b>	
<p>This program is about Council's long term vision to create the Playford City Sports Precinct providing local community, state and national level sporting facilities. It will create a focus on healthy communities and promote greater participation in sport and physical activity. It will also support the renewal of adjoining suburbs.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>5.1 Enhanced community pride and reputation</li> <li>5.2 Healthy and socially connected community</li> <li>5.3 Access to elite sporting facilities</li> </ul>
<b>6. Smart Health</b>	
<p>In the longer term the Playford will see expansion of the area around the Lyell McEwin Hospital into a key precinct with tertiary training, research, allied health facilities and residential accommodation. It will have potential links to advanced manufacturing in assistive devices in health, aged and disability. This program is about raising the profile and amenity of the precinct and facilitating new investment.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>6.1 Access to quality, local health services</li> <li>6.2 Increased employment opportunities in health, disability and aged sectors</li> </ul>

**City of Playford  
Ordinary Council Meeting**

**AGENDA**  
TUESDAY, DATE MONTH YEAR AT TIME

- 1 ATTENDANCE RECORD**
  - 1.1 Present
  - 1.2 Apologies
  - 1.3 Not Present
- 2 CONFIRMATION OF MINUTES**
- 3 DECLARATIONS OF INTEREST**
- 4 MAYOR'S REPORT**
- 5 REPORTS OF REPRESENTATIVES OF COUNCIL ON OTHER ORGANISATIONS**
- 6 REPORTS BY COUNCILLORS**
- 7 REPORTS OF REPRESENTATIVES (CONFERENCES & TRAINING PROGRAMS)**
- 8 QUESTIONS WITHOUT NOTICE**
- 9 QUESTIONS ON NOTICE**
- 10 PETITIONS**
- 11 DEPUTATION / REPRESENTATIONS**
- 12 MOTIONS WITHOUT NOTICE**



**13 MOTIONS ON NOTICE**

**14 COMMITTEE REPORTS**

**Chief Executive Officer Performance Review Committee**

**Civic Events Committee**

**Corporate Governance Committee**

**Services Committee**

**Strategic Planning Committee**

**15 STAFF REPORTS**

**16 INFORMAL DISCUSSION**

**17 FORWARD AGENDA**

**18 CONFIDENTIAL MATTERS**

**19 CLOSURE**

### Appendix E – Committee Meeting Agenda Format



# NOTICE

of

## COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the Local Government Act 1999*

TO BE HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

WEEK DAY, DAY MONTH YEAR AT TIME

**MAL HEMMERLING**  
CHIEF EXECUTIVE OFFICER  
Issue Date: Thursday, DAY MONTH YEAR

### MEMBERSHIP

#### PRESIDING MEMBER – NAME

Mayor Glenn Docherty	Cr Marilyn Baker	Cr Samantha Blake
Cr Andrew Craig	Cr Denis Davey	Cr Joe Federico
Cr Shirley Halls	Cr Duncan MacMillan	Cr Dino Musolino
Cr Michael Joy	Cr Jane Onuzans	Cr Max O’Rielly
Cr Carol Muzyk	Cr Adam Sherwood	Cr Gay Smallwood-Smith
Cr Peter Rentoulis		

## CITY OF PLAYFORD STRATEGIC PLAN

<b>1. Smart Service Delivery Program</b>	
<p>This program is about continuing to provide for the changing needs and expectations of our diverse community, delivering the services they require. It means making the most of our community's existing strengths, talents and diversity, and working smarter to connect our community with each other to contribute to overall wellbeing and the economic life of the City.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>1.1 High quality services and amenities</li> <li>1.2 Improved service delivery</li> <li>1.3 Working smarter with our community</li> <li>1.4 Enhanced City presentation, community pride and reputation</li> </ul>
<b>2. Smart Living Program</b>	
<p>This program is about Council playing its part to make the City more liveable and connected. As our older suburbs age and our population and urban footprint expands, we will find innovative ways to renew and future proof the liveability of our neighbourhoods. It also means ensuring our community has access to smart technologies.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>2.1 Smart development and urban renewal</li> <li>2.2 Enhanced City presentation, community pride and reputation</li> <li>2.3 Liveable neighbourhoods</li> </ul>
<b>3. Smart Jobs &amp; Education Program</b>	
<p>This program is about Council leading by example and advocating to other organisations to support the diversification of our local economy and improve the employment prospects for our community. This includes providing the right environment for investment and business attraction and connecting our community up with the right skills and education for the transitioning economy.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>3.1 Growth and diversification of local jobs matched with relevant education and training</li> <li>3.2 Commercial and industrial growth</li> <li>3.3 Sustainable economic transformation</li> <li>3.4 International market connections</li> </ul>
<b>4. Smart CBD Program</b>	
<p>This program relates to Council's long term strategy for the redevelopment and expansion of the Elizabeth Regional Centre. In the longer term Elizabeth can expect to be home to a number of facilities and services such as hospitals, a university, significant retail services, medium to high density commercial offices, peak business organisations and high density housing</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>4.1 Expanded range of local services</li> <li>4.2 Growth and diversification of local jobs in the CBD</li> <li>4.3 Greater housing choice</li> <li>4.4 Increased social connections</li> <li>4.5 Commercial growth</li> </ul>
<b>5. Smart Sport Program</b>	
<p>This program is about Council's long term vision to create the Playford City Sports Precinct providing local community, state and national level sporting facilities. It will create a focus on healthy communities and promote greater participation in sport and physical activity. It will also support the renewal of adjoining suburbs.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>5.1 Enhanced community pride and reputation</li> <li>5.2 Healthy and socially connected community</li> <li>5.3 Access to elite sporting facilities</li> </ul>
<b>6. Smart Health</b>	
<p>In the longer term the Playford will see expansion of the area around the Lyell McEwin Hospital into a key precinct with tertiary training, research, allied health facilities and residential accommodation. It will have potential links to advanced manufacturing in assistive devices in health, aged and disability. This program is about raising the profile and amenity of the precinct and facilitating new investment.</p>	<p><i>Outcomes</i></p> <ul style="list-style-type: none"> <li>6.1 Access to quality, local health services</li> <li>6.2 Increased employment opportunities in health, disability and aged sectors</li> </ul>

## COMMITTEE CHARTER



- 1 Role
- 2 Terms of Reference
- 3 Definitions
- 4 Delegations
- 5 Meetings
- 6 Membership
- 7 Role of Presiding Member
- 8 Role of Committee Members
- 9 Role of the Executive Officer and Administration
- 10 Reporting and Review of the Committee
- 11 Supporting Documentation
- 12 Approval and Change History

**City of Playford  
Committee Meeting**

**AGENDA**

WEEK DAY, DATE MONTH YEAR AT TIME

- 1 ATTENDANCE RECORD**
  - 1.1 Present
  - 1.2 Apologies
  - 1.3 Not Present
  
- 2 CONFIRMATION OF MINUTES**
  
- 3 DECLARATIONS OF INTEREST**
  
- 4 DEPUTATION / REPRESENTATIONS**
  
- 5 STAFF REPORTS**
  
- 6 INFORMAL DISCUSSION**
  
- 7 INFORMAL ACTIONS**
  
- 8 COMMITTEE WORKPLAN**
  
- 9 CONFIDENTIAL MATTERS**
  
- 10 CLOSURE**

## Reviewed Policy – Summary of Changes



<b>Code of Practice for Council and Committee Meetings</b>				
<b>Approving Body</b>		Council		
<b>Rationale for Policy</b>				
This Code of Practice seeks to provide a consistent framework for the meeting processes and meeting structure of all Council and Committees in accordance with Regulation 6 of the <i>Local Government (Procedure at Meetings) Regulations 2013 (the Regulations)</i> .				
The Code of Practice does not apply to the Council Assessment Panel (CAP) which has its own CAP Operating Procedure				
<b>Summary of Changes – Code of Practice for Council and Committee Meetings</b>				
<b>Page No. in Proposed Code</b>	<b>Heading</b>	<b>Current Procedure</b>	<b>Proposed Change</b>	<b>Comments on change made and rationale for change</b>
All	Various	Administrative amendments to wording made to improve readability and reflect correct policy names where reference to other policies is made		
All	Various	Administrative amendments to remove reference to points made that are already included in the Regulations		
All	Clarification	Inclusion throughout the document of a Clarifications section. Purpose is to provide clarification of/between Regulations and/or the Procedure.		
3	Contents	Inclusion of Contents Page		
6	Purpose	Reference to Council Development Assessment Panel (CDAP) amended to reflect change to Council Assessment Panel (CAP)		
6	Scope	Reworded to reflect the Code outlines procedures as prescribed in the Regulations and sets out procedures not prescribed in Regulations or procedures that have been varied by Council		
6	Legislation References	Updated to include Reference to other Supporting Documentation in previous Code of Practice		
6-7	Definitions	Minor updates and rewording of definitions for Council Member, Executive Officer, Independent Members and Returning Officer. Inclusion of a definition for Clear Days.		
7-8	Principles	Minor rewording of this section to improve clarity		
removed	Council's Meeting Structure	The section regarding Council meeting times has been deleted as this is provided for in the Act and is not required to be stated in the Code.		

## Reviewed Policy – Summary of Changes



removed	Cancellation of Meetings	Removed as each Committee Charter allows for meetings to be cancelled or variation. In addition there is not legislative provision for meetings to be cancelled unless by resolution of the Council or committee.		
removed	Public Holidays	Removed as there is no power for the CEO (or any other officer) and/or Mayor to cancel a meeting and/or reschedule a meeting(s) except for adjournment when a quorum is not present. A resolution is required to amend the meeting date and is a practice of Council.		
10	Special Council	Reference to attendance record, declarations of interest and deputations to Special Council meetings have been deleted as these are automatically required as a part of the Agenda for a Special Meeting.		
11	Agenda Structure	Attachment E and D removed the Charters for Committees, Strategic Plan reference and the Work plan/forward agenda		
12	Minutes	Advice is that all staff in attendance at a meeting in an official capacity should be listed as attending in the minutes (irrespective of whether or not they address the meeting). Previously the Code only required members of the Executive, those addressing the meeting and the Minute Taker to be listed. Informal actions deleted per legal advice.		
12	Declarations of Interest	Reworded to provide clarity		
13	Leave of Absence	A Council Member must: 1. advise of specific dates of the Leave of Absence in writing; and 2. step down from their Council Member duties during the period of leave. In the case of the Mayor taking Leave of Absence, the Mayoral duties will be transferred to the Deputy Mayor.	The request for leave must be made in writing and provided to the Mayor and Chief Executive Officer who will arrange for the request of leave to be considered by the Council as soon as possible.	Advice is that leave of absence requests must be considered by Council – therefore revised this section and deleted reference to leave of absence requests only being provided to Mayor and CEO.  There is no ability for a Council Member to apply for leave to be absent from their role as a Council Member (or for the Council to grant such leave). Therefore reference to members stepping down from their duties during leave has been removed.
13	Apologies	Deleted reference to Members ensuring the recipient of an apology has received the message and a family member or associate being able to convey an apology – as apologies have no effect legal advice is to delete these references.		
13	Change in Order of Discussing Agenda Items	Included reference to the list of justifications not being exhaustive to provide flexibility		
14	Reports of Representatives of Council on Other Organisations	Included "as far as this is possible" as Members will likely have a fiduciary duty to the external organisation and may not be able to provide some information without breaching their fiduciary duty.  Previous code stated any additional information provided to members would be undertaken for information purposes only and not be included in the minutes. Legal advice is any such documents should be tabled if provided to Council Members at the meeting. A note of the tabled documents would go in the minutes.		



## Reviewed Policy – Summary of Changes

14	Reports by Council Members	Section reworded to provide clarity that members can submit a written report prior to a Council meeting for inclusion in the minutes. Do not have to be in attendance at the meeting to submit a report. Defined as being a maximum of five minutes for each member.		
14	Reports of Representative – Conference and Training Programs	Reworded to provide clarity		
15	Questions (Without Notice or On Notice)	Clarification included regarding what constitutes a question on or without notice		
15	Questions Without Notice	If the question could not be answered at the meeting, the staff member responsible to follow up the question and provide a response is to in writing to all Council Members.	If the question could not be answered at the meeting at which it was asked, a reply will be provided at the next Ordinary Council Meeting and will be treated as a question on notice for the purpose of inclusion in the agenda and minutes.	Removed reference to questions not able to be answered at the meeting being answered via memo and instead they will be treated like a question on notice at the following meeting. Order amended to have Questions Without Notice before Questions on Notice in line with agenda and practice.
15	Questions on Notice	Questions on Notice must be submitted in writing to the CEO by 9:00am on the Monday eight (8) days prior to the meeting on the following Tuesday. The member asking the question is required to provide a brief history of the context or reason why the question is being asked. This history is to accompany to the question and should be included in the agenda with the actual question itself. Committees which do not meet on the Tuesday evening will follow the guidelines of eight (8) clear days before the meeting. The Presiding Member, or the CEO or their delegate shall include the question	No debate is permitted in relation to questions on notice and replies to questions on notice. The CEO or their delegate shall include the question and reply to the question on notice in the Agenda and the Minutes of the meeting. <u>Clarification:</u> A Question on Notice must be submitted in writing to the CEO at least 5 clear days before the date of the meeting. To assist the Meeting the member asking the	Deleted reference to all dot points provided for in legislation. Questions on notice can be submitted 5 clear days (as per Regulations) not 8 as the Code had previously stated. This has been included as a clarification. Removed the requirement for the question to include a brief history or reason why the question is being asked. Removed reference to only Council Members of Committees being able to submit questions on notice as this is not included in committee agendas.  Order amended to have Questions Without Notice before Questions on Notice in line with agenda and practice.





## Reviewed Policy – Summary of Changes

		and reply to a question on notice in the Council or Committee agenda. The question and reply will also be recorded in the minutes. No debate is permitted on questions and answers. Questions on notice submitted for inclusion on Committee agendas may only be submitted by Council Members on that Committee. A question on notice will only be accepted for inclusion in a Committee agenda if it relates to a matter which falls within the Role and Terms of Reference, specified in the Committee's Charter.	question is required to provide a brief history or reason why the question is being asked. This history is to accompany the question in the agenda.	
16	Petitions	<p>Removed elements that are covered in legislation or more as instructions to the public which have been included in the petitions template on the Website.</p> <p>Some elements moved under Clarification rather than a meeting procedure. Amended reference to three standard responses and replaced with Council receiving the petition. Council may not wish to take any action. This provides Council more flexibility.</p>		
18	Deputations/ Representations	<p>Amended the 8 clear days' notice requirement for a deputation and replace with 48 hours. Deputations do not need be listed on the agenda. Removed reference to Council Member addressing the chamber as a member of the public. Removed list of items to be considered by the Presiding Member when determining whether a deputation will be approved. A matter listed on the agenda, does not preclude a deputation on the same matter addressing the meeting, so this section has been deleted.</p>		
20	Motions Without Notice	<p>Council Members may submit Motions Without Notice to bring forward any business, including bringing forward matters of urgency not included in the agenda. Where possible, Motions Without Notice should be discussed with Governance and shall be provided in writing to the Presiding Member and the Minute Taker prior to the commencement of the</p>	<p>In order to assist Council in maintaining open, transparent and informed decision making in accordance with Regulation 4, the Guiding Principles, motions without notice should be restricted to matters closely related to Agenda items, house-keeping issues or matters of extreme urgency.</p>	<p>Change that motions without notice should be restricted to matters closely related to Agenda items, house-keeping issues or matters of extreme urgency. Reference to motions without notice being discussed at the relevant time in the meeting has been removed, as the agenda provides direction regarding the order of proceedings at a meeting.</p> <p>Motions without notice at committees being referred to the next Council meeting and motions without notice</p>

## Reviewed Policy – Summary of Changes



		<p>meeting. All Motions Without Notice will be discussed at the relevant time in the meeting where the Presiding Member will call for a seconder for the motion. A Motion Without Notice submitted to Committees shall be referred onto the next Council Meeting for Resolution. Council Members are encouraged to provide Motions without Notice at Committee Meetings, to enable a report to be written for the Council to ensure all information possible is available to the Council when making its decision.</p>	<p>Where possible, motions without notice should be discussed with Governance and shall be provided in writing to the Presiding Member and the Minute Taker prior to the commencement of the meeting. <i>Clarification: Council Members are encouraged to provide Motions on Notice, where the matter is not closely related to Agenda items or extreme urgency, to support transparency and informed decision making.</i></p>	<p>being directed to Committee to enable a report to be collated for Council has been removed as this is not current practice and unclear.  Amended to have Motions Without Notice before Motions On Notice in line with agenda and practice.</p>
20	Motions on Notice	<p>Motions on notice to be submitted 5 clear days before a meeting (as per Regulations) not 8 as the Code had previously stated. Removed references to motions being submitted via a form as this is not required. Removed unclear sections i.e. Motion on Notice requiring staff to investigate and come back to Council in form of a decision report – this is not required. Removed reference to Motion on Notice not proceeding unless the person who submitted the motion is present as this is possibly unlawful. Amended to have Motions Without Notice before Motions On Notice in line with the agenda and practice</p>		
21	Clarification Regarding Amendments	<p>Minor rewording to improve clarity. Deleted sentence about voting on one motion before a new motion is moved as this is not required.</p>		
22	Tied Vote	<p>Moved under Clarification</p>		
removed	Lost Vote	<p>Removed as this is provided for in the Local Government Act</p>		
22	Election of Office Bearers	<p>Minor rewording of section. Removed reference to the Presiding Member ensuring all who are voting understand the process as this is not required. Added attendees to LGA, ALGA meetings and conferences as this is the mechanism used to appoint representatives.</p>		
removed	Private Ballot	<p>This section is deleted as the next section "Process to undertake a Private Ballot" covers off on the information previously included.</p>		
23	Process to Undertake a Private Ballot	<p>Removed reference to candidates nominated for positions as not having a conflict of interest as the process used manages conflicts. Added that members who wish to be considered for a position but are not in attendance must indicate their wishes in writing.</p>		
25	Divisions	<p>Moved into Clarification rather than a meeting procedure</p>		

## Reviewed Policy – Summary of Changes



26	Order of Speaking	<p>The mover of a motion or amendment must not speak to a motion or amendment until this is seconded, unless the Presiding Member otherwise permits. A Member may request further information from or through the Presiding Member after the motion or amendment is seconded and the mover and seconder have spoken.</p> <p>Following the seconding of a motion or amendment, the Presiding Member must call for the mover to speak in favour of the motion or amendment and then call on further speakers as the Chairperson permits.</p> <p>Each Member shall speak for no more than five minutes unless the Presiding Member rules otherwise.</p>	<p>In accordance with Regulation 12 subregulation 21 the following procedures apply to subregulation 9 and 10 Motions.</p> <ul style="list-style-type: none"> <li>Each Member shall speak for no more than five (5) minutes unless the Presiding Member rules otherwise.</li> </ul> <p>Clarification: A Member may ask a question in relation to the item at any time in the debate.</p> <p>A Member who has already spoken to the motion can speak to an amendment.</p> <p>A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.</p>	<p>Clarified that order of speaking is a variation to sub regulation 9.</p> <p>Removed reference to motion being moved and seconded before they may speak to the motion. Effect is that it reverts back to legislation which allows the mover to speak first then the seconder. This allows for the mover to speak introducing information that will assist the motion to be seconded. In situations where a motion does not get seconded the mover has been denied the right to speak.</p>
removed	Moving Items “en bloc”	This section deleted in its entirety as en bloc decision making is not recommended and not current practice.		
removed	Reports	This section removed as it is not a meeting procedure that report authors or responsible staff names be included in a report – it is a function of the administration.		
removed	Late Reports	This section removed as it does not relate to meeting procedures – items covered are functions of the administration.		
27	Confidential Items	Minor rewording of this section. Deleted reference to Minute Taker recording details for reasons for going into confidence as this is provided for in the Act. Delete comment about enhanced accountability, transparency resulting from this as this is not a meeting procedure, but commentary and not required.		
removed	Moving an amendment	This section removed as it does not relate to meeting procedures – administration function relating to minutes.		
27	Mayor	Moved reference to the Mayor wearing robes for ceremonial occasions into clarification as this is not a meeting procedure.		
28	Speaking During a Meeting	Removed specific reference to Executive and included “other staff” to encompass all staff.		
removed	Distribution of Material to Council Members	This section removed as it does not relate to meeting procedures – administration function		

## Reviewed Policy – Summary of Changes



28	Mobile Devices	Removal of reference to the Presiding Member giving permission for Members to not have their phone off or on silent as this is not a part of the Presiding Members' role. Removed reference to Members being encouraged to view agendas on their electronic devices as this is not current practice.
28	Recording and Photography at Meetings	Combined section on photography at meetings with section on recording at meetings. Changed permission being granted by the Presiding Member, to permission being granted by Council as potentially all Members may be recorded/photographed so all members should have a say
29	Part 4 – Miscellaneous	Quorum for Committees amended to include (Regulation 26)
30	Part 4 – Miscellaneous	Voting at committee meetings amended to include (Regulation 27)
30	Part 4 – Miscellaneous	Points of order amended to include (Regulation 28)
30	Part 4 – Miscellaneous	Interruption of meetings by members amended to include (Regulation 29)
31	Part 4 – Miscellaneous	Interruption of meetings by others amended to include (Regulation 30)
38	Attachment - Agenda	Charter or Strategic Plan does not need to be in the front of Committee agendas

Version: 1.1.2014

South Australia

## **Local Government (Procedures at Meetings) Regulations 2013**

under the *Local Government Act 1999*

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Legislative history

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## **Part 1—Preliminary**

### **1—Short title**

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

### **2—Commencement**

These regulations will come into operation on 1 January 2014.

### **3—Interpretation**

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

*Act* means the *Local Government Act 1999*;

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

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

*formal motion* means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned<sup>1</sup>;

*Guiding Principles*—see regulation 4;

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

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

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

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

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2 This version is not published under the *Legislation Revision and Publication Act 2002* [2.1.2014]

**1.1.2014—Local Government (Procedures at Meetings) Regulations 2013**  
Preliminary—Part 1

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- (2) In the calculation of *clear days* in relation to the giving of notice before a meeting—
    - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
    - (b) Saturdays, Sundays and public holidays will be taken into account.
  - (3) For the purposes of the calculation of *clear days* under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
  - (4) For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

**Note—**

- 1 See regulation 12 for specific provisions about formal motions.

#### **4—Guiding Principles**

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

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

## **Part 2—Meetings of councils and key committees**

### **Division 1—Preliminary**

#### **5—Application of Part**

The provisions of this Part apply to or in relation to—

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

#### **6—Discretionary procedures**

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

**Local Government (Procedures at Meetings) Regulations 2013—1.1.2014**

## Part 2—Meetings of councils and key committees

## Division 1—Preliminary

- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20<sup>1</sup>.

**Note—**

- 1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—
  - (a) as determined by the council; or
  - (b) in the case of a council committee where a determination has not been made by the council—as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

**Division 2—Prescribed procedures****7—Commencement of meetings and quorums**

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.



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Meetings of councils and key committees—Part 2  
Prescribed procedures—Division 2

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**8—Minutes**

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will—
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include—
  - (a) the names of the members present at the meeting; and
  - (b) in relation to each member present—
    - (i) the time at which the person entered or left the meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - (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.

**9—Questions**

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.

**Local Government (Procedures at Meetings) Regulations 2013—1.1.2014**

Part 2—Meetings of councils and key committees

Division 2—Prescribed procedures

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- (2) If notice of a question is given under subregulation (1)—
  - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

**10—Petitions**

- (1) A petition to the council must—
  - (a) be legibly written or typed or printed; and
  - (b) clearly set out the request or submission of the petitioners; and
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

**11—Deputations**

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

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- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

**12—Motions**

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
  - (a) until after the expiration of 12 months; or
  - (b) until after the next general election,whichever is the sooner.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
- (10) A member may only speak once to a motion except—
  - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
  - (b) with leave of the meeting; or
  - (c) as the mover in reply.
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).

**Local Government (Procedures at Meetings) Regulations 2013—1.1.2014**

Part 2—Meetings of councils and key committees

Division 2—Prescribed procedures

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- (14) If the formal motion is—
- (a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
  - (b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
  - (c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
  - (d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
  - (e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
  - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

**13—Amendments to motions**

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.

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- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

**14—Variations etc**

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

**15—Addresses by members etc**

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

**16—Voting**

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3)—
  - (a) may be varied at the discretion of the council pursuant to regulation 6; and
  - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

**17—Divisions**

- (1) A division will be taken at the request of a member.

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Part 2—Meetings of councils and key committees

Division 2—Prescribed procedures

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- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
  - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
  - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

**18—Tabling of information**

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

**19—Adjourned business**

- (1) If a formal motion for a substantive motion to be adjourned is carried—
  - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

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**20—Short-term suspension of proceedings**

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under subregulation (1).
- (3) If a suspension occurs under subregulation (1)—
  - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
  - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension—
    - (i) the provisions of the Act must continue to be observed<sup>1</sup>; and
    - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
    - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
  - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
  - (d) the period of suspension will come to an end if—
    - (i) the presiding member determines that the period should be brought to an end; or
    - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

**Note—**

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

**21—Chief executive officer may submit report recommending revocation or amendment of council decision**

- (1) The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

**Local Government (Procedures at Meetings) Regulations 2013—1.1.2014**  
Part 3—Meetings of other committees

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## **Part 3—Meetings of other committees**

### **22—Application of Part**

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

### **23—Notice of meetings for members**

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- (b) that notice need not be given for each meeting separately;
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

### **24—Public notice of committee meetings**

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

### **25—Minutes**

- (1) The minutes of the proceedings of a meeting must include—
  - (a) the names of the members present at the meeting; and
  - (b) each motion carried at the meeting; and
  - (c) any disclosure of interest made by a member; and
  - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.



1.1.2014—Local Government (Procedures at Meetings) Regulations 2013  
Miscellaneous—Part 4

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## Part 4—Miscellaneous

### 26—Quorum for committees

- (1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the *prescribed number* of members of a council committee is—
  - (a) unless paragraph (b) applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
  - (b) a number determined by the council.

**Note—**

See also section 41(6) of the Act.

### 27—Voting at committee meetings

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

### 28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with—
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.

**Local Government (Procedures at Meetings) Regulations 2013—1.1.2014**  
Part 4—Miscellaneous

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**29—Interruption of meetings by members**

- (1) A member of a council or council committee must not, while at a meeting—
  - (a) behave in an improper or disorderly manner; or
  - (b) cause an interruption or interrupt another member who is speaking.
- (2) Subregulation (1)(b) does not apply to a member who is—
  - (a) objecting to words used by a member who is speaking; or
  - (b) calling attention to a point of order; or
  - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution—
  - (a) censure the member; or
  - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who—
  - (a) refuses to leave a meeting in contravention of subregulation (4); or
  - (b) enters a meeting in contravention of a suspension under subregulation (5),is guilty of an offence.  
Maximum penalty: \$1 250.

**30—Interruption of meetings by others**

A member of the public who is present at a meeting of a council or council committee must not—

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

Maximum penalty: \$500.

**Schedule 1—Revocation of *Local Government (Procedures at Meetings) Regulations 2000***

The *Local Government (Procedures at Meetings) Regulations 2000* are revoked.

**1.1.2014—Local Government (Procedures at Meetings) Regulations 2013**  
Legislative history

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## **Legislative history**

### **Notes**

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### **Principal regulations**

Year	No	Reference	Commencement
2013	278	<i>Gazette 12.12.2013 p4642</i>	1.1.2014: r 2

## 5.2 GRFMA CHARTER

**Responsible Executive Manager :** Ms Grace Pelle

**Report Author :** Mr Braden Austin

**Delegated Authority :** Matters which cannot be delegated to a Committee or Staff.

**Attachments :**

- 1. Letter from GRFMA
- 2. Current GRFMA Charter (2015) and an adjacent copy of the proposed charter

### PURPOSE

The report seeks Council's feedback regarding its support for a revised GRFMA Charter; including any proposed amendments.

### STAFF RECOMMENDATION

That Council instruct the Chief Executive Officer to write to the GRFMA Executive Officer advising Council supports the proposed Charter with the minor formatting amendments outlined in 4.4 in addition to:

- a.) Clause 3.1.3: Recommend amending "to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation.
- b.) Clause 4.2: Recommend amending to include reference that the Board to have a mix of expertise including: environmental management; corporate financial management; general management; public sector governance and public works engineering management.

### EXECUTIVE SUMMARY

The Gawler River Floodplain Management Authority (GRFMA) has resolved to review its Charter and undertake a Governance Review. These will be undertaken in two separate stages, starting with the Charter review. The Charter was last amended by resolution of constituent councils in 2015.

The new Charter was developed by a GRFMA working group consisting of one representative from each constituent Council. The proposed Charter has since undergone a legal review (Norman Waterhouse Lawyers) and has been considered by the GRFMA Board at the ordinary meeting on 18/4/19.

The proposed Charter has now been forwarded to constituent Council's for consideration and feedback. Council staff have analysed the new Charter and recommend that Council support the proposal subject to some minor drafting amendments outlined in the recommendation.

## 1. BACKGROUND

The Gawler River Floodplain Management Authority (GRFMA) is a regional subsidiary under the *Local Government Act 1999*. The City of Playford is one of six GRFMA Constituent Councils and is represented by two Board members on the 13 person GRFMA Board.

The GRFMA Board has resolved to review the GRFMA Charter. Working group discussions, legal review and proposed changes to the Charter were considered at the ordinary meeting of the GRFMA on 18 April 2019, which resolved:

*That the GRFMA*

- 1. Request a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support; and*
- 2. Reinforces to all constituent councils that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.*

The proposed GRFMA Charter is attached, as is a cover letter from the GRFMA Executive Officer.

## 2. RELEVANCE TO STRATEGIC PLAN

### 1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

The decision will impact on the governance arrangements and strategic direction of the GRFMA and hence the management of flood risk from the Gawler River.

## 3. PUBLIC CONSULTATION

There is no requirement to consult the community on this matter.

## 4. DISCUSSION

- 4.1 On the 17 May 2018 the Gawler River Floodplain Management Authority (GRFMA) Board resolved to establish a working group, consisting of one representative from each constituent Council, to consider and develop a methodology and process to facilitate delivery of a Charter and Governance Review.

Subsequently on 16 August 2018 the GRFMA Board endorsed the working group recommendation that the GRFMA Charter and Governance Review be undertaken in two phases consisting of:

- A charter review to be undertake as a shorter-term action; and
- Following the completion of the charter review a further process to scope and consider other contemporary governance arrangements be undertaken.

The meeting resolved:

*That the GRFMA*

- 1. Request a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support; and*

2. *Reinforces to all constituent councils that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.*

**4.2** Key policy and operational changes as a result of the newly drafted Charter proposals are summarised in the table below:

Clause	Proposed change
1.2	Provision of Definitions.
3.1.4	New wording to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural considerations.
3.3	New provision to provide that where a council requests the Authority to undertake an additional function separate to those undertaken by the Authority for all constituent councils a written agreement is required which includes and identifies percentage of capital costs to be met by the requesting council and identification of ownership and maintenance costs.
3.5	Provision regarding advice being sought from the Authority in relation to relevant development applications.
4.3.1.1	New provisions to identify Board and Deputy Board Members and provision for deputy members for both the CEO/CEO nominee Board Member and Council Member Board Member.
4.5.1	New process for appointment of Chairperson for a three-year term (by constituent councils) and to provide that the Authority may reappoint a Chairperson following that person's first term as Chairperson.
6.	Reworded and reorganised to reflect Role and Functions and provision for a new Code of Practice for Meeting Procedures (to be established)
7.2	Clarifies obligations of the Authority in regards to Register of Interest and Related Party Disclosures.
8.4. & 8.5	Provides authority to borrow money subject to approved budget and constituent council approval. If the Authority seeks to establish an overdraft facility, it will seek the approval of the Constituent Councils through the submission of a relevant policy to the Constituent Councils for approval.
9.4.1 & 9.4.2	Establishment of Committees - Provides opportunity for more than one independent Audit Committee member and term of appointment.
11.1	Requires separate funding agreement with constituent councils where capital or maintenance cost exceed \$1 Million in any one year.
12	Provision for Annual Business Plan and Annual Budget - clarification that Council approve the Budget as a whole.
13	New Management Framework requiring a Long-Term Financial Plan, a Strategic Plan and an Asset Management Plan as well as annual budget.
21	Clarifies dispute resolution process between Authority and one or more constituent councils.
23.3	No change to financial contributions by constituent councils NOTE Depreciation falls within the scope of the Authorities operational costs.
24	New identification of non-derogation and Direction by constituent councils.

**4.3** Attachment 2 illustrates the current GRFMA Charter (2015) alongside the proposed charter (2019).

- 4.4 Staff have analysed the proposed GRFMA charter and recommend Council support the new proposal with following additional amendments:

#### **Formatting and minor amendments to the Charter**

<b>Section</b>	<b>Clause</b>	<b>Amendment</b>
Section 1 - Introduction	1.2	<ul style="list-style-type: none"> <li>• 'Annual Business Plan'. Should refer to clause 12.2 not 13.4.</li> <li>• 'Board Member'. Should refer to clause 4.2 not 3.3.1.</li> <li>• 'Chairperson'. Should refer to clause 4.4 not 4.3.2.</li> <li>• 'Deputy Board Member'. Should refer to clause 4.3 not 4.3.1.2.</li> <li>• 'Long Term Financial Plan'. Should refer to clause 13.1 not 13.2.</li> <li>• 'Strategic Plan'. Should refer to clause 13.2 not 13.1.</li> </ul>
Section 2 - Establishment	Clause 2.2	Should include 'City of Playford'.
Section 3 – Purpose and Functions	Clause 3.2	Should refer to clause 3.3 not 3.4.
Section 11 - Financial Contributions to the Authority	Clause 11.8	Recommend amending to "...agreement with the Authority under Clauses 3.2 and 3.3..."
Section 12 - Budget and Annual Business Plan	Clause 12.1.7	Recommend amending to "...in accordance with Clause 21.1 within two months..."

#### **Gawler River Flood Mitigation**

Recommend amending clause 3.3 *"to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood plain mitigation."*

The reason for the above recommendation is that the Gawler River Floodplain overlaps with the Smith Creek Floodplain where Council is responsible for stormwater management. There is a need to reduce the potential for a GRFMA position to be in conflict with a Council position.

#### **Board Structure**

Recommend amending to include reference to the need for the Board to have a mix of expertise including: environmental management; corporate financial management; general management; public sector governance and public works engineering management.

Clause 4.2 outlines the Board structure which consists of 13 members. This comprises the Chief Executive Officers of each constituent Council and one member of each constituent Council appointed by each constituent Council. The board is chaired by a person who is neither an officer, employee nor member of a constituent Council and is appointed by the constituent Councils.

While Clause 4.2 outlines the board structure and representation it does not reference the need for a mix of expertise. It is staff's view that the Board should have a mix of expertise in line with good governance principles related to skills based boards.

- 4.5** Following Councils consideration of the proposed GRFMA Charter (**Attachment 2**) all feedback will be communicated back to the GRFMA Executive Officer. Subject to minimal alterations from the six constituent Councils, the final Charter proposal will then be forwarded to constituent Councils for formal resolution of amendment and adoption.

## 5. OPTIONS

### Recommendation

That Council instruct the Chief Executive Officer to write to the GRFMA Executive Officer advising Council supports the proposed Charter with the minor formatting amendments outlined in 4.4 in addition to:

- a.) Clause 3.1.3: Recommend amending "to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation.
- b.) Clause 4.2: Recommend amending to include reference that the Board to have a mix of expertise including: environmental management; corporate financial management; general management; public sector governance and public works engineering management.

### Option 2

That Council instruct the Chief Executive Officer to write to the GRFMA Executive Officer advising Council supports the proposed Charter with the minor formatting amendments outlined in 4.4 in addition to:

- a.) Clause 3.1.3: Recommend amending "to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with-Gawler River flood mitigation.
- b.) Clause 4.2: Recommend amending to include reference to the need for the Board to have a mix of expertise including: environmental management; corporate financial management; general management; public sector governance and public works engineering management.
- c.) Any other additional amendments Council considers necessary.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



## 6. ANALYSIS OF OPTIONS

### 6.1 Recommendation Analysis

#### 6.1.1 Analysis & Implications of the Recommendation

Staff have reviewed the proposed GRFMA Charter and recommend Council support the proposal subject to only minor amendments. The proposed amendments will be considered by the GRFMA Board, before a final GRFMA Charter is prepared. The final version of the Charter will be forwarded back to constituent Councils for formal adoption.

#### 6.1.2 Financial Implications

Clause 11 of the proposed Charter outlines the financial contributions to the authority (GRFMA) of each constituent Council. These are not proposed to change with the new Charter and are outlined in the table below:

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
Adelaide Plains Council	28.91	28.91	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
City of Playford	34.68	34.68	16.66
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Clause 11 also requires that a separate funding agreement be established with constituent councils where capital or maintenance costs exceed \$1M in any one year. This will ensure Councils will have direct decision making input into the funding of larger projects.

Clause 12 outlines the process (existing and proposed), whereby the draft GRFMA Annual Business Plan and Annual Budget is forwarded to constituent Council's for approval prior to the GRFMA's Board approval.

Under Clause 13 presently, the Charter requires only a Budget and Business Plan. The new Charter requires a Long-Term Financial Plan, a Strategic Plan and an Asset Management Plan as well as annual budget. The additional plans should help substantially improve the long term management of assets and services by the GRFMA.

It is also important to note that under Clause 23.3 depreciation falls within the scope of the GRFMA's operational costs. As noted in previous Council reports, depreciation of the GRFMA's main asset (the Bruce Eastick Dam) remains unfunded. The proposed new Charter requires development of an asset management plan and that can be expected to consider the asset lifecycles and identify any need to fund asset renewal over the long term.

## **6.2 Option 2 Analysis**

### 6.2 Analysis & Implications of Option 2

Council may wish to make additional amendments to the Charter beyond the staff recommendation.

#### 6.1.2 Financial Implications

The financial implications associated with any additional amendments are unlikely to substantially differ from those in the staff recommendation.

Gawler River Floodplain Management Authority  
266 Seacombe Road, Seacliff Park, SA 5049  
Telephone: 0407717368 Email: [davidehitchcock@bigpond.com](mailto:davidehitchcock@bigpond.com)  
Website: [www.gawler.sa.gov.au/grfma](http://www.gawler.sa.gov.au/grfma)

Mr. Sam Green  
Acting Chief Executive Officer  
City of Playford  
Playford Civic Centre, 10 Playford Boulevard  
ELIZABETH SA 5112  
By email [playford@playford.sa.gov.au](mailto:playford@playford.sa.gov.au)  
11/6/19

Dear Sam

GRFMA Charter

I am writing regarding review of the Gawler River Floodplain Management Authority (GRFMA) Charter and to seek Council feedback on the draft charter document and proposed amendments.

The Gawler River Floodplain Management Authority is established as a regional subsidiary pursuant to section 43 and Schedule 2 of the Local Government Act 1999 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. Constituent councils are City of Playford, Adelaide Plains Council, Town of Gawler, the Barossa Council, Light Regional Council, Adelaide Hills Council.

The Authority operates pursuant to its Charter which sets down the powers, functions, safeguards, accountabilities and an operational framework. The Charter was last amended by resolution of constituent councils in 2015.

On the 17/5/18 the GRFMA Board resolved to establish a working group, consisting of one representative from each constituent council, to consider and develop a methodology and process to facilitate delivery of a Charter and Governance review.

Subsequently on 16/8/18 the GRFMA Board endorsed the working group recommendation that the GRFMA Charter and Governance Review be undertaken in two phases consisting of:

- A charter review to be undertaken as a shorter-term action; and
- Following completion of the charter review a further process to scope and consider other contemporary governance arrangements be undertaken.

On completion of due process of working group meeting discussions and legal review (Norman Waterhouse Lawyers) recommendations relating to proposed changes to the Charter were considered by the 18/4/19 GRFMA ordinary meeting.

The meeting resolved:

*That the GRFMA*

1. *Request a copy of the final draft GRFMA Charter Review document, as amended, be provided to constituent councils for comment and support; and*
2. *Reinforces to all constituent councils that it will, amongst other aspects and as a priority, commit to a further review of the charter during the 2019/20 financial year that examines percentage rate contributions for each council.*

Key policy and operational changes as a result of the newly drafted Charter proposals are summarized in Table 1 below

Table 1. GRFMA Charter review proposals.

Clause	Proposed change
1.2	Provision of Definitions.
3.1.4	New wording to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural considerations.
3.3	New provision to provide that where a council requests the Authority to undertake an additional function separate to those undertaken by the Authority for all constituent councils a written agreement is required which includes and identifies percentage of capital costs to be met by the requesting council and identification of ownership and maintenance costs.
3.5	Provision regarding advice being sought from the Authority in relation to relevant development applications.
4.3.1.1	New provisions to identify Board and Deputy Board Members and provision for deputy members for both the CEO/CEO nominee Board Member and Council Member Board Member.
4.5.1	New process for appointment of Chairperson for a three-year term (by constituent councils) and to provide that the Authority may reappoint a Chairperson following that person's first term as Chairperson.
6.	Reworded and reorganised to reflect Role and Functions and provision for a new Code of Practice for Meeting Procedures (to be established)
7.2	Clarifies obligations of the Authority in regards to Register of Interest and Related Party Disclosures.
8.4. & 8.5	Provides authority to borrow money subject to approved budget and constituent council approval. If the Authority seeks to establish an overdraft facility, it will seek the approval of the Constituent Councils through the submission of a relevant policy to the Constituent Councils for approval.
9.4.1 and 9.4.2	Establishment of Committees - Provides opportunity for more than one independent Audit Committee member and term of appointment.
11.1	Requires separate funding agreement with constituent councils where capital or maintenance cost exceed \$1 Million in any one year.
12	Provision for Annual Business Plan and Annual Budget - clarification that Council approve the Budget as a whole.
13	New Management Framework requiring a Long-Term Financial Plan, a Strategic Plan and an Asset Management Plan as well as annual budget.
21	Clarifies dispute resolution process between Authority and one or more constituent councils.
23.3	No change to financial contributions by constituent councils NOTE Depreciation falls within the scope of the Authorities operational costs.
24	New identification of non-derogation and Direction by constituent councils.

See attached for documents containing the:

- Current charter (2015) and an adjacent copy of the proposed charter with all accepted alterations (clean version): and
- Current charter (2015) and an adjacent copy of the proposed charter which displays the various clause alterations and rearrangements (tracked version) against the existing charter.

I would be pleased if Council would now consider the final draft GRFMA Charter Review document and then provide relevant comment and indication of support to [davidehitchcock@bigpond.com](mailto:davidehitchcock@bigpond.com) by Monday 15 July 2019.

For clarity, council consideration and indication of support is not expected to be a formal vote on the proposal to accept and adopt the proposed new GRFMA charter, as per clause 18.2.

Rather, once all six constituent councils have provided feedback and indication of support and subject to minimal alteration requirements, the final Charter proposal will then be forwarded to constituent councils for formal resolution of amendment and adoption.

Should any matter require clarification please contact me on 0407717368.

Yours Sincerely



David Hitchcock  
Executive Officer

GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	<p data-bbox="1339 268 1998 300"><b>1. INTRODUCTION</b></p> <p data-bbox="1160 331 1998 446"><b>1.1 Name</b> The name of the subsidiary is the Gawler River Floodplain Management Authority (referred to as 'the Authority' in this Charter).</p> <p data-bbox="1160 478 1998 1324"><b>1.2 Definitions</b></p> <p data-bbox="1339 542 1998 598">'AASB124' means Australian Accounting Standards Board's Accounting Standard AASB124 Related Party Disclosure;</p> <p data-bbox="1339 630 1998 686">'Act' means the Local Government Act 1999 and includes all regulations made thereunder;</p> <p data-bbox="1339 718 1998 774">'Annual Business Plan' means the business plan adopted by the Authority pursuant to Clause 13.4;</p> <p data-bbox="1339 805 1998 861">'Annual General Meeting' means the annual general meeting of the Authority;</p> <p data-bbox="1339 893 1998 981">'Asset Management Plan' means the asset management plan adopted by the Authority and approved by the Constituent Councils in accordance with Clause 13.3;</p> <p data-bbox="1339 1013 1998 1053">'Board' means the Board of the Authority set out at Clause 4;</p> <p data-bbox="1339 1085 1998 1141">'Board Member' means a member of the Board appointed pursuant to Clause 3.3.1;</p> <p data-bbox="1339 1173 1998 1228">'Budget' means the annual budget adopted by the Authority pursuant to Clause 12;</p> <p data-bbox="1339 1260 1998 1316">'Chairperson' means the member of the Board appointed pursuant to Clause 4.3.2;</p>

## GRFMA Charter CURRENT 2015

## GRFMA Charter PROPOSED 2019

**'Constituent Councils'** means those councils identified at Clause 2.2.

**'Council'** means a council constituted under the Act;

**'Council Member'** means a member of a Council;

**'Deputy Board Member'** means a deputy member of the Board appointed pursuant to Clause 4.3.1.2;

**'Dispute'** means a difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority and includes where a Constituent Council fails or refuses to approve the draft asset management plan, budget, or long term financial plan as advised by the Authority;

**'Financial Statements'** has the same meaning as in the Act;

**'Financial Year'** means 1 July each year to 30 June in the subsequent year;

**'Long Term Financial Plan'** means the long term financial plan adopted by the Authority and approved by the Constituent Councils pursuant to Clause 13.2;

**'Executive Officer'** means the person appointed pursuant to Clause 10.1 as the Executive Officer of the Authority;

**'Region'** means the collective geographical areas of the Constituent Councils;

**'Strategic Plan'** means the strategic plan adopted by the Authority pursuant to Clause 13.1.

1.2.1 In the calculation of 'days':

GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	<p>1.2.1.1 the day on which the notice, document, report, etc is given will not be taken into account; and</p> <p>1.2.1.2 Saturdays, Sundays and public holidays will be taken into account.</p>
	<p><b>1.3 Interpretation</b></p> <p>In this Charter, unless the context otherwise requires:</p> <p>1.3.1 the singular includes the plural and vice versa;</p> <p>1.3.2 words importing a gender include other genders;</p> <p>1.3.3 words importing natural persons include corporates;</p> <p>1.3.4 reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;</p> <p>1.3.5 headings are for ease of reference only and do not affect the construction of this clause;</p> <p>1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter.</p>
	<p><b>1.4 Local Government Act</b></p> <p>1.4.1 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act.</p> <p>1.4.2 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as</p>



GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	modified by this Charter in a manner permitted by Schedule 2.
<p><b>1. ESTABLISHMENT</b></p> <p>1.1 The Gawler River Floodplain Management Authority ('the Authority') is established by the Constituent Councils as a regional subsidiary pursuant to section 43 and Schedule 2 ('the Schedule') of the <i>Local Government Act 1999</i> ('the Act').</p> <p><b>2. CONSTITUENT COUNCILS</b></p> <p>2.1 The Authority is established by the City of Playford, District Council of Mallala, Town of Gawler, The Barossa Council, Light Regional Council and the Adelaide Hills Council ('the Constituent Councils').</p> <p>2.2 The Authority is subject to the joint direction of the Constituent Councils.</p>	<p><b>2. ESTABLISHMENT</b></p> <p>2.1 The Gawler River Floodplain Management Authority is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 of the <i>Local Government Act 1999</i>.</p> <p>2.2 The Authority is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler and the Light Regional Council.</p> <p>2.3 The Authority is subject to the joint direction of the Constituent Councils.</p>
<p><b>3. PURPOSE</b></p> <p>3.1 The Authority has been established for the following purposes:</p> <p>3.1.1 to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;</p> <p>3.1.2 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;</p> <p>3.1.3 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River;</p>	<p><b>3. PURPOSE AND FUNCTIONS</b></p> <p>3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:</p> <p>3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;</p> <p>3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;</p> <p>3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative and policy changes on matters related to flood</p>

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<p>3.1.4 upon application of one or more Constituent Councils pursuant to clause 12.4:</p> <p>3.1.4.1 to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and</p>	<p>mitigation and management and associated land use planning within the Gawler River Floodplain;</p> <p>3.1.4 to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration;</p> <p>3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.</p> <p>3.2 One or more of the Constituent Councils may request the Authority to undertake a function set out in Clause 3.4 of this Charter for the Constituent Council(s), which function will be additional and separate to those undertaken by the Authority for all of the Constituent Councils.</p> <p>3.3 Where one or more Constituent Councils makes a request provided for under Clause 3.2, the Constituent Council(s) and the Authority must enter into a written agreement which amongst other things provides for the Constituent Council(s) to pay to the Authority annual subscription amounts and/or equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function(s) and which also provides, with the ownership and maintenance of any resultant infrastructure.</p> <p>3.4 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.</p>

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<p>3.1.4.2 to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.</p> <p>3.2 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.</p>	
<p><b>4. THE BOARD - ROLE AND MEMBERSHIP</b></p>	<p><b>4. THE BOARD OF MANAGEMENT</b></p>
<p>4.1 The Authority will be governed by a Board.</p>	<p><b>4.1 The Board</b></p>
<p>4.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority observes the objectives set out in this Charter, that information provided to the Constituent Councils is accurate and that Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority:</p>	<p><b>4.1.1</b> The Authority will be governed by a Board and all decisions of the Board constitute decisions of the Authority.</p> <p><b>4.1.2</b> The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority complies with all legislative obligations including this Charter, that information provided to the Constituent Councils is accurate and that the Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority.</p>
<p>4.3 The Board will comprise:</p> <p>4.3.1 One independent person who is not an officer, employee or elected member of a Constituent Council appointed by absolute majority of the Constituent Councils as the Chairperson for a term of two years and who has expertise in one or more of the following areas:</p> <ul style="list-style-type: none"> <li>(a) environmental management</li> <li>(b) corporate financial management</li> <li>(c) general management</li> <li>(d) public sector governance</li> </ul>	<p><b>4.2 Board Members</b></p> <p><b>4.2.1</b> The Board will consist of 13 Board Members comprising:</p> <p><b>4.2.1.1</b> the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and</p> <p><b>4.2.1.2</b> one member of each Constituent Council appointed by each Constituent Council.</p> <p><b>4.2.2</b> A Board Member is at the expiry of his or her term of office eligible for reappointment.</p>

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<p>4.3.2 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.</p>	<p>4.2.3 Board Members (with the exception of the Chairperson) shall not be entitled to receive a sitting fee or other fee or remuneration for undertaking their role as a Board Member.</p> <p>4.2.4 Written confirmation from the Chief Executive Officer of a Constituent Council will be sufficient evidence of that Constituent Council's appointment or revocation of the appointment of a Board Member.</p> <p>4.2.5 In the event the office of a Board Member becomes vacant, the Constituent Council who appointed that Board Member will appoint another elected member to fill that vacancy:</p> <p>4.2.5.1 if the Board Member whose office has become vacant was an elected member of a Constituent Council;</p> <p>4.2.5.2 if the Board Member whose office has become vacant was a person nominated by the Chief Executive Officer of a Constituent Council, the Chief Executive Officer of that Constituent Council will act as a Board Member or nominate a person to be a Board Member.</p> <p>4.3 <b>Deputy Board Member</b></p> <p>4.3.1 Each Constituent Council must appoint:</p> <p>4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and</p>

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	<p>4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member.</p>
<p>4.3.3 Each of the Constituent Councils will appoint two persons to the Board. The Constituent Councils' appointees shall be the Chief Executive Officer of the Constituent Council or his or her nominee plus one elected member of the Constituent Council.</p>	<p><b>4.4 Chairperson</b></p>
<p>4.3.4 Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member who may attend Board Meetings in the place of a Council Board Member who is absent.</p>	<p><b>4.4.1</b> A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils and who the Constituent Councils consider has expertise in one or more of the following areas:  (a) environmental management  (b) corporate financial management  (c) general management  (d) public sector governance</p>
<p>4.3.5 The Board may appoint observers to the Board. Such appointees will not be entitled to vote at meetings.</p>	<p><b>4.4.2</b> In the event the Chairperson is absent or unable for whatever reason to act as Chairperson, the Board will elect a Board Member as the Acting Chairperson for the period the Chairperson is absent or unable to act as Chairperson.</p>
<p>4.3.6 Board members (with the exception of the Chairperson), shall not be entitled to receive a sitting fee.</p>	<p><b>4.4.3</b> The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.</p>

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<p>4.3.7 The Board may pay a sitting fee to the Chairperson in such amount as determined by the Board.</p> <p>4.4 A certificate signed by the Chief Executive Officer of the appointing Constituent Council will be sufficient evidence of appointment.</p> <p>4.5 In the absence of the Chairperson, the Board will elect a temporary acting Chairperson from amongst their members.</p>	<p>4.4.4 The Authority may at the expiry of the Chairperson’s term of office as Chairperson appoint the Chairperson for a further term of up to three years and otherwise on the same terms and conditions as the Chairperson’s original appointment.</p> <p>4.4.5 The Authority may pay a sitting fee to the Chairperson in such amount as determined by the Authority.</p> <p>4.4.6 The Chairperson will preside at all meetings of the Board and in the event the Chairperson is absent from a meeting, the Board must select a Board Member present to preside at that meeting only.</p> <p>4.4.7 In the event there is a vacancy in the office of Chairperson, the Board will elect a Board Member to act as Chairperson for the balance of the original term or the appointment of a Chairperson, whichever occurs first.</p>
<p><b>5. TERM OF OFFICE - THE BOARD</b></p> <p>5.1 Subject only to the following subclauses, the term of office of each member of the Board, (with the exception of the Chairperson), will be as determined by the Constituent Council responsible for the appointment of the member and the Constituent Councils express a preference that members of the Board are appointed following each election of the Constituent Council for the term of the Council.</p> <p>5.2 The Board may by a two-thirds majority vote of the members present (excluding the member subject to this clause) make a recommendation to the Constituent Council responsible for the appointment of the relevant member, that the Constituent Council terminate the appointment of the member in the event of:</p>	<p><b>5. TERM OF OFFICE</b></p> <p>5.1 Subject to Clause 5.2, the term and other conditions of office of a Board Member, will be as determined by the Constituent Council appointing that Board Member.</p> <p>5.2 The Constituent Councils will as far as practicable appoint Board Members, other than those Board Members who are the Chief Executive Officers of the Constituent Councils, following each periodic election of the Constituent Council until the next periodic election of the Constituent Council.</p> <p>5.3 The Board may by a two-thirds majority vote of the Board Members present (excluding the member subject to this clause) make a recommendation to the Constituent Council that appointed the relevant Board Member, that the Constituent Council terminate the appointment of that Board Member in the event of:</p>

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5.2.1	any behaviour of the member which in the opinion of the Board amounts to impropriety;	5.3.1	any behaviour of the Board Member which in the opinion of the Authority amounts to impropriety;
5.2.2	serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;	5.3.2	serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
5.2.3	breach of fiduciary duty to the Board;	5.3.3	breach of fiduciary duty to the Authority;
5.2.4	breach of the duty of confidentiality to the Board or the Constituent Councils;	5.3.4	breach of the duty of confidentiality to the Authority or the Constituent Councils;
5.2.5	breach of the conflict of interest rules of the Board; or	5.3.5	breach of the conflict of interest requirements applying to the Board Member; or
5.2.6	any other behaviour which may discredit the Board.	5.3.6	any other behaviour which may discredit the Authority or a Constituent Council.
5.3	The Board may by a two-thirds majority vote of the members present (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:	5.4	The Authority may by a two-thirds majority vote of the Board Members present at a Board meeting (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:
5.3.1	any behaviour of the Chairperson which in the opinion of the Board amounts to impropriety;	5.4.1	any behaviour of the Chairperson which in the opinion of the Authority amounts to impropriety;
5.3.2	serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;	5.4.2	serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
5.3.3	breach of fiduciary duty to the Board;	5.4.3	breach of fiduciary duty to the Authority;
5.3.4	breach of the duty of confidentiality to the Board or the Constituent Councils;	5.4.4	breach of the duty of confidentiality to the Authority or the Constituent Councils;
5.3.5	breach of the conflict of interest rules of the Board; or	5.4.5	breach of the conflict of interest requirements applying to a Board Member; or

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5.3.6 any other behaviour which may discredit the Board.	5.4.6 any other behaviour which may discredit the Authority or a Constituent Council.
5.4 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.	5.5 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint a Board Member to fill the vacancy.
	5.6 A Board Member will cease to hold office and his or her office will become vacant:
	5.6.1 if any of the grounds or circumstances in the Act as to when a Board Member's office becomes vacant arises;
	5.6.2 if he or she is convicted of an indictable offence punishable by imprisonment;
	5.6.3 if the Constituent Council which appointed the Board Member ceases to be a Constituent Council;
	5.6.4 in relation to a Board Member who is the Chief Executive Officer (or his or her nominee) of a Constituent Council, if the Board Member ceases to be an employee of the Constituent Council that he or she was an employee of at the time he or she was appointed or the Constituent Council by which the Chief Executive Officer or his or her nominee is employed ceases to be a Constituent Council;
	5.6.5 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member;
	5.6.6 if a Constituent Council revokes the appointment of a Board Member appointed by that Constituent Council.
<b>6. PROCEEDINGS OF THE BOARD</b>	<b>6. ROLE, FUNCTIONS AND PROCEEDINGS OF THE BOARD</b>
6.1	6.1 Role of the Board



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<p>Subject only to the extent that they are modified by this clause, the proceedings of the Board will be the same as those for committees of Council as defined in Part 2 of Chapter 6 of the Act and in accordance with the Regulations for 'Other Committees' comprised in Part 2 of the Local Government (Proceedings at Meetings) Regulations 2000.</p> <p>References in Part 2 of Chapter 6 of the Act to 'the Chief Executive Officer' shall be read as if they were references to the Executive Officer of the Authority and references to 'the Council' or 'the committee' shall be read as if they were references to the Authority.</p> <p>To the extent that this Charter and the Act and its associated Regulations are silent, the Board may determine its own meeting procedures.</p> <p>6.2 Subject only to the special provisions of this clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members will comprise half the members plus one. A time limit of 30 minutes shall apply from the advertised time of the meeting in which to reach a quorum. Failure to reach a quorum within this time limit shall result in a failed meeting.</p>	<p>The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.</p> <p>6.2 <b>Functions of the Board</b></p> <p>In addition to the functions of the Board set out in the Act, the functions of the Board include:</p> <p>6.2.1 the formulation of Strategic and Business Plans in accordance with Clause 13;</p> <p>6.2.2 providing professional input and policy direction to the Authority;</p> <p>6.2.3 ensuring strong accountability and stewardship of the Authority;</p> <p>6.2.4 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;</p> <p>6.2.5 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;</p> <p>6.2.6</p>

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	<p data-bbox="1341 231 1962 288">developing and adopting such policies and procedures as give effect to good governance and administrative practices;</p> <p data-bbox="1211 292 1267 316"><b>6.2.7</b></p> <p data-bbox="1341 323 1973 408">exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and</p> <p data-bbox="1211 411 1267 435"><b>6.2.8</b></p> <p data-bbox="1341 443 1928 501">avoiding investments that are speculative or hazardous by nature.</p>

6.3 For the purpose of this clause, the contemporaneous linking together by an audio-visual or other interactive means, but excluding telephones ('telecommunication meeting') of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board members taking part in the telecommunications meeting, must be able to hear and be heard by each of the other Board members present. At the commencement of the meeting, each Board member must announce his/her presence to all other Board members taking part in the meeting. A Board member must not leave a telecommunication meeting by disconnecting his/her, audio visual or other communication equipment, unless that Board member has previously notified the Chairperson of the meeting.

**6.3 Proceedings of the Board**

**6.3.1** All meetings of the Authority shall be meetings of the Board.

**6.3.2** Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.

**6.3.3** An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.

**6.3.4** For the purpose of this Clause 6.3, the contemporary linking together by telephone, audio-visual or other instantaneous means (telecommunications meeting) of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.

**6.3.5** A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Authority where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be deemed a resolution of the Board and will be as valid and

effective as if it had been passed at a meeting of the Board duly convened and held.

**6.3.6**

Subject to Clause 6.3.7, meetings of the Board will be open to the public and Chapter 6 Part 3 extends to the Authority as if it were a Council and the Board Members were members of the Council.

**6.3.7**

Any Constituent Council, the Chairperson or three Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.

**6.3.8**

On receipt of a written request pursuant to Clause 6.3.12, the Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.

**6.3.9**

A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

**6.3.10**

The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.

**6.3.11**

The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three years.

**6.3.12**

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<p>6.4 In the event that there is not a quorum present at two consecutive meetings of the Board, then an extraordinary meeting of the Board may be convened in the same manner as for a special meeting (see Clause 6.1), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member representing each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on the subsidiary and all members of the Board and the Constituent Councils.</p> <p>6.5 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the members present and entitled to vote on the matter. Both members from each Constituent Council present are entitled to vote on a matter. Voting members are entitled only to a deliberative vote. Board members may not vote by proxy.</p> <p>6.6 In the event of equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed and may at some time later be reconsidered.</p> <p>6.7 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.</p> <p>6.8 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of six members of the Board representing all of the Constituent Councils.</p> <p>6.9 Notice of all meetings will be given in accordance with the provisions applicable to a committee meeting under Part 2 of Chapter 6 of the Act and the associated Regulations.</p>	<p>In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.</p>

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6.10	Meetings of the Board will be open to the public unless the Board so resolves to exclude the public pursuant to Section 90 of the Act.	
6.11	All members must keep confidential all documents and any information provided to them in confidence for their consideration prior to a meeting of the Board	
6.12	The Board must ensure that accurate written minutes of its proceedings are kept and are produced for verification at the subsequent meeting of the Board.	
	<b>7. PROPRIETY OF MEMBERS OF THE BOARD</b>	<b>7. PROPRIETY OF MEMBERS OF THE BOARD</b>
7.1	The principles regarding conflict of interest prescribed in the Act will apply to all members of the Board as if they were elected members of a Council.	<b>7.1</b> Subject to Clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a Council and the Authority was a Council.
7.2	The members of the Board will not be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.	<b>7.2</b> Board Members must comply with Division 2, Chapter 5 (Register of Interests) of the Act and to use all reasonable efforts to assist the Authority to comply with any obligations including regarding related party disclosures as set out in AASB124.
7.3	The members of the Board will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2.	<b>7.3</b> Board Members must act in accordance with their duties of confidence and other legal and fiduciary duties including honesty and the exercise of reasonable care and diligence to the Authority as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
		<b>7.4</b> Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of members of a Council and public officers under the Act and other South Australian legislation apply to Board Members.
	<b>8. POWERS</b>	<b>8. POWERS</b>

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8.1	The Authority is constituted as a body corporate under the Act and in all things acts through the Board.	8.1	The Authority is constituted as a body corporate under the Act and in all things acts through the Board.
8.2	The Authority has:	8.2	The Authority has subject, where relevant to Clauses 8.3, 8.4 and 8.5:
8.2.1	the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;	8.2.1	the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;
8.2.2	the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation.	8.2.2	the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation.
8.2.3	the power to sue and be sued in its corporate name;	8.2.3	the power to sue and be sued in its corporate name;
8.2.4	the power to enter into any kind of contract or arrangement;	8.2.4	the power to enter into any kind of contract or arrangement;
8.2.5	the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;	8.2.5	the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;
8.2.6	the power to set aside surplus revenue for future capital expenditure;	8.2.6	the power to set aside surplus revenue for future capital expenditure;
8.2.7	the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;	8.2.7	the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
8.2.8	the power to establish committees;	8.2.8	the power to establish committees, in accordance with Clause 9;
8.2.9	the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and except for any of the powers set out in section 44 of the Local Government Act 1999, (where such powers are applicable to a Subsidiary); and	8.2.9	the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Rule 8.2.2 and any of the powers set out in section 44 of the Act, (where such powers are applicable to the Authority); and

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8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.	<b>8.2.10</b> the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
8.3 The Authority shall not act outside of the areas of the Constituent Councils without their prior approval that approval shall only be granted upon the basis that the Councils consider it necessary or expedient for the performance of their or the Authority's functions.	<b>8.3</b> The Authority has the power to incur expenditure as follows:
	<b>8.3.1</b> in accordance with a budget adopted by the Authority under Clause 12; or
	<b>8.3.2</b> with the prior approval of the Constituent Councils; or
	<b>8.3.3</b> in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.
	<b>8.4</b> Subject to Clause 8.5, the Authority has the power to borrow money as follows:
	<b>8.4.1</b> in accordance with a budget adopted by the Authority under Clause 12; or
	<b>8.4.2</b> with the prior approval of the Constituent Councils.
	<b>8.5</b> Unless otherwise approved by the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:
	<b>8.5.1</b> must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and
	<b>8.6</b> The Authority shall not act outside of the areas of the Constituent Councils without their prior approval and that approval shall only be granted upon the basis that the Constituent Councils consider it necessary or expedient for the performance of their or the Authority's functions.



GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
8.4 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairman of the Board and one other Board member.	8.7 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson and one other Board Member.
8.5 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.	8.8 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.
8.6 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.	8.9 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.
	<p data-bbox="1339 778 1998 802"><b>9. ESTABLISHMENT OF COMMITTEES</b></p> <p data-bbox="1155 834 1998 866">9.1 The Authority may establish committees.</p> <p data-bbox="1155 898 1998 954">9.2 A member of a committee holds office at the pleasure of the Board.</p> <p data-bbox="1155 986 1998 1074">9.3 Without limiting the Board's power to establish additional committees, the following committees are established: (i) Audit Committee.</p> <p data-bbox="1155 1106 1998 1137">9.4 <b>Audit Committee</b></p> <p data-bbox="1211 1169 1998 1257">9.4.1 The Audit Committee shall be composed of no more than three members of whom at least one shall be a person who is not a member of the Board ("Independent Member").</p>

GRFMA Charter CURRENT 2015		GRFMA Charter PROPOSED 2019	
		<p><b>9.4.2</b> Members of the Audit Committee will be appointed by the Board biennially and at the expiry of a term of appointment are eligible for reappointment.</p> <p><b>9.4.3</b> The Independent Member (or one of the Independent Members if there is more than one) shall be appointed by the Authority as the Chair of the Audit Committee. The Chair of the Audit Committee shall be paid such honorarium as the Authority determines.</p> <p><b>9.4.4</b> Members of the Audit Committee must as far as practicable have recent and relevant financial, risk management or internal audit experience relevant to the functions of the Audit Committee as determined by the Authority.</p> <p><b>9.4.5</b> The functions of the Audit Committee include:</p> <p><b>9.4.5.1</b> reviewing annual Financial Statements of the Authority to ensure they provide a timely and fair view of the state of affairs of the Board; and</p> <p><b>9.4.5.2</b> liaising with the external auditors of the Authority; and</p> <p><b>9.4.5.3</b> reviewing the adequacy of the accounting, internal auditing, reporting, internal control and other financial management systems and practices of the Authority on a regular basis;</p> <p><b>9.4.5.4</b> Considering and advising the Authority on risk management.</p>	
<b>9. ADMINISTRATIVE MATTERS</b>		<b>10. ADMINISTRATIVE MATTERS</b>	
9.1	There will be an Executive Officer of the Authority appointed by the Board on terms and conditions to be determined by the Board.	<b>10.1</b>	There will be an Executive Officer of the Authority appointed by the Authority on terms and conditions to be determined by the Authority.
9.2	The Executive Officer will be responsible to the Board:	<b>10.2</b>	The Executive Officer will be responsible to the Board:

GRFMA Charter CURRENT 2015				GRFMA Charter PROPOSED 2019	
9.2.1	to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;			10.2.1	to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;
9.2.2	for the efficient and effective management of the operations and affairs of the Board;			10.2.2	for the efficient and effective management of the operations and affairs of the Authority;
9.2.3	to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and			10.2.3	to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and
9.2.4	to give effect to the principles of human resource management generally applicable within the local government industry.			10.2.4	to give effect to the principles of human resource management generally applicable within the local government industry.
9.3	The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.			10.3	The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Authority from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.
9.4	The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.			10.4	The Authority may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
9.5	The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.			10.5	The Authority may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.
<b>10. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY</b>				<b>11. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY</b>	
10.1	The contributions of the Constituent Councils shall be based on the following percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority.			11.1	The contributions of the Constituent Councils shall be based on the percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority in accordance with Schedule 1. Where the capital and/or maintenance cost exceeds \$1 Million in any given year, then Clause 11.7 shall apply.
	Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %	
	Adelaide Hills Council	1.73	1.73	16.66	

GRFMA Charter CURRENT 2015				GRFMA Charter PROPOSED 2019	
Adelaide Plains Council	28.91	28.91	16.66		
The Barossa Council	8.67	8.67	16.66		
Town of Gawler	17.34	17.34	16.66		
Light Regional Council	8.67	8.67	16.66		
City of Playford	34.68	34.68	16.66		
Total	100%	100%	100%		
10.2	The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the following financial year. This will be achieved via the business plan and the annual budget.			11.2	The Authority will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required each financial year. This will be achieved via the business plan and the annual budget.
10.3	The Board will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Board, in the annual budget and approved by the Council, and any additional funds that are required for the continuing function of the Authority and approved by the Council, in accordance with Clause 11. The Board must provide full details regarding the need for additional funds to the Constituent Councils.			11.3	The Authority will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Authority, in the annual budget and approved by the Constituent Councils, and any additional funds that are required for the continuing function of the Authority and approved by the Constituent Council. The Authority must provide full details regarding the need for additional funds to the Constituent Councils.
10.4	The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.			11.4	The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.
10.5	Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Board.			11.5	Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Authority.
10.6	The Board is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.			11.6	The Authority is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.

<b>GRFMA Charter CURRENT 2015</b>		<b>GRFMA Charter PROPOSED 2019</b>	
10.7	The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.	<b>11.7</b>	The Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.
10.8	Where a Council or Councils enter into an agreement with the Authority under Clause 12.4 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.	<b>11.8</b>	Where a Constituent Council or Constituent Councils enter into an agreement with the Authority under Clause 3.2 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.
<b>11. BUDGET</b>		<b>12. BUDGET AND ANNUAL BUSINESS PLAN</b>	
11.1	The Authority must prepare a budget for the forthcoming financial year.	<b>12.1</b>	<b>Budget</b>
11.2	The budget must:	<b>12.1.1</b>	The Authority must prepare a budget for each financial year.
11.2.1	deal with each principal activity of the Authority on a separate basis;	<b>12.1.2</b>	The Budget must:
11.2.2	be consistent with and account for activities and circumstances referred to in the Authority's business plan;	<b>12.1.2.1</b>	deal with each principal activity of the Authority on a separate basis;
11.2.3	be submitted in draft form to each Constituent Council before 31 March for approval of its contribution for the year;	<b>12.1.2.2</b>	be consistent with and account for activities and circumstances referred to in the Authority's Annual Business Plan;
11.2.4	not be adopted by the Authority until after 31 May but before 30 September;	<b>12.1.2.3</b>	be submitted in draft form to each Constituent Council before 31 March for approval;
11.2.5	the adoption of the budget requires a two-thirds majority of the Board members present; and	<b>12.1.2.4</b>	not be adopted by the Authority until after 31 May but before 30 September;
11.2.6	identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.	<b>12.1.2.5</b>	identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
11.3	The Authority must provide a copy of its budget to each Constituent Council within five business days after adoption.	<b>12.1.3</b>	The Budget may only be adopted where two thirds of the Board Members present vote in favour of the Budget.
		<b>12.1.4</b>	The Authority must provide a copy of the adopted Budget to each Constituent Council within five clear days after adoption.
		<b>12.1.5</b>	The Authority must reconsider its Budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.

	GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
11.4	The Authority must reconsider its budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.	<b>12.1.6</b> The Authority must submit to each Constituent Council for approval, any proposed amendment to the Budget.
11.5	The Authority must submit to each Constituent Council for approval, any proposed amendment to the budget that provides for an additional contribution by the Constituent Councils.	<b>12.1.7</b> Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 21.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.
		<b>12.2</b> <b>Annual Business Plan</b>
		<b>12.2.1</b> The Authority shall have an Annual Business Plan in respect of the ensuing 12 months.
		<b>12.2.2</b> The Annual Business Plan must:
		<b>12.2.2.1</b> state the services to be provided by the Authority;
		<b>12.2.2.2</b> identify how the Authority intends to manage service delivery;
		<b>12.2.2.3</b> identify the performance targets which the Authority is to pursue;
		<b>12.2.2.4</b> provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and
		<b>12.2.2.5</b> specify the performance measures that are to be used to monitor and assess performance against targets.

	GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
11.6	Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 20.2 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.	
		<p data-bbox="1339 440 1998 499"><b>13. MANAGEMENT FRAMEWORK</b></p> <p data-bbox="1144 499 1998 555"><b>13.1 Long Term Financial Plan</b></p> <p data-bbox="1211 555 1998 762"><b>13.1.1</b> The Authority must develop and adopt in consultation with the Constituent Councils a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Authority were a council.</p> <p data-bbox="1211 762 1998 842"><b>13.1.2</b> The Authority must review its Long Term Financial Plan in consultation with the Constituent Councils.</p> <p data-bbox="1211 842 1998 1018"><b>13.1.3</b> The Authority may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.</p> <p data-bbox="1211 1018 1998 1114"><b>13.1.4</b> In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four years.</p> <p data-bbox="1144 1114 1998 1169"><b>13.2 Strategic Plan</b></p> <p data-bbox="1211 1169 1998 1369"><b>13.2.1</b> The Authority must prepare and adopt in consultation with the Constituent Councils a Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.</p>

GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	<p><b>13.2.2</b> The Authority must review its Strategic Plan in consultation with the Constituent Councils.</p> <p><b>13.2.3</b> The Authority must undertake a comprehensive review of its Strategic Plan every four years.</p> <p><b>13.3</b> <b>Asset Management Plan</b></p> <p><b>13.3.1</b> The Authority must prepare and adopt in consultation with the Constituent Councils an Asset Management Plan in a form and including such matters which, as relevant, is consistent with Section 122 of the Act as if the Authority were a council.</p> <p><b>13.3.2</b> The Authority must review its Asset Management Plan in consultation with the Constituent Councils.</p> <p><b>13.3.3</b> The Authority may at any time review its Asset Management Plan but must undertake a review of the Asset Management Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.</p> <p><b>13.3.4</b> In any event, the Authority must undertake a comprehensive review of its Asset Management Plan every four years.</p>
<p><b>12. BUSINESS PLAN</b></p> <p>12.1 The Authority shall have a rolling Business Plan in respect of the ensuing three years</p> <p>12.2 The Business Plan must:</p> <p>12.2.1 state the services to be provided by the Authority;</p> <p>12.2.2 identify how the Authority intends to manage service delivery;</p> <p>12.2.3 identify the performance targets which the Authority is to pursue;</p> <p>12.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and</p>	



GRFMA Charter CURRENT 2015		GRFMA Charter PROPOSED 2019	
12.2.5	specify the performance measures that are to be used to monitor and assess performance against targets.		
12.3	Prior to setting the draft budget each year the Authority must review the Business Plan in conjunction with the Constituent Councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.		
12.4	One or more of the Constituent Councils may request the Authority to undertake a function provided for in Clause 3.1.4 of this Charter, which function is additional to those undertaken by the Authority for all of the Constituent Councils. Where one or more Constituent Councils make a request under this Clause, the Constituent Council or Councils must enter into a written agreement with the Authority which commits the Council or Councils to annual subscription amounts and/or an equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function and which deals, amongst other things, with the ownership and maintenance of any resultant infrastructure.		
<b>13. ACCOUNTING</b>		<b>14. ACCOUNTING</b>	
	The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards. See Regulations 11 and 12, Local Government (Financial Management) Regulations 2011, in relation to particular accounting practices.	<b>14.1</b>	The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards and legislation including the Local Government (Financial Management) Regulations 2011.
<b>14. AUDIT</b>		<b>15. AUDIT</b>	
14.1	The Authority must appoint an auditor.	<b>15.1</b> <b>15.2</b>	The Authority must appoint an auditor. The Audit Committee must approve the audit strategy submitted by the external auditor before submission to the Board.

<b>GRFMA Charter CURRENT 2015</b>		<b>GRFMA Charter PROPOSED 2019</b>	
14.2	The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September. See Part 6, Local Government (Financial Management) Regulations 2011, in relation to the Authority's audit responsibilities.	15.3	The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September.
<b>15 FINANCE</b>		<b>16. FINANCE</b>	
15.1	The board must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.	16.1	The Authority may establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.
15.2	All cheques to be authorised must be signed by two members of the Board or one member of the Board and the Executive Officer.	16.2	All cheques to be authorised must be signed by two Board Members or one Board Member and the Executive Officer.
15.3	The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.	16.3	Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the auditor and been adopted by the Authority.
15.4	The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must Maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.	16.4	The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Authority and if requested, the Constituent Councils.
15.5	The 'Schedule of Constituent Councils' Interests in Net Assets' will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance to the Authority having regard to the proportionate contribution to subscriptions for each function undertaken by the Authority. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.	16.5	The Authority will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Authority must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.
		16.6	The Schedule of Constituent Councils Interests in Net Assets will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance costs incurred by the Authority having regard to the proportionate contribution by way of subscriptions for each function undertaken by the Authority. The Schedule when updated by the Authority at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the establishment of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion

<b>GRFMA Charter CURRENT 2015</b>		<b>GRFMA Charter PROPOSED 2019</b>	
15.6	Where there is any dispute as to the Schedule, Clause 20 shall apply.	<b>16.7</b>	of a Constituent Council's interests in the net assets as at 30 June in that year.  Where there is any dispute as to the Schedule, Clause 21 shall apply.
<b>16. REPORTS AND INFORMATION</b>		<b>17. REPORTS AND INFORMATION</b>	
16.1	The Authority must submit its annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.	<b>17.1</b>	The Authority must submit an annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.
16.2	Within two weeks following each ordinary meeting of the Board, the Constituent Councils shall be provided with a Key Outcomes Summary of the meeting that shall include the Achievements Against the Business Plan Report for those meetings that it is received by the Board.	<b>17.2</b>	The Authority shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.
16.3	The Board shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.		
<b>17. ALTERATION TO THE CHARTER</b>		<b>18. ALTERATION TO THE CHARTER</b>	
17.1	This charter may be amended by unanimous resolution of the Constituent Councils.	<b>18.1</b>	This charter may be amended by unanimous resolution of the Constituent Councils.
17.2	The Executive Officer of the Authority must ensure that the amended Charter is published in the <i>Gazette</i> .	<b>18.2</b>	Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Authority.
17.3	Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.		
<b>18. WITHDRAWAL OF A CONSTITUENT COUNCIL</b>		<b>19. WITHDRAWAL OF A CONSTITUENT COUNCIL</b>	
18.1	Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.	<b>19.1</b>	Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
<p>18.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding sub-clause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.</p> <p>18.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.</p>	<p>19.2 In any event a withdrawal will not become effective until 30 June following the expiry of the six months notice as required by Clause 19.1 in the preceding sub-clause. Until a withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions whilst still a Constituent Council and will continue to be responsible for ensuring the proper conduct of the affairs of the Authority.</p> <p>19.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.</p>
<p><b>19. ADDITION OF NEW MEMBER</b></p> <p>19.1 The Board may consider the addition of a new member to the Authority.</p> <p>19.2 The Constituent Councils must resolve unanimously to approve the addition of a new member to the Authority and must obtain Ministerial approval.</p> <p>19.3 The Charter shall be amended in accordance with the provisions of this Charter to address any new addition.</p>	<p><b>20. ADDITION OF NEW MEMBER</b></p> <p>20.1 The Authority may consider the addition of a Council as a Constituent Council.</p> <p>20.2 The Constituent Councils must resolve unanimously to approve the addition of a Council as a Constituent Council.</p> <p>20.3 The Charter shall be amended in accordance with the provisions of this Charter to provide for a Council becoming a Constituent Council.</p>
<p><b>20. DISPUTES</b></p> <p>20.1 In the event of any dispute or difference between the Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The Constituent Councils:</p>	<p><b>21. DISPUTES</b></p> <p>21.1 In the event of any dispute or difference between the Constituent Councils or between one or more Constituent Councils and the Authority concerning this Charter or the Authority (<b>the Dispute</b>), a party may initiate, the dispute process set out in this clause by serving a notice of dispute on all other Constituent Councils with a contemporaneous copy being served on the Authority. The parties:</p>

	GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	20.1.1 will attempt to settle the dispute or difference by negotiating in good faith;	<b>21.1.1</b> will attempt to settle the dispute or difference by negotiating in good faith;
	20.1.2 if good faith negotiations do not settle the dispute within one month of the dispute arising then the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;	<b>21.1.2</b> if good faith negotiations do not settle the dispute within one month of the Dispute arising or such longer time as the parties to the Dispute may agree, then the Dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
	20.1.3 if the dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister to dissolve the Authority; and	<b>21.1.3</b> if the Dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister wind up the Authority; and
	20.1.4 notwithstanding the existence of a dispute or difference, the Constituent Councils will continue to meet their obligations to the Authority.	<b>21.1.4</b> notwithstanding the existence of a Dispute, the Constituent Councils will continue to meet their obligations to the Authority.
20.2	In the event of any dispute or difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority, the dispute process shall be initiated by a Constituent Council, or the Authority, serving a notice of dispute on the Constituent Council or the Authority, as the case may be, with a contemporaneous copy being served on all other Constituent Councils:	For the purposes of Clause 21.2 'dispute' includes where a Constituent Council has failed or refuses to approve the draft budget advised by the Authority under Clauses 12.2.3 or 12.5 or charter amendment by the Authority under Clause 18.
	20.2.1 will attempt to settle the dispute or difference by negotiating in good faith;	
	20.2.2 if good faith negotiations do not settle the dispute or difference within one month of the dispute arising then, the dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to examine the issues and shall be nominated by the President of the Local Government Association of South Australia. The expert is an expert and not an arbitrator. The expert's determination shall be final and binding on the Constituent Council and the	

<b>GRFMA Charter CURRENT 2015</b>		<b>GRFMA Charter PROPOSED 2019</b>	
	<p>Authority. The costs of the expert will be apportioned and payable in accordance with the expert's determination; and</p> <p>20.2.3 notwithstanding the existence of a dispute or difference, the Constituent Councils and the Authority will continue to meet their obligations to each other. For the purposes of Clause 20.2 'dispute' includes where a Constituent Council has failed or refuses to approve the draft budget advised by the Authority under Clauses 11.2.3 or 11.5.</p>		
<b>20A LIMIT OF LIABILITY</b>		<b>22. LIMIT OF LIABILITY</b>	
20A.1	<p>Except insofar as Clause 12.4 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 15 of this Charter.</p>	<b>22.1</b>	<p>Except insofar as Clause 3.2 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 16 of this Charter.</p>
20A.2	<p>The liability of a Constituent Council to the Authority for any function undertaken by the Authority under clause 12.4 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.</p>	<b>22.2</b>	<p>The liability of a Constituent Council to the Authority for any function undertaken by the Authority under Clause 3.2 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.</p>
<b>21. DISSOLUTION OF THE AUTHORITY</b>		<b>23. DISSOLUTION OF THE AUTHORITY</b>	
21.1	<p>The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2.</p>	<b>23.1</b>	<p>The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2 of the Act.</p>

GRFMA Charter CURRENT 2015		GRFMA Charter PROPOSED 2019	
21.2	In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 15.	23.2	In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 16.
21.3	In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 15.	23.3	In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 16.
<b>SCHEDULE 1 - Financial Contributions</b>			
Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
Adelaide Plains Council	28.91	28.91	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
City of Playford	34.68	34.68	16.66
Total	100%	100%	100%
<b>Capital Works</b> are defined as building and engineering works that create an asset and the renewal of existing assets that has reached the end of its useful life.			

GRFMA Charter CURRENT 2015	GRFMA Charter PROPOSED 2019
	<p><b>Maintenance</b> is defined as recurrent expenditure to ensure that existing assets function as designed and are kept in good condition.</p> <p><b>Operational Costs</b> are defined as recurrent expenditure incurred to ensure that the Authority can conduct day to day functions. Depreciation falls within the scope of the Authority's operational costs.</p> <p>Consider following additional clause:</p> <p><b>24. Non-derogation and Direction by Constituent Councils</b></p> <p>24.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.</p> <p>24.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority.</p> <p>24.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.</p> <p>24.4 Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both the Constituent Councils expressed in the same or similar terms.</p> <p>24.5 For the purpose of this Clause 24, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.</p>



### 5.3 COMMONWEALTH HOME SUPPORT PROGRAM - DEED OF VARIATION

**Responsible Executive Manager :** Mr Greg Pattinson

**Report Author :** Ms Maria Callander

**Delegated Authority :** Matters which cannot be delegated to a Committee or Staff.

**Attachments :** 1 [↓](#). CHSP Deed of Variation

#### PURPOSE

To seek approval to apply the Council Seal to the Commonwealth Home Support Program (CHSP) Deed of Variation.

#### STAFF RECOMMENDATION

Council endorse the application of the Seal to the Commonwealth Home Support Program Deed of Variation.

#### EXECUTIVE SUMMARY

CHSP services offer eligible older residents supports to encourage independence at home and to access the community. These services are delivered by the Community Inclusion team and funded by the Commonwealth.

A National reform of aged care services is underway and until a new model is established, current agreements are expected to be in place until June 2022. As a result growth funding is being used by the Commonwealth to meet identified service demands.

City of Playford has received a Deed of Variation to the existing agreement to include growth funding allocation to the value of \$20,260.12 per year for the delivery of additional Home Modification Services to meet demand.

The current grant agreement with the Australian Government Department of Health for the delivery of CHSP services is valid until the 30<sup>th</sup> June 2020 for a total funding value of \$1,380,121.04 per year. The Deed of Variation will increase the annual allocation to \$1,400,381.16.

Application of the Council Seal to the Commonwealth Home Support Program (CHSP) Deed of Variation is a condition required by the Commonwealth under the Department of Finance's regulations. The increased funding cannot be provided without the application of the Council Seal to the CHSP Deed of variation.

#### 1. BACKGROUND

In October 2018, the Minister for Aged Care announced \$50 Million in growth funding for the delivery of additional CHSP services to meet increased demand. CHSP services are provided for eligible Playford residents aged over 65 years to enable them to remain living independently in their own homes and have access to community.

On 26<sup>th</sup> February 2019, Council passed a resolution endorsing the application of the Seal to the Deed of Variation for increased funding of \$68,699.00 to deliver additional domestic

assistance services. This increased the total value of the Commonwealth CHSP agreement to \$1,380,121.04 per year.

On the 20<sup>th</sup> June 2019 as part of a second round of the CHSP growth funding, City of Playford were provided with another Deed of Variation, this time for the amount of \$20,260.12, for delivery of additional Home Modification services, increasing the total value of the Commonwealth CHSP agreement to \$1,400,381.16 per year.

The increased funding will allow Council to deliver additional services to the community without further cost to Council. To receive this funding the Council Seal must be applied to the Deed of Variation.

## **2. RELEVANCE TO STRATEGIC PLAN**

### 1: Smart Service Delivery Program

Outcome 1.1 High quality services and amenities

## **3. PUBLIC CONSULTATION**

There is no requirement to consult with the community on this matter.

## **4. DISCUSSION**

Commonwealth Growth funding is allocated to enable providers to meet increased demand for services. Home modifications (e.g. ramp and rail installations and minor safety improvements in the home) is an area of service that is in high demand for our customers in Playford and therefore additional funding would allow for us to support more residents to be independent and safe in their homes. Ramp installation also allows for residents to leave their homes to access community events, e.g. Grenville social supports.

## **5. OPTIONS**

### Recommendation

Council endorse the application of the Seal to the Commonwealth Home Support Program Deed of Variation.

### Option 2

Council does not endorse the application of the Seal to the Commonwealth Home Support Program Deed of Variation and the funding is not received.

## **6. ANALYSIS OF OPTIONS**

### **6.1 Recommendation Analysis**

#### 6.1.1 Analysis & Implications of the Recommendation

##### **Recommendation:**

Council endorse application of the Seal to the Commonwealth Home Support Program Deed of Variation to accept additional funding.

- Application of the Council Seal to the Deed of Variation will enable the Council to receive growth funding for the delivery of additional home modification services to meet identified need for eligible residents.
- The increased funding will allow Council to deliver additional services to the community without further cost to Council.

##### **Option 2:**

Council do not endorse the application of the Seal to the Commonwealth Home Support Program Deed of Variation and the funding is not received.

- Without growth funding we are unable to respond to the increased service demands for our community which may impact on their independence and safety.
- There could be a reputational risk to council if eligible residents are unable to receive home modification services they require.

#### 6.1.2 Financial Implications

The increased funding will allow Council to deliver additional services to the community without further cost to Council.



# Australian Government

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## Department of Health

### Deed of Variation in relation to Agreement ID 4-7RHKNG5

#### 1. Date

This Deed is made on 19 June 2019.

#### 2. Parties

This Deed is made between:

1. The Commonwealth, as represented by Department of Health, ABN 83 605 426 759 (the 'Commonwealth'); and
2. City of Playford, ABN 99 397 793 662 (the 'Grantee').

#### 3. Context

- A. The Parties entered into an agreement on 1 July 2018 under which the Commonwealth gave a Grant to the Grantee for the Commonwealth Home Support Programme (the 'Agreement').
- B. The Parties have agreed to amend the Agreement on the Terms and Conditions contained in this Deed.

#### 4. Amendments

With effect from the Date of Execution of this Deed, the Agreement is amended:

Table 1 shows the additional funding for Home Modifications, below:

Activity Name	Activity ID	Financial Year	Additional Funding (excl. GST)	SACS (excl. GST)	GST (if applicable)	Total Additional Funding (incl. GST)
Home Modifications	4-7W5N9QY	2018-2019	\$20,260.12	\$0.00	\$0.00	\$20,260.12

\*SACS means the Social, Community, Home Care and Disability Services Industry Award 2010 supplementation.

The new total funding for affected activity/s is described in Table 2, below:

Activity Name	Activity ID	New Grant Funding (excl. GST)	SACS (excl. GST)	GST (if applicable)	New Total Funding (incl. GST)
Home Modifications	4-7W5N9QY	\$123,757.74	\$0.00	\$0.00	\$123,757.74

## 5. Entire agreement and interpretation

- 5.1 The parties confirm all the other provisions of the Agreement and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.
- 5.2 This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.
- 5.3 Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

**Signatures**

**Executed as a deed**

<b>Organisation ID:</b>	1-3AA-47
<b>Agreement ID:</b>	4-7RHKNG5

Signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through Department of Health, ABN 83 605 426 759 in the presence of:

\_\_\_\_\_  
 (Name of Departmental Representative) (Signature of Departmental Representative)  
 ...../...../.....

\_\_\_\_\_  
 (Position of Departmental Representative)

\_\_\_\_\_  
 (Name of Witness in full) (Signature of Witness)  
 ...../...../.....

Signed, sealed and delivered by City of Playford, ABN 99 397 793 662 in accordance with its rules, and who warrants that he/she is authorised to sign this Deed:

\_\_\_\_\_  
 (Name and position held by Signatory) (Signature)  
 ...../...../.....

\_\_\_\_\_  
 (Name and position held by second Signatory/Name of Witness) (Signature of second Signatory/Witness)  
 ...../...../.....

### Notes about the signature block

- If you are an **incorporated association**, you must refer to the legislation incorporating the association as it will specify how documents must be executed. This process may differ between each State and Territory. If an authorised person is executing a document on behalf of the incorporated association, you should be prepared to provide evidence of this authorisation upon request.
- If you are a **company**, generally two signatories are required – the signatories can be two Directors or a Director and the Company Secretary. Affix your **Company Seal**, if required by your Constitution.
- If you are a **company with a sole Director/Secretary**, the Director/Secretary is required to be the signatory in the presence of a witness. Affix your **Company Seal**, if required by your Constitution.
- If you are a **partnership**, the signatory must be a partner with the authority to sign on behalf of all partners receiving the grant. A witness to the signature is required.
- If you are an **individual**, you must sign in the presence of a witness.
- If you are a **university**, the signatory can be an officer authorised by the legislation creating the university to enter into legally binding documents. A witness to the signature is required.

## Schedule – Amendments to the Agreement

- *The Agreement Schedule is deleted and replaced with the updated Agreement Schedule attached.*
- *The Activity Work Plan is deleted and replaced with the updated Activity Work Plan attached.*



## **STAFF REPORTS**

### **MATTERS TO BE CONSIDERED BY THE COMMITTEE AND REFERRED TO COUNCIL**

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***Matters for Information.***

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## 5.4 GREEN ADELAIDE GRANT PROGRAM

**Responsible Executive Manager** : Mr Greg Pattinson

**Report Author** : Ms Renae Williams

**Delegated Authority** : Matters for Information.

### Purpose

In response to Council resolution 3571 from Cr Marsh, this report provides Council with information on funding options and suitable projects for submission to the Greener Neighbourhoods Grant Program.

### STAFF RECOMMENDATION

Council receives the report.

### Relevance to Strategic Plan

#### 2: Smart Living Program

Outcome 2.2 Enhanced City presentation, community pride and reputation

Outcome 2.3 Liveable neighbourhoods

### Relevance to Public Consultation Policy

Public consultation on the grant submission is not required.

### Background

Councillor Marsh moved Council resolution 3571 on 28 May 2019, requesting *‘that the Administration to provide Council with funding options & suitable projects/programs that could be submitted for funding under the Green Adelaide Grant scheme’*.

The State Government has recently announced a ‘Greener Neighbourhoods’ grant program for local councils, with applications due on 2 August 2019. The current round has \$1 million available to support projects which aim to boost greenery, cool temperatures, provide habitat for wildlife and connect people with nature. The grant application must be additional to existing programs; cannot be part of a project currently underway; and Council is required to match the funding.

The grant opportunity aligns with existing Council works that relate to increasing tree cover and vegetation, including Council’s Vegetation Management Policy which recognizes the importance of trees and native plants as community assets.

Projects that have commenced prior to grant funding approval and are a part of an existing project are excluded (including concept designs, studies, planning or land purchases) unless the funding request is for an additional enhancement.

Two opportunities for projects have been identified as meeting the grant guidelines and aligning to Council's work programs. This report provides an outline of both, however only the second will be pursued for the reasons outlined below.

## **Potential Green Adelaide Grant Bids**

### Project 1: Street tree canopy

#### *Background*

Earlier in the year Council undertook a tree canopy analysis of the City to establish a baseline for understanding the current canopy cover. This found that established areas have a canopy cover of 20-25%, while newer residential areas have between 10-16%. The 30-Year Plan for Greater Adelaide has a target to increase canopy cover by 20% by 2045 for council areas with less than 30% tree canopy cover.

In planning for an increase in the City's tree canopy cover, council needs to understand where existing tree assets are, and what condition those trees are in. A tree audit, using mobile GIS mapping software is now being undertaken by the City Operations team.

A 'Greening the Streets' project has also commenced this year. This project is developing design guides to integrate tree and landscaping outcomes into road renewal work. Put simply, when roads, footpaths or kerbs are being replaced, the street trees and associated infrastructure are replaced at the same time. Design guides for the common scenarios on City of Playford's roads will make this easier to achieve.

#### *Project*

A potential grant application to Green Adelaide for \$100k funds (\$200k project total) to undertake significant additional street tree planting. The funds would be used to:

- Significantly increase the number of trees planted in the street tree planting program;
- Trial different types of tree stock in planting programs; and
- Develop an enhanced communication component to the street-tree planting program.

#### *Funding*

Council's annual tree program budget is ineligible to be used as matching funding for the grant application. The project was developed in the event that Council's proposed 2019/20 budget would include additional tree planting funding of \$100,000. With Council's Budget consideration on 25 June, including the late announcement by the State Government to increase in the waste levy, this project will not be submitted for grant funding. However it will be retained as an opportunity for future grant rounds should appropriate funding streams become available.

### Project 2: Smith Creek Trail

#### *Background*

Smith Creek Trail is a significant linear network within the City, with a number of projects funded for different sections of the trail in the last 5 years. These include:

- The OPAL-led 'Child Friendly by Design Smith Creek trail upgrade (2013);

- Upgrade to the section near Stebonheath Road (Smith Creek Linear Park Project, 2016); and
- Footpath upgrade to the section directly east of Main North Road (2019).

Council's *Open Space Strategy 2018* further identifies the section of Smith Creek trail east of Coventry Road, Smithfield Plains, as a priority area for future work.

In 2016/17, Council completed an environmental mapping of reserves, linear open space corridors and windbreaks across the City. This project identified locations of pest weeds, significant conservation species, habitat trees and assessed the condition of native vegetation. The biodiversity condition of the Smith Creek trail is considered to be "fair", with a low diversity of species and high weed load (kikuyu, woody weeds, etc.). However, in sections it has good tree canopy cover and there are significant habitat trees that would ecologically benefit from being buffered by understorey species.

#### *Project*

A potential grant application to Green Adelaide for \$45,000 funds (\$90,000 project total) for developing a planted corridor along parts of Smith Creek. The funds would be used to:

- Create biodiversity native plant 'pods' around key habitat trees;
- Plant additional trees with the potential to become large habitat trees for future generations;
- Undertake a community engagement component through local schools; and
- Develop trail signage to communicate project and how the works support nature.

One of the key features of Smith's Creek is the large, mostly Eucalyptus, trees that provide habitat for local birds, insects and other wildlife. The presence of an understorey encourages native birds to return, keeping trees healthy.

Council has an existing relationship with Blakeview Primary School through its annual native plant provision program *Buffers to Bushland*. The proposed project would incorporate community engagement that will build on these relationships, and signage to improve local connection and sense of place.

#### *Funding*

The funding for this project will be comprised of a \$15,000 cash contribution toward materials plus \$30,000 in-kind contribution via staff time for project management and delivery. The contribution can be managed through administrative decisions on the location and nature of existing operating budgets toward minor biodiversity and planting works.

#### **Future Action**

Council staff will submit the Smiths Creek Trail project to the Greener Neighbourhoods Grant Program. The grant application will request up to \$45,000 from the State Government on the basis that Council has matching cash and in-kind contributions which fit within the grant guidelines. This work, while focusing on a new location, is part of Council's on-going program of protecting and enhancing local biodiversity.

## 5.5 UPGRADE TO HEASLIP ROAD, ANGLE VALE NORTH

**Responsible Executive Manager** : Mr Greg Pattinson

**Report Author** : Mr Andrew Smith

**Delegated Authority** : Matters for Information.

### Purpose

To provide information in response to the Motion Without Notice tabled at the Council meeting of 23 April 2019 relating to the upgrade of Heaslip Road.

### STAFF RECOMMENDATION

The information report be received by Council.

### Relevance to Strategic Plan

#### 1: Smart Service Delivery Program

Outcome 1.4 Enhanced City presentation, community pride and reputation

### Relevance to Public Consultation Policy

As this matter is for the information of Council only there is no requirement to consult with the community.

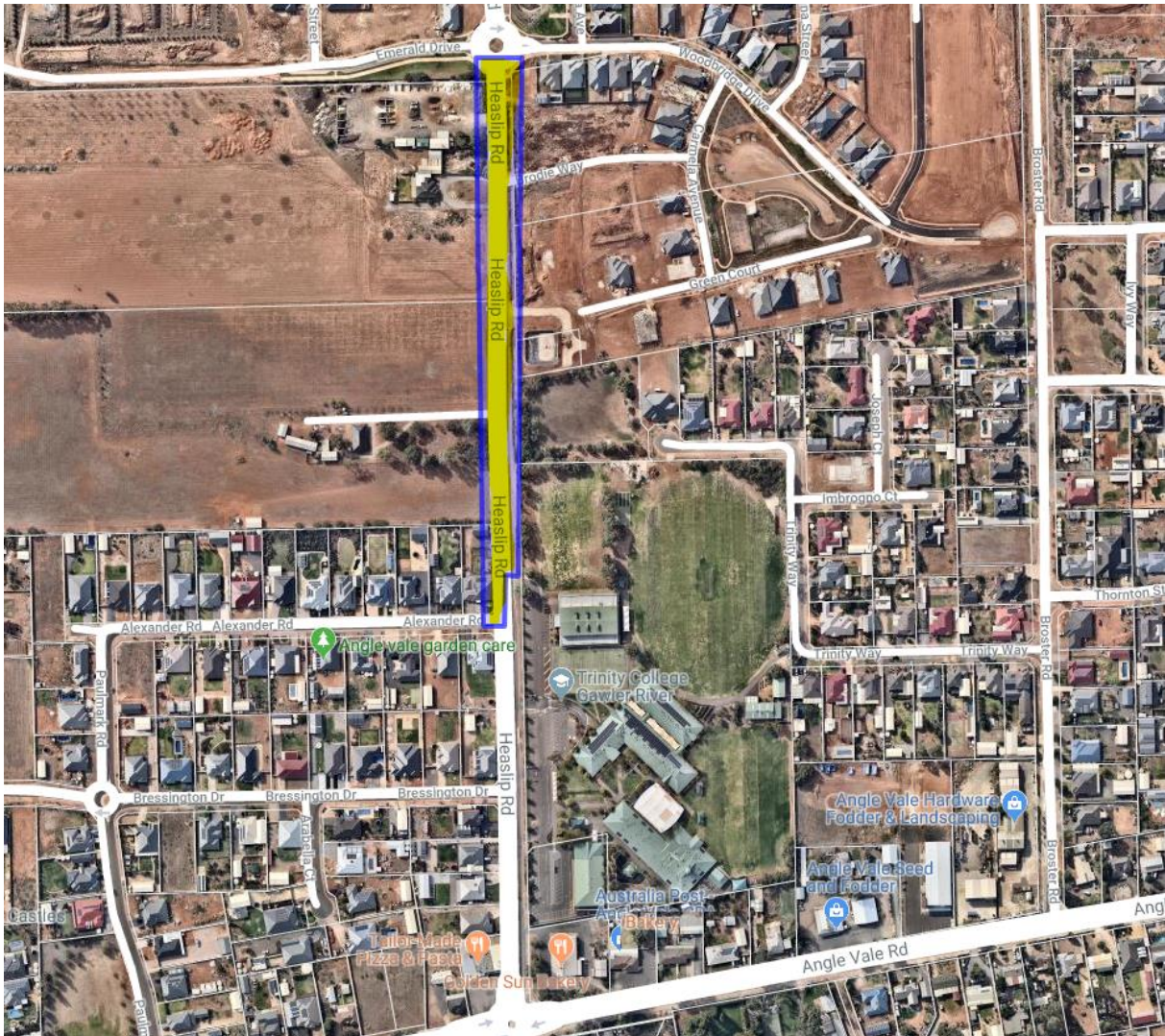
### Background

At the meeting of Council held on 23 April 2019, a Motion Without Notice was adopted requiring;

*“That a report considering parking indents be included in the upgrade to Heaslip Road, Angle Vale (North of Heaslip Road & Angle Vale Road roundabout), and that they are placed on the Eastern side of Heaslip Road be brought back to a future Council meeting.”*

The Angle Vale Growth Area Road Deed identifies the section of Heaslip Road between Alexander Drive and the Woodbridge Drive/Emerald Drive/Heaslip Road roundabout for upgrade works (**Figure 1**).

The works involve the upgrade of Heaslip Road from a rural standard to an urban standard; providing kerbing, 2-lane carriageway, painted median, bicycle lanes and footpath.



**Figure 1: Heaslip Road upgrade location; Alexander Road to Emerald Drive**

Under the Road Deed, Council is responsible for 50% funding; with developers contributing the other 50% to a Department of Planning Transport and Infrastructure (DPTI) fund.

### Current Situation

The southern section of Heaslip Road between Angle Vale Road and Alexander Road already features kerb, watertable, line-marking and a verge/footpath. Accordingly, upgrade works apply to the northern section, comprising approximately 335 metres on the western alignment (north of Alexander Road) and approx 375 metres on the eastern alignment (north of the entry driveway to Trinity College).

Council has allocated \$624,000 to fund works in this section of Heaslip Road in 2019/2020. This amount comprises Council's 50% contribution under the Road Deed plus an additional \$200,000 to install underground stormwater drainage in Heaslip Road to provide connections to the regional stormwater system in Angle Vale North.

DPTI have also committed their 50% contribution from the Road Deed fund this financial year, bringing the total funding commitment to \$1,017,000 for the road and stormwater upgrade. Council and DPTI have an in principle agreement that Council will undertake the design and construction work for this upgrade.

The Road Deed did not identify indented parking bays as a requirement for the Heaslip road upgrade and accordingly funding has not been collected from Developers or requested from Council through the annual business plan for 2019/20.

As part of the concept design process, Council's Traffic Engineers have considered the possibility that the road upgrade includes indented parking bays. From a needs perspective, the parking bays would likely be well utilised in school peak periods. It is likely that detailed design will identify the possibility for approximately 10 indented parking bays to be provided, subject to cost implications. These parking bays would be located on the eastern alignment north of the existing driveway entry into Trinity College.

### **Future Action**

In preparing designs, Council's Administration will include an option with and without 10 indented parking bays for the upgrade of Heaslip Road. Administration will provide the Council with an update as to whether the indented parking bays can be included within existing budgets once design and costings are determined later in 2019.

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# **COMMITTEE WORKPLAN**

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**8.1 Services Committee Work Plan****Attachments :**        1 [↓](#). Work Plan**Presenter:**        Mr Greg Pattinson**Purpose:**            To provide notice of upcoming reports.**Duration:**        5 Minutes

## City of Playford Services Committee WORK PLAN

Note: This Work Plan is subject to change.

Meeting Date	Topic	Report Type
20 August 2019	Caretaker Policy	Decision Report
	Elected Member Support Policy Guidelines Amendment	Decision Report
	Council Member Recognition Policy and Guidelines	Decision Report
	Complaints Handling Policy and Procedure	Decision Report
	2018/19 Quarterly Organisation Performance Report Quarter 4	Information Report
	Angle Vale Drainage	Information Report
17 September 2019	Community Emergency Management Policy	Decision Report
	Assistance During Emergency Events Policy	Decision Report
15 October 2019	Nil	