


**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

 <p><b>KANGAROO ISLAND COUNCIL</b></p>	<h2><b><i>Code of Practice - Meeting Procedures</i></b></h2>
<b>Classification:</b>	Statutory Code
<b>Date Adopted:</b>	12 March 2024
<b>Version Number:</b>	11
<b>Next Review date:</b>	Within 12 months of a periodic election, or in response to legislative change.
<b>Responsible Manager/s or Department:</b>	CEO: Governance
<b>Applicable Legislation</b>	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013)</i> <i>Council Member Behavioural Management Policy</i>
<b>Related Policies or Corporate Documents:</b>	Code of Practice - Access to Council and Committee Meetings and Documents Caretaker Policy
<b>Endorsed by Council:</b>	Minute Number OM87:2024

## Table of Contents

<b>INTRODUCTION.....</b>	<b>3</b>
1. Interpretation (Regulation 3) .....	4
2. Guiding Principles (Regulation 4).....	5
<b>PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES .....</b>	<b>6</b>
<b>DIVISION 1 - PRELIMINARY .....</b>	<b>6</b>
3. Application of Part (Regulation 5).....	6
4. Discretionary Procedures (Regulation 6) .....	6
<b>DIVISION 2 PRESCRIBED PROCEDURES.....</b>	<b>6</b>
5. Commencement of Meetings and Quorums (Regulation 7).....	6
6. Minutes (Regulation 8) .....	7
7. Questions (Regulation 9) .....	8
8. Petitions (Regulation 10) .....	10
9. Deputations (Regulation 11).....	11
10. Motions (Regulation 12).....	12
11. Amendments to Motions (Regulation 13).....	15
12. Variations etc. (Regulation 14).....	16
13. Addresses by Members etc. (Regulation 15) .....	16
14. Voting (Regulation 16) .....	16
15. Divisions (Regulation 17).....	18
16. Tabling of Information (Regulation 18).....	19
17. Adjourned Business (Regulation 19).....	19
18. Short-term Suspension of Proceedings (Regulation 20) .....	19
19. Chief executive officer may submit report recommending revocation or amendment of council decision (Regulation 21) .....	20
<b>PART 3 - MEETINGS OF OTHER COMMITTEES .....</b>	<b>20</b>
20. Application of Part (Regulation 22).....	20
21. Notice of Meetings for Members (Regulation 23) .....	20
22. Public Notice of Committee Meetings (Regulation 24) .....	21
23. Minutes (Regulation 25).....	21
<b>PART 4 - MISCELLANEOUS.....</b>	<b>21</b>
24. Quorum for Committees (Regulation 26) .....	21
25. Voting at Committee Meetings (Regulation 27) .....	22
26. Points of Order (Regulation 28) .....	22
27. Interruption of Meetings by Members (Regulation 29).....	22
28. Interruption of Meetings by Others (Regulation 30).....	24
29. Other Matters (Kangaroo Island Council provisions) .....	24

## **INTRODUCTION**

Kangaroo Island Council is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outline in the:

- a) *Local Government Act (the Act)*
- b) *Local Government (Procedures at Meetings) Regulations 2013 (the Regulations)*

These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions.

The variations to prescribed meeting procedures that have been adopted by Council have been inserted (in a shaded text box) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the Regulations.

The combined document is regarded as the Kangaroo Island Council's *Code of Practice for Procedures at Meetings* (Code of Practice).

The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of Kangaroo Island Council meetings.

The Council may, at any time, by resolution supported by at least 2/3 (two-thirds) of the Members entitled to vote on the resolution, alter or substitute or revoke this Code of Practice.

## **COMMITTEE MEETINGS TO BE FACILITATED BY ELECTRONIC MEANS**

In accordance with sections 89(1)(b) and 90(7a) of the Act, the Council has determined that a meeting of Committee members facilitated by electronic means, provided that at least a quorum is present, constitutes a meeting of a Committee.

Each of the Members taking part in a Committee meeting facilitated by electronic means, must, at all times, be able to hear and be heard by each of the other Members present, as well as be heard by the person recording the minutes of the meeting.

A Member participating by electronic means in a Committee meeting must not leave the meeting, by disconnecting his or her telephone, audio-visual or other communication equipment, unless that Member has previously notified the Presiding Member or Chair of the meeting.

## **1. Interpretation (Regulation 3)**

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

**“clear days”** see sub-regulation (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;

**“electronic means”** includes a telephone, computer or other electronic device used for communication.

**“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;

**“principal member”** refers to the Mayor

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

- (1) 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.
- (2) 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.

---

<sup>1</sup> See regulation 12 for specific provisions about formal motions

- (3) A vote on whether leave of the meeting is granted may be conducted by—
    - (a) a show of hands; or
    - (b) where a member is participating in a meeting by electronic means in a committee meeting which has audio only, a verbal indication of voting in the affirmative or voting in the negative,  
  
(but nothing in this subregulation prevents a division from being called in relation to the vote).
  - (4) Reference to “appear personally” includes to appear by electronic means in committee meetings only.
  - (5) For the purposes of these regulations, a member participating in a committee meeting by electronic means is taken to be present at the meeting provided that the member—
    - (a) can hear all other members present at the meeting;
    - (b) can be heard by all other members present at the meeting; and
    - (c) can be heard by the person recording the minutes of the meeting.
6. Declaration of Interest
- (i) The Provisions in relation to a Council Members interest are set out in sections 73, 74, 75 and 75A-C of the Act and Reg 8AAA in the *Local Government (General) Regulations 2013*.
  - (ii) It is a Council Member’s responsibility to ensure they are aware of, and understand, the legislative provisions relating to declaration of interest.
  - (iii) A Council Member who has an interest in a matter, as defined under sections 74 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 75B and 75C of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.
  - (iv) Council Member may seek advice about a possible interest before a meeting by contacting the CEO or Governance Department. If necessary, the CEO will facilitate the Member to contact the Council’s lawyers directly for advice, at Council’s expense.

## **2. Guiding Principles (Regulation 4)**

- (1) 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 SECTION 41 COMMITTEES**

### **DIVISION 1 - PRELIMINARY**

#### **3. Application of Part (Regulation 5)**

- (1) 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.

#### **4. Discretionary Procedures (Regulation 6)**

- (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 2/3 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) Council will review the operation of a code of practice following a general election of Council.
- (3) A council may at any time, by resolution supported by at least 2/3 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 the code of practice of a council on council's website.
- (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)

### **DIVISION 2 PRESCRIBED PROCEDURES**

#### **5. 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 the 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:  
give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
- (6) 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.

**Kangaroo Island Council Provisions:**

**A member of the Council participating in a committee meeting by electronic means is taken to be present at the meeting provided that the member:**

- (a) can hear all other members present at the meeting;**
- (b) can be heard by all other members present at the meeting; and**
- (c) can be heard by the person recording the minutes of the meeting.**

**A quorum is taken to be present even if 1 or more committee members constituting the quorum is present by electronic means.**

**6. 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.
- (3a) For the purposes of subregulation (3) the presiding member may initial or sign the minutes in hardcopy or electronically.
- (4) The minutes of proceedings of a meeting must include -
  - (a) the names of the members present at the meeting; and
    - (i) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; 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
- (iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
- (iv) For electronic attendance for committee meetings, the method of attendance by the person;

Example –

The following are examples of methods of attendance:

- (a) physical attendance;
  - (b) by an audio-visual link;
  - (c) by an audio link;
  - (d) by telephone.
- (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.

## **7. 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 sub-regulation (9.1):
  - (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.

**Kangaroo Island Council Provisions: -**

**On receipt of a question on notice, the CEO will forward the questions to the Mayor. The Mayor will inform the CEO on one of the following processes:**

- a. **Request that the CEO (or delegate) respond to the questions; or**
- b. **Respond to the questions themselves; or**
- c. **Make a determination at the nominated meeting regarding the response.**

**Process 1**

- **If the Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the agenda and would then be replicated in the minutes in accordance with Regulation 9.**
- **If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answer in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The question and answers will be included in the minutes in accordance with Regulation 9.**

**OR**

**Process 2**

**If the Mayor opts to respond to the questions, they can either:**

- **Provide the response to the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the agenda and would be replicated in the minutes in accordance with Regulations 9.**
- **Table at the meeting the written responses to the questions at the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulations 9.**

**Or**

- **If the Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the agenda and these questions, and the answers will be included in the minutes in accordance with Regulations 9.**
- **If the Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.**

### **Questions from the Public**

**Members of the public may ask questions of the Council at every ordinary Council meeting where public can attend in person and only if the person is in attendance at the meeting.**

**Question time will be for a maximum of 10 minutes in total or varied by consent of the majority of members present.**

**A member of the public gallery will be permitted to ask 1 question to the Presiding Member and statements will not be permitted.**

**Questions in writing are to be provided to the Presiding Member prior to the commencement of the Council meeting.**

**A question form will be available at the meeting to assist in the presentation of questions.**

**The Presiding Member will have discretion as to whether to accept a question. Any question which is considered to be vague, irrelevant, insulting or improper shall be disallowed at the discretion of the Presiding Member.**

**There is to be no debate on the question or the answer to it.**

## **8. 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 sub-regulation (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) Sub-regulation (2) may be varied at the discretion of the council pursuant to regulation 6.

### **Kangaroo Island Council Provisions:**

**The original of each page of the petition must be emailed or hand delivered by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.**

**Each page of the petition presented to the Council must restate the whole of the request or submission of the petitioners.**

**The name and address of each person who signed or endorsed the petition must be clear and legible.**

**Electronic petitions will only be accepted if they meet the requirements detailed in regulation (10) and/or as per this Code of Practice.**

**If the petition does not comply with regulation (10) and/or as per the Code of Practice, the petition will not be accepted or presented to Council for its consideration.**

**If a page of a petition does not comply with regulation (10) and/or as per this Code of Practice, the signatures on that page will not be taken into account by the Council when considering the petition.**

**When a petition is placed on the Council Agenda in accordance with regulation the only motion that may be moved is:**

- (a) That the petition be received and referred to a Council Committee or officer for consideration and a report back to Council.**

**On receipt of the petition, in accordance with this Code a summary of the first page only will be provided to Council as an attachment to an initial report which sets out the request or submission of the petitioners. When the report on the petition is subsequently considered by Council the entire petition will be attached to the Agenda report except any page or pages not complying with sub-regulation (5).**

## **9. 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 sub-regulation (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.

### **Kangaroo Island Council Provisions:**

**Deputations will be limited ordinarily to a maximum of three (3) per Ordinary Council meetings or at the discretion of the Mayor.**

**In the normal course of events, the deputation request must be received seven (7) clear days prior to the Council meeting, for inclusion in the agenda or at the discretion of the Mayor.**

**If however, the matter relates to an item of business on the Agenda and there are not three (3) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 48 hours prior to the Council meeting.**

**The Chief Executive Officer will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.**

**A deputation, which must not exceed three people, will not exceed 10 minutes in total, not including questions from Members, except with the leave of the presiding member.**

**All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the deputation's address. If this conduct occurs the Mayor will warn the depute if the conduct is repeated the deputation will be ceased.**

**The name(s) of the representor(s) and subject matter will be recorded in the minutes of a Council or Council Committee meeting but the details of the content of the deputation will not be included.**

## **10. 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 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 sub-regulation (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.

### **Kangaroo Island Council Provisions:**

**Where a notice of motion has been given by a member who is not present at the meeting, the notice of motion may be moved by any other member present at the meeting.**

**When placing a motion with notice in a Council Agenda, the CEO may take the opportunity to provide written comments to assist Council to make informed decisions.**

**Questions may be raised prior to moving of a motion or during debate for clarification only. These points of clarification are not considered to be questions without notice.**

- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

**Kangaroo Island Council Provisions:**

**If possible, Members are encouraged to provide any motions without notice in writing to the CEO's office by 9am on the day of the meeting to expedite the minute taking process.**

**A motion without notice may not, having regard to the Guiding Principles, be accepted for debate at the Council or Council Committee meeting at which it is brought forward unless:**

- (a) the Presiding Member determines that the matter is one of urgency; or**
- (a) in the opinion of the Presiding Member, the motion relates to an issue that does not require substantive information in order to make an informed decision on the motion.**

- (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).

**If a motion without notice is accepted for debate at a Council meeting, the Mayor will provide the CEO with an opportunity to comment on the proposed motion to assist Council to make an informed decision.**

- (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.

**A member who has spoken to a motion may 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 sub-regulation (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 (i.e. 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 sub-regulation (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) Sub-regulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

**Kangaroo Island Council Provisions:**

**A member wishing to move a motion that is different from the recommendation in the agenda is required where possible to make available a written copy of their motion to assist the principal member in the conduct of the meeting and the accurate recording of the minutes of the meeting.**

**11. 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) Sub-regulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

**Kangaroo Island Council Provisions:**

**The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Mayor will not accept a proposed amendment that is direct negative of the motion.**

**For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.**

**Members speaking in the debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.**

**There is no right of a reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.**

**12. 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.

**13. 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) Sub-regulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

**Kangaroo Island Council Provisions:**

**Council Members and Council officers will raise their hand and wait to be invited to speak by the Mayor prior to addressing the Council.**

**If two or more members at a Council meeting indicate at the same time they wish to speak to a matter being considered at the meeting, the Mayor will decide which member will be heard first.**

**A member must, at all times during a meeting, address and refer to another Member or an officer or employee by the member's, officer's or employee's official title or designation.**

**A member speaking at a meeting must not make a personal reflection on, or impute an improper motive to, another member or officer.**

**14. 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;



**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

- (c) does not apply in relation to member participating in a 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.
  - (d) is varied in relation to a member participating in a committee meeting by electronic means such that the reference to “not in his or her seat” is taken to include a disconnection of the electronic means.
- (5) In this regulation—
- disconnection of the electronic means*** includes—
- (a) Ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
  - (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
  - (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
  - (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
  - (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

**Kangaroo Island Council Provisions:**

**Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(5)]**

**A Member who has declared a general conflict of interest and has decided to remain in his or her seat must vote.**

**A vote in relation to a question for decision before the Council or Committee may be taken by:**

- (a) a show of hands; or
- (b) where a member is participating in a committee meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

**In relation to a member participating in a committee meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.**

**Appointments to Positions**

**Due to the potential implications of the conflict-of-interest provisions under s74 and s75 of the Act regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should suspend the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the positions.**

**The Indicative Voting Process is:**

- a) All Members present agree to the suspension of meeting procedures for the purpose of conducting an Indicative Voting Process.**
- b) The Chief Executive Officer calls for nominations for the position(s).**
- c) If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.**
- d) The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.**
- e) The method of voting will be by secret ballot utilising the preferential counting system.**
- f) Each Council Member (including the Mayor) shall have one vote.**
- g) Each Member will write the preferred nominee's name on paper supplied by Administration.**
- h) The Returning Officer will count the votes and after all votes have been counted, the Returning Officer shall publicly declare the result of the election.**
- i) With the conclusion of the Indicative Voting Process, the Council meeting will resume.**
- j) Upon resumption, any Council members who nominated for the position would be advised to consider their obligations under s75B or s75C of the Act.**
- k) Council can then consider a motion for the preferred person to be appointed to the position(s)**

**15. 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 sub regulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) subject to sub regulation (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.
- (3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.
- (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.

## **16. 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.

## **17. 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 provision of this regulation may be varied at the discretion of the council pursuant to regulation 6.

## **18. 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 2/3 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 sub-regulation (1).
- (3) If a suspension occurs under sub-regulation (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>2</sup>, and

---

<sup>2</sup> See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

- (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 2/3 of the members present at the meeting resolve that the period should be brought to an end.

**19. 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 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 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**

**20. Application of Part (Regulation 22)**

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.

**21. 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; and
- (b) that notice need not be given for each meeting separately; and
- (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; and
- (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.

## **22. 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 in a place or places determined by the chief executive officer after taking in account the nature and purpose of the committee.

## **23. 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 a; 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.

### **Kangaroo Island Council Provisions:**

**The minutes of the Council proceedings must also include:**

- the name and title of each member of the Administration team present.

**The minutes of Committee meeting proceedings must include:**

- the name and title of each member of the Administration team present.

- (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**

### **24. 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.

**25. 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.

**26. 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 sub-regulation (5) is put.
- (7) A resolution under sub-regulation (5) binds the meeting and, if a ruling is not agreed with:
  - (a) the ruling has no effect; andthe point of order is annulled.

**27. Exclusion of member from meeting by presiding member (Regulation 28A)**

- (1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.
- (2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.
- (3) A member will not be taken to contravene section 86(6a) of the Act merely because the member 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.

- (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
  - (a) censure the member; or
  - (b) suspend the member for a part, or for the remainder, of the meeting.

**For clarity regulation 28A (1) is entirely at the Mayor's discretion**

**Section 86(6b) provides that any suspension resolved by the Council in accordance with Regulation 28A will be for a period not exceeding 15 minutes as determined by the Mayor. Further, a matter must not be put to the vote while a member is suspended [section 86(6d)].**

**The suspended member must for the duration of the suspension, leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion at the meeting [section 86(6d)].**

## **28. 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) Sub-regulation (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 sub-regulation (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 sub-regulation (4); or
  - (b) enters a meeting in contravention of a suspension under sub-regulation (5), is guilty of an offence.

Maximum penalty: \$1250.

## **29. 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.

### **Kangaroo Island Council Provisions:**

A member of the public who interrupts the orderly conduct of a meeting must, on being requested to do so by the presiding member, immediately leave the place where the meeting is being held.

If a person(s) does not leave the place where the meeting is held at the request of the presiding member, a officer of Council will contact SAPOL requesting their immediate attendance to remove that person(s).

### **Other Matters (Kangaroo Island Council Provision)**

#### **Council Members Report**

At each ordinary Council meeting the Mayor will provide an information report relating to the official duties of the Mayor for the previous month.

Council Members may also present a written report detailing those functions or activities on the business of Council for the previous month.

Council Members are to submit their written reports seven (7) clear days before the date of the meeting to enable the report to be incorporated into the Agenda.

Reports will not be recorded in the minutes.

Reports will be included in the Agenda under the sub headings:

#### **Mayor's Report**

#### **Council Members Reports**

#### **Chief Executive Officer's Report**

At each ordinary Council meeting, the CEO will present a report detailing the status of key activities and meetings attended since their last report.

#### **Other Business**

Should a member have a matter of general business that they wish to raise at a Council Meeting or would like to request a report from Administration this must be done by way of Notice of Motion in accordance with Regulation 12, or a motion without notice at the meeting.

#### **Mobile Phones / Pages**

Mobile phones / pages should be switched off or silent during Council meetings unless prior approval is granted by the Mayor for the phone / pager to remain active.

#### **Conduct of Members**

The prescribed Behavioural Management Policy for Council Members must be adhered to at all meetings.



**Filming Council and Committee Meetings**

**Council and Committee meetings may not be filmed, or recorded in any manner, without the permission of the Mayor or Chief Executive Officer or resolved by the Council at the meeting.**

**Correspondence for information**

- A. Correspondence addressed to the Mayor and Councillors is to be included within the agenda under Correspondence for Information (if this correspondence is personal or of a confidential nature it will be included into the agenda as In-Confidence Business) at the discretion of the Mayor.**
- B. Correspondence referring to operational matters irrespective of source, need not be placed within the agenda.**

**Review**

This Code of Practice shall be reviewed by Council within twelve (12) months of a General Election and at least once in every financial year.

This Code of Practice can be reviewed anytime.

SIGNED:



Chief Executive Officer

12 March 2024

**History:**

Date Reviewed:	Version:	Reason for Amendment:
Adopted 14/09/2015	Version 1	N/A
10 November 2014	Version 2	Mandatory review post Local Government Election and inclusion of new logo.
11 November 2015	Version 3	Periodic Review
12 September 2017	Version 4	Periodic Review Minute Ref# C294:2017
2 April 2020	Version 5	Mandatory review post Local Government Election and inclusion of new Public Health Emergency: Electronic Participation in Council Meetings
14 July 2020	Version 6	Inclusion of "Correspondence for Information" provisions, Notice of Motion and Questions on Notice timeframes and Points of Order.
9 March 2021	Version 7	Remove additional requirements for prior notice of questions on notice and notice of motions.
9 November 2021	Version 8	Update to 7 clear days for notices of motions, 7 clear days for questions on notice and removal of requirement to have

**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

		a hardcopy of the agenda available at the principal office, as per Local Government Reform changes.
12 July 2022	Version 9	Changes to Electronic Participation to committee meetings only. Clarification of questions from the gallery to be in person.
14 March 2023	Version 10	Mandatory review post Local Government Election.
12 March 2024	Version 11	Mandatory Annual Review, inclusion and removal of some KI Clauses

**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

Attachment A – Agenda template for Ordinary Council Meetings

**INDEX**

<b>1</b>	<b>OPENING OF MEETING .....</b>	<b>6</b>
<b>2</b>	<b>ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>6</b>
<b>3</b>	<b>PRESENT AND APOLOGIES.....</b>	<b>6</b>
<b>4</b>	<b>DEPUTATIONS .....</b>	<b>6</b>
<b>5</b>	<b>MINUTES OF COUNCIL MEETINGS .....</b>	<b>6</b>
<b>6</b>	<b>ELECTED MEMBERS REPORT.....</b>	<b>7</b>
<b>6.1</b>	<b>Mayor's Activity Report.....</b>	<b>7</b>
<b>6.2</b>	<b>Councillor Activity Report .....</b>	<b>8</b>
<b>7</b>	<b>QUESTIONS FROM THE GALLERY.....</b>	<b>8</b>
<b>8</b>	<b>PETITIONS.....</b>	<b>8</b>
<b>9</b>	<b>QUESTIONS FROM ELECTED MEMBERS.....</b>	<b>11</b>
<b>9.1</b>	<b>Questions on Notice .....</b>	<b>11</b>
<b>9.2</b>	<b>Questions without Notice  .....</b>	<b>11</b>
<b>10</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>11</b>
<b>11</b>	<b>CHIEF EXECUTIVE REPORTS .....</b>	<b>12</b>
<b>12</b>	<b>CORPORATE SERVICES REPORTS .....</b>	<b>16</b>
<b>13</b>	<b>COMMUNITY DEVELOPMENT REPORTS.....</b>	<b>62</b>
<b>14</b>	<b>WORKS AND INFRASTRUCTURE REPORTS.....</b>	<b>62</b>
<b>15</b>	<b>NOTICES OF MOTION .....</b>	<b>66</b>
<b>16</b>	<b>CORRESPONDENCE FOR DISCUSSION .....</b>	<b>66</b>
<b>17</b>	<b>CORRESPONDENCE FOR INFORMATION .....</b>	<b>66</b>
<b>18</b>	<b>IN-CONFIDENCE BUSINESS.....</b>	<b>66</b>
<b>19</b>	<b>CLOSURE BY MAYOR.....</b>	<b>69</b>

**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

Attachment B – Motion of Notice & Question on Notice Template

**KANGAROO ISLAND COUNCIL  
ORDINARY COUNCIL MEETING  
<DAY><DATE>  
AGENDA BUSINESS ITEM**

**Item:** **9.2 QUESTION ON NOTICE OR 15 MOTION ON NOTICE** (remove not applicable)

**Originating From:** **Mayor / Cr**

**Subject:**

---

**Motion** (remove not applicable)

<body of motion>

---

**Question on Notice** (remove not applicable)

<body of question>

**KANGAROO ISLAND COUNCIL GOVERNANCE MANAGEMENT SYSTEM –  
CODE OF PRACTICE – PROCEDURES AT MEETINGS**

Attachment C – Administration Report Template

<b>Item:</b>	<b>(Number)</b>
<b>Responsible Officer:</b>	Type name here Position Title Directorate
<b>Subject:</b>	Title of report
<b>Purpose:</b>	Decision/Information

---

**SUMMARY**

---

**OFFICER RECOMMENDATION**

**Council resolves:**

**1. ....**

---

**1. BACKGROUND**

---

**2. ANALYSIS**

- Strategic Management Plan
- Legal Considerations / Council Policy Alignment
- Risk Management Implications
- Financial / Resource Implications
- Customer Service and Community Implications

**3. OPTIONS**

Council has the following options:

**4. ATTACHMENTS**

- (1)
- (2)
- (3)
- (4)