



Code Number:	1.3
Code Name:	Code of Practice for Committee Meeting Procedures
Classification:	Public – Council Code of Practice
Adopted:	12 July 2016 (Corporate and Community Services Committee)
Frequency of Review:	Biennial and after each General Election of Council
Last Review:	July 2016
Next Review Due:	July 2018
Responsible Officer(s):	Governance Officer and Chief Executive Officer
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR16/32015
Legislation Authority:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013
Related Policies and Codes:	Code of Practice for Access to Council and Committee Meetings and Council Documents Code of Practice for Council Meeting Procedures Informal Gatherings Policy
Related Procedures:	N/A

1. BACKGROUND

1.1 This Code of Practice regulates the meeting procedures of Committees established by the Council under Section 41 of the *Local Government Act 1999*, apart from the Corporate and Community Services Committee, the Infrastructure and Environmental Services Committee and other Committees to which the Council has resolved to apply Part 2 of the Regulations.

1.1.1 For the meeting procedures of the Council, the Corporate and Community Services Committee, the Infrastructure and Environmental Services Committee, and other Committees to which the Council has resolved to apply Part 2 of the Regulations, see the Code of Practice for Council Meeting Procedures.

1.1.2 For the procedures applicable to working groups, see the Code of Practice for Working Groups.

- 1.1.3 For procedures applicable to informal gatherings, please see the Informal Gatherings Policy
- 1.2 This Code of Practice must be read in conjunction with the *Local Government Act 1999* (particularly Chapter 6 Parts 2 to 4) and the *Local Government (Procedures at Meetings) Regulations 2013* (Particularly Parts 1, 3 and 4), which prevail over this Code to the extent of any inconsistency. Moreover, the Council may make any determination as to the procedures which must be observed by all or particular Committees in addition to (or to the exclusion of one or more of) the requirements of this Code of Practice.
- 1.3 In this Code, the term **Committee** means all Committees established by the Council under Section 41 of the *Local Government Act 1999*, apart from those Committees to which the Code of Practice – Council Meeting Procedures applies.

2. TIME AND PLACE OF MEETINGS

- 2.1 All ordinary and special meetings of Committees must be held in places open to the public.
- 2.1.1 A Committee meeting will be taken to be conducted in a place open to the public even if one or more Committee Members participate in the meeting by telephone or other electronic means, provided that members of the public can hear the discussion between all Committee Members.
- 2.1.2 The requirement to hold meetings in a place open to the public does not prevent some or all Committee Members from holding informal gatherings or discussions, please refer to Council's Informal Gatherings Policy for further information on informal gatherings.
- 2.2 The time and place of ordinary meetings of a Committee will be determined by the Council or, in the absence of or subject to such a determination, by the Committee itself. A determination by the Council in this regard will lapse after a general election of Council.
- 2.3 When appointing a time for the holding of an ordinary meeting of a Committee, the Council (or Committee as the case may be) must take into account the availability and convenience of members of the Committee and the nature and purpose of the Committee.
- 2.4 The Chief Executive Officer must, at the request of—
(a) the presiding member of a Committee; or
(b) at least two members of a Committee,
call a special meeting of a Committee.
- 2.5 Special Meetings of a Committee may be held at any time.

3. NOTICE OF MEETINGS

3.1 Notice to Members

- 3.1.1 Notice of a meeting of a Committee may be given in a form determined by the Committee after taking into account the nature and purpose of the Committee.
- 3.1.2 Notice need not be given for each meeting separately.
- 3.1.3 If ordinary meetings of a Committee have a set Agenda then notice of such a meeting need not contain, or be accompanied by, the Agenda for the meeting.
- 3.1.4 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.
- 3.1.5 Notice may be given to a member of a Committee —
- (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or
 - (c) by leaving the notice for the member at an appropriate place at the principal office of the Council, if authorised in writing by the member to do so; or
 - (d) by a means authorised in writing by the member as being an available means of giving notice (e.g. email).
- 3.1.6 If the Chief Executive Officer considers it impracticable to give the notice in any of the above ways, then the Chief Executive Officer, may take that he or she considers reasonably practicable in the circumstances to bring the notice to the attention of the member of the Committee, and notice is taken to have been validly given.
- 3.1.7 The Chief Executive Officer must ensure that a record of all notices of meetings given under this section is maintained.

3.2 Notice to Public

- 3.2.1 The Chief Executive Officer must ensure that notice is given to the public of the times and places of meetings of a Committee.
- 3.2.2 Public notice need not be given for each meeting separately.
- 3.2.3 Public notice may be given by displaying a notice and Agenda (which may be a 'standing' notice and, if applicable a set Agenda) on display at the principal office of the Council and on the website of the Council, and at any other place or places determined by the Chief Executive Officer after taking into account the nature and purpose of the Committee.

- 3.2.4 The Chief Executive Officer may also give notice to the public of the time and place of a meeting of a Committee in such other manner as he or she considers appropriate after taking into account—
- (a) the work of the Committee and the characteristics of the Council's community and area; and
 - (b) the best ways to bring notice of a meeting of the Committee to the public's attention; and
 - (c) such other matters as the Chief Executive Officer thinks fit.
- 3.2.5 The Chief Executive Officer must ensure that a reasonable number of copies of any document or report supplied to members of a Committee for consideration at a meeting of the Committee are available for inspection by members of the public at the Committee meeting and that a copy is available at the principal office of the Council as soon as practicable after the time when the document or report is supplied to members of the Committee (except documents which have been or which are recommended by the Chief Executive Officer to be considered in confidence — see below clause 4.3).

Where the Chief Executive Officer is mentioned, this includes a Council officer delegated or approved by the Chief Executive Officer.

4. AGENDA

- 4.1 The Chief Executive Officer must ensure that items on an Agenda given to members of a Committee are described with reasonable particularity and accuracy.
- 4.2 A Committee may have a set Agenda.
- *See clauses 3.1.3–3.1.4 regarding provision of Agendas, documents and reports to Committee members.*
- 4.3 The Chief Executive Officer may indicate on a document or report provided to members of the Committee (or on a separate notice) any information or matter contained in or arising from a document or report that may, if the Committee so determines, be considered to the exclusion of the public (i.e. in confidence), provided that the Chief Executive Officer at the same time specifies the basis on which an order to exclude the public could be made.
- *See the Code of Practice for Access to Council and Committee Meetings and Council Documents regarding orders to exclude the public from meetings and orders to keep documents or parts of documents confidential.*

5. PROCEDURES AT MEETINGS

- 5.1 The presiding member of a committee is a person appointed as such by the Council or appointed pursuant to provisions determined by the Council.
- 5.2 A Committee may determine the order in which conducts its business.
- 5.3 No business can be transacted at a meeting unless a quorum is present, where a quorum is the number ascertained by dividing the total number of member of the Committee by 2, ignoring any fraction, and adding 1.

Examples:

- A quorum for a 7-member Committee is 4 members present.
- A quorum for an 8-member Committee is 5 members present.

Note: Local Government Act 1999 Section 41(6): Where the Mayor is an ex officio member of a Committee, the Mayor will not count towards the total membership of the Committee unless the Mayor is actually present at a meeting.

5.4 Voting:

- 5.4.1 A question arising for decision at a meeting of a 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.
- 5.4.2 Each member of the Council who is a member of a Committee and who is present at a meeting of the Committee must, subject to a provision of the *Local Government Act 1999* to the contrary, vote on a question arising for decision at that meeting.
- 5.4.3 The presiding member of a 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. DECLARATION OF INTERESTS

- 6.1 A member of a Committee who has an interest in a matter before the Committee must disclose the interest to the Committee.
- 6.2 A member in making a disclosure must provide full and accurate details of the relevant interest. A Declaration of Interests form is provided to each Committee Member at each meeting to assist with completing this information for the minute taker.
- 6.3 There are three categories of conflict of interest under the Local Government Act 1999:
- material conflict of interest;
 - actual conflict of interest; and
 - perceived conflict of interest.
- 6.4 Committee Members are required to familiarise themselves with the Local Government Act 1999 provisions for Declarations of Interest (Chapter 5, Part 4, Division 3) prior to a Committee meeting:
- Subdivision 1—Material conflicts of interest: 73—Material conflicts of interest and 74—Dealing with material conflicts of interest
 - Subdivision 2—Actual and perceived conflicts of interest: 75—Actual and perceived conflicts of interest and 75A—Dealing with actual and perceived conflicts of interest

7. MINUTES

- 7.1 The Chief Executive Officer (or, where the Chief Executive Officer has been excluded from a meeting, the person presiding at the meeting) must ensure that Minutes are kept of the proceedings at every meeting of a Committee
- 7.2 The Minutes of the proceedings of a Committee 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 (including details of the relevant interest); and
 - (d) details of the making of an order to exclude the public; and
 - (e) a note of the making of an order to keep a document or a part of a document confidential.
- *See the Code of Practice for Access to Council and Committee Meetings and Council Documents regarding orders to exclude the public from meetings and orders to keep documents or parts of documents confidential.*
- 7.3 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.

8. OTHER PROCEDURES OF COMMITTEES

- 8.1 Where not otherwise prescribed by this Code of Practice or by the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013*, the procedures to be observed by Committees are:
- 8.1.1 As determined by the Council (including through the Terms of Reference of the Committee); or
 - 8.1.2 In the absence of or subject to such a determination of the Council — by the Committee itself.

9. REVIEW AND EVALUATION

The effectiveness of this Code will be reviewed on a biennial basis.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Code.

The Code will not be altered or substituted so as to affect a process already commenced.

The Code will be reviewed after each general election of Council.

10. FURTHER INFORMATION

Further information about this Code can be obtained by:-

Telephone: 8522 9211
Fax: 8522 9212
Email: council@gawler.sa.gov.au
Appointment: Town Hall, 89 – 91 Murray Street, Gawler
Letter: PO Box 130, Gawler SA 5118

11. AVAILABILITY OF CODE

The Code is available for inspection during ordinary business hours at the Council principal office, Gawler Town Hall or Library Council Offices, 89 – 91 Murray Street, Gawler or is available on the Council website at www.gawler.sa.gov.au.

A copy of this Code will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.