

# NARACOORTE LUCINDALE COUNCIL

## CODE OF PRACTICE FOR COUNCIL AND COMMITTEE MEETING PROCEDURES

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<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>LEGISLATION AND REFERENCES:</b>	<i>Local Government Act 1999, Chapter 6 - Meetings</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
<b>COUNCIL STRATEGIC PLAN:</b>	<i>Theme 5 – Progressive Leadership</i> <i>Progressive and representative Elected Member leadership</i>

### PURPOSE

The purpose of the Code is to provide guidance on protocols and procedures at meetings of Council and Committees formed under provisions of the Local Government Act 1999.

### POLICY STATEMENT

This Code of Practice complements the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2013 which prescribes procedures relating to Council and Committee meetings.

Regulation 6, Discretionary procedures, allows Council to vary some regulations to suit their needs. Regulations that have been varied are listed in Conduct at the Meeting.

Council also has the ability to establish protocols and procedures about which the Act and Regulations are silent through the adoption of this code of practice.

In preparing this Code of Practice, Council has taken into account the Guiding Principles set out in the Regulations. The following principles (the Guiding Principles) will apply at Council and Committee meetings, procedures will:

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

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### 1. OPERATING PROCEDURES – BEFORE THE COUNCIL OR COMMITTEE MEETING

#### 1.1. Meeting Times

Council Meetings will be held monthly, on the fourth Tuesday of each month, commencing at 5.00pm, except for the December meeting which will be determined by Council. The CEO, in consultation with the Mayor, may vary this commencement time in extraordinary circumstances.

As required by Section 81 of the Local Government Act 1999 (“the Act”) Council will hold one ordinary meeting in each month.

Council Committees will schedule meetings in accordance with their Terms of Reference.

#### 1.2. Venue for Council and Committee Meetings

All Meetings are usually held in the Council Chamber located at DeGaris Place, Naracoorte, unless Council or a Committee resolves that Meetings will be held in a different location.

Within the constraints of convenience and logistics, meetings may be convened at alternative venues throughout the Council district.

#### 1.3. Notice and Agendas for Council and Committee Meetings

##### 1.3.1. Distribution of Agendas to Elected Members and Committee Members

Agendas for meetings, including all accompanying reports and other attachments, will be provided to Elected Members and Committee Members in electronic format unless a different method is requested by Council or the Committee.

In the case of ordinary meetings notice of the meeting will be given at least six (6) clear days before the date of the meeting (Local Government Act 1999, section 83, Notice of ordinary or special meetings), with the exception to this being that the distribution of Agendas for the NRLE Board or the Audit & Risk Committee will be distributed at least four (4) clear days before the date of the meeting.

##### 1.3.2. Public Availability of Agendas

A copy of Agendas (excluding any items recommended by the Chief Executive Officer to be considered in confidence under section 90 of the *Local Government Act 1999*) may be inspected at Council’s Offices in Lucindale and Naracoorte, and copies or extracts purchased for the fee set out in Council’s *Fees and Charges Guide*.

In the case of ordinary meetings a copy of the agenda will be available on Council’s website at least six (6) clear days before the date of the meeting (Local Government Act 1999, section 83, Notice of ordinary or special meetings). Agendas will be available on Council’s website for a minimum of 3 years – previous years

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are available in hard copy at Council's Naracoorte office. If requested, prior to the meeting commencing, a printed agenda will be made available for members of the public who attend a Meeting.

#### **1.4. Working Groups, Advisory Groups and Subcommittees**

Agendas for working groups, advisory groups and subcommittees will usually be distributed three (3) clear days before the meeting or in accordance with their Statement of Purpose. Agendas will only be distributed to members of the working groups, advisory group or subcommittee.

#### **1.5. Public Access to Meetings**

Members of the public are welcome to attend all meetings, but cannot participate in any debate at meetings. For information on addressing Council refer to 2.4. Public Participation at Council and Committee Meeting.

Meetings are open to the public unless the Council or Committee makes an order to exclude the public in order to discuss a matter of confidence, in accordance with the requirements of Section 90 of the Act.

Council has adopted a 'Code of Practice for Access to Council and Committee Meetings and Associated Documents' which outlines a commitment by Council to provide public access to meetings and documents and how Council and a Committee may use the provisions in the Local Government Act to restrict public access.

Regulation 30 – Interruption of meetings by others of the Local Government (Procedures at Meetings) Regulations 2013 prescribes that members of the public must not behave in a disorderly manner or cause an interruption.

#### **1.6. Length of Council and Committee Meetings**

All meetings will finish no later than 9.30pm, unless Council or the Committee formally resolves (by resolution) to continue past that time. When a meeting reaches two hours, without a break, a resolution will be put to consider adjourning for 10 minutes.

## **2. OPERATING PROCEDURES AT MEETINGS**

### **2.1. Opening Prayer and Acknowledgement of Country at a Council Meeting**

After calling a Council meeting to order, the meeting is opened with the following prayer and acknowledgement of country:

#### **Prayer**

We gather to make decisions for our community. May we use only our best skills and judgment keeping ourselves impartial and neutral as we consider the merits and pitfalls of each matter that is placed before us and always act in accordance with what is best for our community and our fellow citizens.<sup>1</sup>

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<sup>1</sup> Copyright Abby Willowroot 2009

### **Acknowledgement of Country**

We acknowledge and respect the traditional owners of the ancestral lands of the Limestone Coast. We acknowledge elders past and present and we respect the deep feelings of attachment and relationship of Aboriginal peoples to country.

Note this clause does not apply to Committee meetings or Special Council meetings.

### **2.2. Attendees, Apologies and Absences**

If a Member expects to be late or be absent from a meeting the Presiding Member or relevant Council officer is to be advised.

All apologies will be listed in the Minutes for each meeting that it relates to. Members who do not attend a meeting, and have not advised the Presiding Member of an apology will not be listed in the Minutes. If a Member arrives after the meeting commences, the time of arrival will be included in the minutes.

All officers in attendance at meetings will also be recorded in the minutes.

The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda or presenting during the Public Forum.

### **2.3. Order of Business**

Council and Committees will follow the order of business listed in the Agenda unless leave is granted to deviate from that order of business.

Examples of situations where the order of business may be adjusted are when:

- a party or parties interested in a matter listed in the Agenda is present in the gallery
- the attendance of an external presenter at a Meeting
- external parties presenting as a deputation on a specific agenda item, that item may be brought forward to immediately follow the deputation.
- it may otherwise be considered expedient or appropriate.

### **2.4. Public Participation at Council and Committee Meeting**

There are three ways community members can express their views at a Council or Committee meeting:

1. Question / presentation during the Public Forum section of the agenda
2. Petitions (prescribed by Regulation 10)
3. Deputation (prescribed by Regulation 11)

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Members of the public expressing a view as outlined above should be aware there is unlikely to be any legal protection or other privilege attached to any statements made in this forum. This means that anything said during a public address is subject to the normal laws of defamation. Consequently care should be taken when making a statement.

#### **2.4.1. Public Forum at Council and Committee Meetings**

Up to 15 minutes is scheduled at the commencement of each ordinary meeting for members of the public to ask questions of Council or the Committee.

The Presiding Member will have discretion to not accept a question, and the person requesting to ask such a question will be informed prior to the relevant meeting of the Presiding Member's decision. Questions should be restricted to matters:

- within the powers of the Council
- relevant to the Council or Council Committee agenda nominated
- relevant to the Council's or Council Committee's powers or purpose
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting

Questions of a personal nature regarding a Council Member or Council Staff will not be accepted.

It is the Presiding Member's discretion whether the question is:

- answered by an immediate response at the meeting where it is asked
- taken on notice, and responded to by a Council Officer
- not be responded to for reasons of confidentiality or being vexatious, time wasting, trivial, irrelevant or of a personal nature.

The Presiding Member will take advice from the Chief Executive Officer on any matter deemed confidential under the Local Government Act 1999, Section 90, and under these circumstances, no response to the question will be provided.

If the question is accepted, the person who submitted the question will have the opportunity to ask the question. Each person allowed to ask a question must address their questions through the Presiding Member

Questions and responses will not be debated as part of the meeting and the Presiding Member has discretion to terminate both the question and response at any time, and to enforce Section 30 of the Local Government (Procedure at Meetings) Regulations 2000.

#### **2.4.2. Petitions**

Petitions are one way in which members of the community may advise Council of their particular concerns regarding a specific issue or make requests of, and provide information to, Council.

A petition is a formally drawn up request to Council seeking action or special consideration of a particular matter, which is signed by more than two (2) residents/members of the public.

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A petition to council must, in accordance with the [Local Government \(Procedures at Meetings\) Regulations 2013](#):

- a) be legibly written or typed or printed; and
- b) clearly set out the request or submission of the petitioners; and
- c) include the name and address of each person who signed or endorsed the petition; and
- d) be addressed to the council and delivered to the principal office of Council (DeGaris Place, Naracoorte), posted (PO Box 555, Naracoorte SA 5272) or emailed (council@nlc.sa.gov.au).

Online petitions must meet the requirements set out above. Note that online petition websites (such as change.org) may not have the function to include a street address and therefore may not comply with the petition requirements as set out in the Regulations.

Petitions should be submitted at least 10 days prior to the scheduled Meeting, with the exception to this being that Petitions for presentation to the NRLE Board or Audit & Risk Committee should be submitted at least seven (7) days prior the scheduled meeting.

If a petition is received, the Chief Executive Officer must ensure that the petition is placed on the agenda for the next ordinary meeting of the council or the relevant committee. The agenda will include a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition.

Regulation 12 – Petitions of the [Local Government \(Procedures at Meetings\) Regulations 2013](#) prescribes how a petition can be made.

#### **2.4.3. Deputations**

A person, group of people, or an organisation seeking to appear before a Council or Committee, as a deputation, must provide a written request to the Council, addressed to the Chief Executive at the principal office of the Council, indicating the topic and reasons why the deputation wishes to appear. A request to make a deputation must be received by Council, no later than 10 days prior to the meeting at which the deputation is to appear, with the exception to this being that a request to make a deputation to the NRLE Board or Audit & Risk Committee must be received no later than seven (7) days prior the scheduled meeting.

Deputation requests must include sufficient information regarding the issue and indicate the preferred meeting that the individual/group wishes to be heard. Deputation requests will also provide details of any decision that may be requested of Council.

No additional information will be tabled at any Meeting that a deputation is presenting to, as this does not provide Council Members with any prior opportunity to assess any such information prior to a Council or Committee Meeting.

Whether or not a deputation may appear will be determined by the Mayor or Presiding Member on a case-by-case basis, meeting by meeting, and with regard to the particular matter upon which the deputation

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wishes to address the meeting. In determining whether a deputation is allowed the following will be considered:

- the subject matter of the proposed deputation
- whether it is within the powers of the Council
- relevance to the Council or Council Committee agenda nominated – and if not,
- relevance to the Council’s or Council Committee’s powers or purpose
- the integrity of the request, and
- the size and extent of the agenda for the particular meeting.

Where a deputation is to be heard, the person/s making the deputation may speak for no more than five minutes without leave of the meeting.

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 or Council Committee meeting. Any comments of a personal nature of Council members or staff must not be made during the address. Any such criticism or comments should be directed in writing to the Chief Executive Officer.

While the deputation is provided for the public to have an opportunity to present to Council, no debate will be entered into, however, the Presiding Member may allow Elected Members to ask follow up questions.

Regulation 11 - Deputations of the [Local Government \(Procedures at Meetings\) Regulations 2013](#) prescribes how a deputation can be made.

#### **2.4.4. Conduct at the Public Forum and when presenting a Deputation**

All addresses and deputations are to be conducted in an orderly manner and should reflect levels of formality appropriate to the nature and scope of the meeting. Any comments that may amount to a criticism of Council must be made objectively, and not be directed at individual Council or Committee members or staff.

As Council and Council Committee meetings are open to the public, there is unlikely to be any legal protection or other privilege attached to any statements made during an address or deputation. This means that anything said is subject to the normal laws of defamation. Consequently, care should be taken in the statements made.

The Public Forum and Deputation is not a forum for debate on a Council or Committee action, decision or response to a question.

Matters which would be more appropriately dealt with in another manner, for example: a request for review of a Council decision, matters of a personal nature, or complaints against an Elected Member, a Council employee, or a Council contractor cannot be raised during the Public Forum. Information on dealing with these matters is available in Council’s policies which are available for inspection at Council’s Naracoorte and Lucindale offices during ordinary business hours, or via Council’s website.

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The Mayor or Presiding Member has absolute discretion on the conduct of the Public Forum and Deputations.

#### **2.5. Elected Members' Reports at Council meetings**

At each ordinary Council meeting the Mayor will present a report detailing activities or functions attended and media interactions in their official capacity for the previous month.

Elected Members may at each ordinary Council meeting provide a report on their activities for the previous month. Elected Members who are appointed as Council representatives on external organisations may give a report on their involvement in activities associated with that organisation.

#### **2.6. Minutes, Reports and Recommendations from Committees**

Council Committees will report to Council at the next Council meeting following the Committee meeting. A copy of the minutes and agenda attachments will be included in the agenda of the next Council meeting. All recommendations from the Committee will be considered by Council by receiving, noting or endorsement as appropriate.

#### **2.7. Reports for Decision**

Each Council and Committee agenda includes reports for decision prepared by officers, which will include recommendations. These recommendations are based on information contained within the Officer Report, and are provided as a recommended course of action for Council to take, based on the officer's professional advice, knowledge, and experience. Members are not obligated to follow any such recommendations and can put forward an alternative recommendation (as a motion). In this instance it is preferable that the motion is presented in writing to be read to the Meeting, and provided to the Council Officer recording the Minutes of the Meeting. Members may also choose not to move a motion to any Report for Decision.

#### **2.8. Reports for Information**

Each Council and Committee agenda includes reports prepared by officers for information purposes. These reports do not include a recommendation. Members may put forward a motion relating to the information report. In this instance it is preferable that the motion is presented in writing to be read to the Meeting, and provided to the Council Officer recording the Minutes of the Meeting.

#### **2.9. Confidential Items**

The conduct of all Council and Committee meetings will be in accordance with Council's Code of Practice for Access to Council and Committee Meetings and Associated Documents, which explains the use of confidential provisions under the Local Government Act 1999 (Section 90) at Council and Committee meetings.



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### 3. CONDUCT AT THE MEETING

The Local Government Act 1999 and Local Government (Procedures at Meetings) 2013 permit Councils to vary certain provisions in the interests of improved decision-making, greater accountability, and greater transparency, and to adopt protocols (not otherwise specified in the Act and Regulations) to be observed at Meetings.

In accordance with those provisions Naracoorte Lucindale Council has resolved that the protocols set out below shall apply to Council and Committee meetings.

**NOTE: The protocols which vary the provisions contained in the (Procedures at Meetings) Regulations are noted as such.**

#### 3.1. Council and Committee Meetings

At meetings Members will:

- ensure that mobile phones or similar devices are switched to silent
- await recognition from the Mayor or Presiding Member before speaking;
- except to move a point of order, only speak with the acknowledgement of the Mayor or Presiding Member

Elected Members when attending Council Meetings will also:

- dress appropriately in recognition of the dignity of their roles as Elected Members
- stand when addressing the Council except when ill
- address their fellow Elected Members as “Mayor” or “Councillor” as the case may be (as opposed to addressing that Member by their first name)

#### 3.2. Questions at Council and Committee Meetings

Questions with notice and questions without notice must relate to functional, strategic or policy issues of the Council or Committee. Questions of an operational nature are the domain of the CEO and should be directed to the CEO outside of a meeting and during business hours.

To ensure open, transparent and informed decision-making it is preferable that Members wishing to ask a question do so as a question on notice by giving the Chief Executive Officer written notice of the question at least 10 clear days before the date of the meeting at which the question is to be asked (regulation 9(1)), with the exception to this being that members wishing to ask a question on notice to the NRLE Board or the Audit & Risk committee do so by giving the Chief Executive Officer written notice of the question at least seven (7) clear days before the date of the meeting at which the question is to be asked

In accordance with regulation 9(3) a Member may ask a question without notice at a meeting but the question must not amount to a statement. A question without notice that cannot be answered at the time it is asked will not result in a later report to the council or committee unless it is resolved by motion that a report is provided.

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The presiding member may use their discretion to 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 (regulation 9(6)). In the instance of ruling that a question is not answered that decision cannot be overturned by the meeting.

Unless Council or the Committee resolves by motion, the decision of the Presiding Member to rule that a question not be answered and the reasons for the ruling will not be included in the minutes.

Members may ask questions for clarification on agenda items before them for consideration, although in the interests of efficiency Members are encouraged to contact the relevant Management Team Member with those queries prior to the Meeting.

A question asked at a Council or Committee meeting in order to clarify a matter is not considered to be part of the debate on an item, but the question must not amount to a statement. The Mayor or Presiding Member will advise a Member if a question is too long or is straying from the point. A request for clarification may be asked before a motion is moved.

All questions of speakers will be directed through the Mayor or Presiding Member. All questions to staff from Members will be directed by the Mayor or Presiding Officer to the Chief Executive Officer or the appropriate Director or Manager.

Staff participation will generally relate to:

- advice on procedural matters
- professional or technical advice
- provision of additional information not provided in a report and
- clarification of issues under discussion

### **3.3. Motions at Council and Committee Meetings**

To ensure open, transparent and informed decision-making it is preferable that members wishing to raise a matter at a Council or Committee meeting do so in the form of a written notice of motion given to the chief executive officer at least 10 clear days before the date of the meeting at which the motion is to be moved (regulation 12(1)), with the exception to this being that for the NRLE Board or the Audit & Risk Committee, that at least seven (7) clear days before the date at which the motion is to be moved.

In accordance with regulation 12(5) a member may raise any business by way of a motion without notice.

The Presiding Member will use their discretion to accept or refuse a motion without notice if the presiding member considers that the subject matter is, in his or her opinion, beyond the power of the Council or Committee, 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 regulation 12(6) and (7)).

Unless Council or the Committee resolves by motion, the decision of the Presiding Member to rule that a motion not be accepted and the reasons for the ruling will not be included in the minutes.

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Council has determined that Regulation 12(9) is varied to permit a member to move or second a motion without the requirement to speak at the time of moving or seconding the motion.

**3.4. Voting at Council and Committee Meetings**

Each member (including members of the public or Council officers who are members of a committee) present at a meeting (or attending via electronic means) of council or a committee must vote on a motion arising for decision at that meeting.

A Member (including members of the public or Council officers who are members of a committee) present in the Council or Committee meeting room at the time a vote is taken and not in his / her seat may vote on a Motion or Amendment (variation to section 16(3) of the Regulations).

**3.5. Other Matters**

When appointing Elected Members to an official position (either within the Council or to an external body) that appointment will be made by motion and resolution.

**3.6. Consumption of Food and Alcoholic Beverages**

The consumption of food or alcoholic beverages by any person while present at a Meeting is not permitted, unless the Meeting has specifically adjourned for a meal or refreshment break.

**3.7. Wearing of Mayoral Robes**

The wearing of Mayoral Robes will be at the discretion of the Mayor.

**3.8. Filming, recording or photographing Council or Committee meetings**

No prior approval is required for a member of the public, elected member, committee member or media representative to film, photograph or audio record public meetings of Council, subject to:

- making your intent to film, record or photograph the meeting known to Council officers or the Presiding Member
- members of the public conducting the activity from the public gallery, media representatives conducting the activity from the designated media area and elected members and committee members conducting the activity from their designated seat
- filming, recording or photographing in a manner that does not intimidate a Council or Committee member or member of the public from expressing their views or performing their functions.

The Presiding Member will direct that filming, recording or photographing cease if it is causing interruption or obstruction or there is any interference with a person seeking to attend the meeting.

When Confidential matters are discussed, filming, recording or photographing of the proceedings must cease.

### 4. OPERATING PROCEDURES – DOCUMENTATION OF THE MEETING

#### 4.1. Distribution of minutes

Minutes for meetings will be provided to Members within five days after a meeting of Council or Committee. Minutes will be provided to Members in electronic format.

A copy of Minutes (excluding any items being retained in confidence under section 91(7) of the *Local Government Act 1999*) may be inspected at Council's Offices in Lucindale and Naracoorte, and copies or extracts purchased for the fee set out in Council's *Fees and Charges Guide*.

Council and Committees minutes will be available on Council's website within five days after a meeting (Local Government Act 1999, section 91, Minutes and release of documents). Minutes will be available on Council's website for a minimum of 3 years – previous years are available in hard copy at Council's office, DeGaris Place, Naracoorte.

#### 4.2. Recording of Discussion

Discussion by Members at Meetings will not be recorded in the Minutes of the Meeting.

### 5. MASTER COPY - AGENDAS AND MINUTES

The master copy of Agendas (including accompanying reports and other attachments) and Minutes signed by the Presiding Member will be printed double sided and professionally bound. This is the permanent official Council record.

The bound master copies of Council and Committee Agendas and Minutes are available for inspection during office hours at the Council's office, DeGaris Place, Naracoorte.

### 6. LEAVE OF ABSENCE FOR ELECTED MEMBERS

If an Elected Member is not able to attend three or more consecutive meetings the Member should request a leave of absence from the Council as follows:

- If the Member knows in advance that they will be away for three or more consecutive meetings they should seek approval, in writing, for leave of absence from Council

Leave of Absence resolutions do not apply to Section 41 Committee meetings and non-attendance at such meetings is managed via an Apology.

The office of a member of Council can become vacant if a member is absent from three or more consecutive ordinary meetings without leave of the council (section 54(1)(d)).

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## **7. DEPUTY MAYOR**

Under Section 51(3) — Principal member of council, Local Government Act, 1999, Council can appoint a Deputy Mayor.

The role of the Deputy Mayor in the absence of the Mayor is to:

- preside at meetings of the Council
- act as the principal spokesperson of the Council
- exercise all other functions of the Council that would usually be undertaken by the Mayor including signing documents
- carry out the civic and ceremonial duties of the office of the principal member.

The method of choosing a Deputy Mayor and the term of office for the position of Deputy Mayor will be determined by a resolution of Council. The term of office may not exceed the term of the Council.

## **LEGISLATION AND OTHER RELEVANT DOCUMENTS**

- Code of Practice for Access to Council and Committee Meetings and Associated
- Local Government Act 1999

## **POLICY ENQUIRIES**

All queries about this policy should be directed to the Chief Executive Officer or relevant Director or Manager.

## **REVIEW AND EVALUATION**

Under Local Government (Procedures at Meetings) Regulations 2013, Regulation 6, Discretionary procedures, any variation to this Code must be supported by at least two thirds of the members of Council and the code is required to be reviewed at least once in every financial year.

## **AVAILABILITY**

The public may inspect a copy of this policy, without charge, at the Council's Naracoorte and Lucindale offices during office hours.

The Policy is also available on Council's website [www.naracoortelucindale.sa.gov.au](http://www.naracoortelucindale.sa.gov.au)

Copies or extracts of the Register are available for purchase upon payment of the fee prescribed in Council's "Fees and Charges Guide" as amended from time to time.

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### AMENDMENT HISTORY

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
April 2024		Next Review
26 April 2023	Council	Review – Resolution 233/23
22 December 2022	Council	Review – Resolution 125/23
22 October 2019	Council	Review – Resolution 378/20
26 February 2019	Council	Review – Resolution 174/19
22 May 2018	Council	Review – Resolution 289/18
28 March 2017	Council	Review – Resolution 222/17
28 June 2016	Council	Review – Resolution 332/16
April 2015	Council	Review – Resolution 280/15
May 2014	Council	Review – Resolution 406/14
28 May 2013	Council	Review – Resolution 424/13
22 February 2011	Council	Reviewed - Resolution 390 / 11
23 March 2010	Council	Adoption of Code - Resolution 390 / 10