



Code of Practice for Council & Committee Meetings

Code of Practice for Council and Committee Meetings

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

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Contents

1.	Purpose.....	5
2.	Scope.....	5
3.	Legislation and References	5
4.	Definitions	5
5.	Principles	6
6.	Annotated Local Government (Procedures at Meetings) Regulations 2013.....	7
Part 1	Preliminary	7
6.1	Short Title.....	7
6.2	Commencement.....	7
6.3	Interpretation	7
6.4	Guiding Principles	8
Part 2	Meetings of Councils and Key Committees	8
6.5	Application of Part.....	8
6.6	Discretionary Procedures.....	9
6.7	Commencement of Meetings and Quorums (Regulation 7).....	10
	Special Council	10
	Agenda Structure	10
	Live Streaming and Recording.....	10
	Quorums	11
6.8	Minutes (Regulation 8).....	11
	Minutes	12
	Declarations of Interest	12
	Mayor's Report.....	12
	Leave of Absence	12
	Apologies	13
	Change in Order of Discussing Agenda Items.....	13
	Reports of Representatives of Council on Other Organisations	13

	Reports by Council Members.....	14
	Reports of Representative – Conference and Training Programs	14
6.9	Questions (Regulation 9)	14
	Questions (Without Notice or On Notice).....	14
	Questions Without Notice	15
	Questions on Notice.....	15
6.10	Petitions (Regulation 10).....	15
	Petitions	16
6.11	Deputations (Regulation 11)	16
	Deputations/Representations.....	17
6.12	Motions (Regulation 12).....	18
	Motions Without Notice	20
	Motions on Notice	20
6.13	Amendments to Motions (Regulation 13).....	20
6.14	Variations, etc. (Regulation 14).....	21
	Clarification regarding Amendments.....	21
6.15	Addresses by Members, etc. (Regulation 15).....	21
	Variation to Regulation 15(1)	21
6.16	Voting (Regulation 16)	21
	Tied Vote.....	22
	Election of Office Bearers, Representatives to Committee/External Bodies or Industry Meetings/Conferences	22
	Process to Undertake a Private Ballot	23
6.17	Divisions (Regulation 17)	24
	Divisions.....	24
6.18	Tabling of Information (Regulation 18).....	25
6.19	Adjourned Business (Regulation 19)	25
6.20	Short Term Suspension of Proceedings (Regulation 20).....	25

Speaking	26
Confidential Items	26
Mayor	26
Speaking During a Meeting.....	26
Mobile Devices.....	28
Recording and Photography at Meetings.....	28
6.21 Chief Executive Officer May Submit Report Recommending Revocation or Amendment of Council Decision (Regulation 21).....	28
Part 3 Meetings of Other Committees	28
6.22 Application of Part.....	28
6.23 Notice of Meetings for Members (Regulation 23)	28
6.24 Public Notice of Committee Meetings (Regulation 24)	29
6.25 Minutes (Regulation 25).....	29
Part 4 Miscellaneous	29
6.26 Quorum for Committees (Regulation 26).....	29
6.27 Voting at Committee Meetings (Regulation 27)	30
6.28 Points of Order (Regulation 28)	30
6.29 Interruption of Meetings by Members (Regulation 29).....	30
6.30 Interruption of Meetings by Others (Regulation 30).....	31
7 Responsibilities	31
8 Relevance to Strategic Plan.....	31
9 Accessibility	31
10 Feedback	32
11 Approval and Change History	32
Appendix A – Ordinary Council Meeting Agenda Format.....	33
Appendix B – Committee Meeting Agenda Format	36
Appendix C – Ordinary Council Meeting Minute Format	38
Appendix D – Committee Meeting Minute Format	40

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
- Motion on Notice Form
- Ordinary Council Meeting Agenda Format – Appendix A
- Committee Meeting Agenda Format – Appendix B
- Ordinary Council Meeting Minute Format – Appendix C
- Committee Meeting Minute Format – Appendix D

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.

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 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.

Electronic Means includes a telephone, computer or other electronic device used for communication.

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.

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 adjourned¹;

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.

Note —

¹See 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.
- 3a. Without limiting subregulation (3), a council may at any time, by resolution supported by the prescribed number of members of the council entitled to vote on the resolution, alter a code of practice to facilitate participation by council members in council meetings by electronic means.
- 3b. For the purposes of subregulation (3a), the prescribed number of members of a council is a number ascertained by dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one.
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) or subregulation (3a).
8. This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

¹Furthermore, 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 published on a website determined by the chief executive officer.

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.

Agenda Structure

The agenda structure for Ordinary Council Meetings will be as per Appendix A.

The agenda structure for Committee Meetings will be as per Appendix B.

Live Streaming and Recording

Council is committed to connecting with our community and providing greater accessibility to Council and committee meetings through live streaming.

Recordings will be made of all Council and Strategy and Services Committee meetings (excluding confidential items) and will be published to Council's Youtube Channel after the meeting.

While every effort will be made to ensure the live streaming is available, City of Playford takes no responsibility for, and cannot be held liable for the live streaming, if YouTube, is temporarily unavailable or due to any other technical issues beyond its control.

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 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
- 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 minute structure for Ordinary Council Meetings will be as per Appendix C.

The minute structure for Committee Meetings will be as per Appendix D.

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 must complete the applicable Declaration of Interest Form 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:

- CEO; or
- Governance.

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. 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 relevant to their role 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 verbal report to Council preferably at the next Ordinary Council Meeting following the training or conference and a written report to administration as soon as possible.

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

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

Questions 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: Where possible a question without notice should be first posed to Council administration outside of the meeting. 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 7 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 the petition; and
 - d) be addressed to the council and delivered to the council by means determined by the chief executive officer.
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 seven (7) clear days prior to the meeting to the Chief Executive Officer. If the petition is received less than seven (7) 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 council by means determined by the chief executive officer) 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

A person requesting to appear as a deputation at a meeting must submit a request to the Council close of business, Wednesday prior to the meeting. The application for deputation form is available on the Council website.

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. Questions associated with the deputation can only be answered by the person appearing as a deputation. Questions seeking clarification in relation to the deputation can be answered by staff members.

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 if 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 seven (7) clear days before the date of the meeting at which the motion is to be moved.
3. A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
4. If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought—
 - a) until after the expiration of 12 months; or
 - b) until after the next general election, whichever is the sooner.
5. Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
6. The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
7. The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
8. A motion will lapse if it is not seconded at the appropriate time.
9. A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
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 seven (7) 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 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 one 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.

Variation to Regulation 15(1)

Each Member shall speak for no more than five (5) minutes unless the Presiding Member rules otherwise or leave of the meeting is obtained.

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 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;
 - (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 of a 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 confidential voting process via a written vote at the meeting location. 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.

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 participating in the meeting.

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) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - b) subject to subregulation (3a), 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 recording 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.

Those 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 observed¹; 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—

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

Speaking

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 and verbally state Part A, specifying the reasons for moving into Confidence 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 Information Sessions, 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 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 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
 - 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

Decision-making Filter – We will ensure we meet our legislative requirements and legal obligations.

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 via email: playford@playford.sa.gov.au.

11 Approval and Change History

Version	Approval Date	Approval by	Change
5	27 Nov 2018	Council Resolution No. 3651	Scheduled review for new Council
5.1	7 Apr 2020	Council Resolution No. 3983	Addition of Appendix F <i>Electronic Participation in Council Meetings Notice (No.1) 2020</i> Amendments as per <i>Electronic Participation in Council Meetings Notice (No.1) 2020</i>
6	29 November 22	Council Resolution No. 5203	Scheduled review for new Council. Removal of Electronic Participation in Council Meetings Notice (No.1) 2020. Removal of Declarations of Interest Forms.



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

**City of Playford
Ordinary Council Meeting**

AGENDA

DAY, DATE MONTH YEAR AT TIME

ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge that this land we meet on today is the traditional land of the Kaurna people, and that we respect their spiritual relationship with their country. The City of Playford would also like to pay respects to Elders past, present and emerging.

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 Review Committee

Corporate Governance Committee

Policy Review Committee

Strategy and Services Committee

- 15 STAFF REPORTS**
- 16 INFORMAL DISCUSSION**
- 17 CONFIDENTIAL MATTERS**
- 18 CLOSURE**



NOTICE

of

COMMITTEE MEETING

*Pursuant to the provisions of Section 84(1) of the
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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

**City of Playford
Committee Meeting**

AGENDA

DAY, DATE MONTH YEAR AT TIME

ACKNOWLEDGEMENT OF COUNTRY

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4 DEPUTATION / REPRESENTATIONS

5 STAFF REPORTS

6 INFORMAL DISCUSSION

7 INFORMAL ACTIONS

8 CONFIDENTIAL MATTERS

9 CLOSURE



MINUTES

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

The meeting commenced at .

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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 Review Committee**
- Corporate Governance Committee**
- Policy Review Committee**
- Strategy and Services Committee**
- 15 STAFF REPORTS**
- 16 INFORMAL DISCUSSION**
- 17 CONFIDENTIAL MATTERS**
- 18 CLOSURE**



MINUTES

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

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3 DECLARATIONS OF INTEREST

4 DEPUTATION / REPRESENTATIONS

5 STAFF REPORTS

6 INFORMAL DISCUSSION

7 INFORMAL ACTIONS

8 CONFIDENTIAL MATTERS

9 CLOSURE