



**Barunga West**  
Council

# Code of Practice Procedures at Meetings

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## INTRODUCTION

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

The *Local Government (Procedures at Meetings) Regulations 2013 (the Regulations)* stipulate the statutory procedures to be undertaken during the operation of Council and Council Committee meetings. Under these Regulations, Council may adopt a Code of Practice for its Council and Council Committee meetings that varies certain of these provisions if they are capable of variation.

Further, Sections 86(8) and 89(1) of the *Local Government Act 1999 (the Act)* provides that if a procedure(s) is not prescribed by Regulation, Council or a Council Committee when delegated to do so can determine its own procedure(s) so long as it is not inconsistent with the Act or Regulations.

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 Barunga West Council's Code of Practice for Procedures at Meetings (Code of Practice).

Those 'sub-regulations' contained in the Regulations are identified throughout the Code of Practice in accordance with the exact numeric value ascribed to them in the Regulations. Barunga West Council procedures are described as 'clause(s)'.

This Code of Practice provides guidelines for Elected and Independent Members relating to procedures at Council and Council Committee meetings. It is also available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings. As recommended by legislation, this Code of Practice is reviewed annually.

Recordings of Council and Committee meetings constitute official records of the Council for the purposes of the *State Records Act 1997 (SA)*. These records are 'temporary records' in accordance with the State Records of South Australia General Disposal Schedule No. 40 and will be destroyed once reference use ceases.

If the reference use for which the recording of the Council or Committee meeting is made is for the transcription of minutes, the recording will be destroyed by the Council after the confirmation of the relevant minutes.

Attendance and participation at Council meetings does not provide Council members, employees or members of the public with protection from defamation claims in respect of statements made at a Council meeting.

Additionally, a Council member may not be able to rely on Section 39 of the Act as an immunity in respect of a defamation claim as it may not be considered as 'an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or council's powers, functions or duties'.

### Suspension of other Inconsistent Provision

Any member who disagrees with a direction of the presiding member under this paragraph may move a motion for the direction not to be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meaning may give directions to a member, by resolution.

#### 1. Interpretation (Regulation 3)

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

**“clear days”** see sub-regulation (2) and (3).

**“CEO”** means the Chief Executive Officer.

**“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.

**“disconnection of the electronic”** includes:

- a) ending a telephone connection such that the discussion and voting at the Committee meeting cannot be heard;
- b) ending a video conferencing connection such that the discussion and voting at the Committee meeting cannot be seen or heard;
- c) logging out of a virtual meeting room or space such as that the discussion and voting at the Committee meeting cannot be seen or heard;
- d) signing out of a virtual meeting room or space such that the discussion and voting at the Committee meeting cannot be seen or heard; or
- e) disconnecting any other electronic means such that the discussion and voting at the Committee meeting cannot be seen or heard.

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

**“formal<sup>1</sup> 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.

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

“**regulations**” means the *Local Government (Procedures at Meetings) Regulations 2013*.

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

1. In the calculation of “**clear days**” relating 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 sub regulation (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.
3. For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by:
  - a) a show of hands; or
  - b) where a member 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.

A division being called in relation to the vote.

## 2. Guiding Principles (Regulation 4)

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; and
- d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

## PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

### DIVISION 1 – PRELIMINARY

## 3. Application of Part (Regulation 5)

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)

- 4.1 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 Elected Members 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).

- 4.2 A Council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- 4.3 A Council may at any time, by resolution supported by at least 2/3 of the Elected Members entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- 4.4 A Council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- 4.5 A person is entitled to inspect (without charge) the code of practice of a Council under this regulation at the principal office of the Council during ordinary office hours.
- 4.6 A person is entitled, on payment of a fee fixed by the Council, to a copy of the code of practice.
- 4.7 Regulation 12(4) does not apply to a motion under sub regulation (3).
- 4.8 This regulation does not limit or derogate from the operation of regulation 20<sup>2</sup>.

## DIVISION 2 - PRESCRIBED PROCEDURES

### 5. Commencement of Meetings and Quorums (Regulation 7)

- 5.1 A meeting will commence as soon after the time specified in the notice of meeting, as a quorum is present.
- 5.2 Council Committees may hold their meetings by electronic means at the discretion of the Chair in consultation with the CEO, and/or as prescribed by the Committee's Terms of Reference.  
(Clause 5.2 does not apply to Council's Ordinary or Special Meetings)  
*A member of a Council Committee participating 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 Members constituting the quorum is present by electronic means.*
- 5.3 If the number of apologies received by the CEO indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time.

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<sup>2</sup> Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be:

- a) as determined by the Council; or
  - b) in the case of a Council committee where a determination has not been made by the Council, as determined by the committee.
- (See sections 86(8) and 89(1) of the Act.)

- 5.4 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 CEO, will adjourn the meeting to a specified day and time.
- 5.5 If a meeting is adjourned for want of a quorum, the CEO 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.
- 5.5 If a meeting is adjourned to another day, the CEO must:
- a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting; and
  - b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on Council's Website or as determined by the CEO.

#### **Barunga West Council Provisions:**

- 5.6 Prior to the commencement of business at a Council or Committee meeting the presiding member will draw the attention of members to the Disclosure Statement relating to Sections 73, 74, 75 and 75A of the *Local Government Act 1999* and seek any disclosures by Elected Members. Any disclosure of interest will be recorded in the Minutes.
- 5.7 The presiding member may alter the order of business listed in the agenda with the leave of the Council or Committee.
- 5.8 The proceedings of a Council or Committee meeting is not permitted to be recorded or photographed by any member of the public, unless permission is specifically sought and given by the Mayor and CEO prior to the meeting.

## **6. Minutes (Regulation 8)**

- 6.1 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.
- 6.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 6.3 On the confirmation of the minutes, the presiding member may -
- a) initial or sign each page of the minutes in hard copy or electronically, 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.
- 6.4 The minutes of proceedings of a meeting must include -
- a) the names of the members present at the meeting; and
  - b) in relation to each member present -
    - (i) the time at which the person entered or left the meeting;
    - (ii) the method of attendance by each person such as:
      - (a) physical attendance;and in the case of attending a Committee Meeting via electronic means -

- (b) an audio-visual link;
  - (c) an audio link; or
  - (d) a telephone; and
- (iii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting.
- c) each motion or amendment, and the names of the mover and seconder;
  - d) any variation, alteration or withdrawal of a motion or amendment;
  - e) whether a motion or amendment is carried or lost;
  - f) any disclosure of interest made by a member;
  - g) an account of any personal explanation given by a member;
  - h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section);
  - 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;
  - j) details of any adjournment of business;
  - k) a record of any request for documents to be tabled at the meeting;
  - l) a record of any documents tabled at the meeting;
  - 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.

#### **Barunga West Council Provisions:**

- 6.5 The name(s) of person(s) wishing to appear as a deputation and the subject matter will be recorded in the minutes of a Council or Committee meeting, but the details of the content of the deputation will not be included.
- 6.6 The debate in relation to any motion or any meeting informalities will not be recorded in the minutes.
- 6.7 All motions passed either unanimously or by majority will be recorded in the minutes as being 'CARRIED'.
- 6.8 The draft version of minutes will be made available electronically to members and placed on the Council's website for the public within five (5) business days of the meeting.
- 6.9 Following confirmation the minutes as being true and correct and signed by the presiding member, the draft version of the minutes will be removed, and the signed version placed on Council's website.

## **7. Questions (Regulation 9)**

- 7.1 A member may ask a question on notice by giving the CEO 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.
- 7.2 If notice of a question is given under sub-regulation (1):
- a) the CEO 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.



- 7.3 A member may ask a question without notice at a meeting.

**Barunga West Council Provisions:**

- 7.4 A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or amendment).
- 7.5 The presiding member may allow the reply to a question without notice to be given at the next meeting.
- 7.6 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.
- 7.7 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.

**8. Petitions (Regulation 10)**

- 8.1 A petition to the Council must:
- be legibly written or typed or printed;
  - clearly set out the request or submission of the petitioner;
  - include the name and address of each person who signed or endorsed the petition; and
  - be addressed to the Council and delivered to the Council by means determined by the CEO as follows:  
Post to: PO Box 3, Port Broughton SA 5522; or  
Email to: [barunga@barungawest.sa.gov.au](mailto:barunga@barungawest.sa.gov.au)
- 8.2 If a petition is received under sub-regulation (1), the CEO 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.
- 8.3 Sub-regulation (2) may be varied at the discretion of the Council pursuant to regulation 6.

**9. Deputations (Regulation 11)**

- 9.1 A person or persons wishing to appear as a deputation at a meeting must deliver (to the Council by means determined by the CEO as set out below) a written request to the Council by post or email -  
Post to: PO Box 3, Port Broughton SA 5522; or  
Email to: [barunga@barungawest.sa.gov.au](mailto:barunga@barungawest.sa.gov.au)
- A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.
- The CEO 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.

- 9.2 The CEO must transmit a request received under sub- regulation (1) to the presiding member.
- 9.3 The presiding member may refuse to allow the deputation to appear at a meeting.
- 9.4 The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 9.5 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).
- 9.6 The Council or Council committee (e.g. Audit and Risk Committee and Governance Advisory Panel) may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- 9.7 A Council may refer the hearing of a deputation to a Council committee.

**Barunga West Council Provision:**

- 9.8 A request for a deputation to the Council must be received no less than six (6) clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.

**10. Motions (Regulation 12)**

- 10.1 A member may bring forward any business in the form of a written notice of motion.
- 10.2 The notice of motion must be given to the CEO at least 7 clear days before the date of the meeting at which the motion is to be moved.
- 10.3 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.
- 10.4 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.
- 10.5 Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

**Barunga West Council Provisions:**

- 10.5.1 If possible, Elected Members are encouraged to provide any motions without notice in writing to the Chief Executive's Office by 5pm on the day of the meeting to expedite the minute taking process.

- 10.5.2 A motion without notice will 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
  - b) 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.
- 10.6 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.
- 10.7 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).
- 10.8 A motion will lapse if it is not seconded at the appropriate time.
- 10.9 A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.
- 10.10 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.
- 10.11 A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- 10.12 A member who has not spoken in the debate on a question may move a formal motion.
- 10.13 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).
- 10.14 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.

10.15 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).

10.16 A formal motion does not constitute an amendment to a substantive motion.

10.17 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.

10.18 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

10.19 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.

10.20 The CEO must report on each question that lapses under sub-regulation (19) to the Council at the first ordinary meeting of the Council after the general election.

10.21 Sub-regulations (9), (10) and (11) may be varied at the discretion of the Council pursuant to regulation 6.

## 11. Amendments to Motions (Regulation 13)

11.1 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.

11.2 An amendment will lapse if it is not seconded at the appropriate time.

11.3 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.

11.4 If an amendment is lost, only 1 further amendment may be moved to the original motion.

11.5 If an amendment is carried, only 1 further amendment may be moved to the original motion.

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

## 12. Variations etc. (Regulation 14)

- 12.1 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.
- 12.2 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 Elected Members etc. (Regulation 15)

- 13.1 A member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.
- 13.2 A member may, with leave of the meeting, raise a matter of urgency.
- 13.3 A member may, with leave of the meeting, make a personal explanation.
- 13.4 The subject matter of a personal explanation may not be debated.
- 13.5 The contribution of a member must be relevant to the subject matter of the debate.
- 13.6 Sub-regulations (1) and (2) may be varied at the discretion of the Council pursuant to regulation 6.

## 14. Voting (Regulation 16)

- 14.1 The presiding member, or any other member, may ask the CEO to read out a motion before a vote is taken.
- 14.2 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.
- 14.3 A person who is not in his or her seat is not permitted to vote.
- 14.4 Sub-regulation (3) may be varied at the discretion of the Council pursuant to regulation 6.

### **Barunga West Council Provisions:**

- 14.4 Each item of business on the agenda is to be voted on separately.
- 14.5 Decisions at Council meetings are decided by a majority of votes of the Members present at the meeting and entitled to vote. Voting is by show of hands. Each member present must vote on any questions for decision except for the Presiding Member or in the cases where a Member is precluded from doing so by the Act (member has disclosed interest). A member is not entitled to abstain from voting, there is a duty to be present and a duty to vote.
- 14.7 The Presiding Member has a 'deliberative' vote.

## 15. Divisions (Regulation 17)

- 15.1 A division will be taken at the request of a member.
- 15.2 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.
- 15.3 The division will be taken as follows:
- a) except for a member participating in a committee meeting by electronic means which has audio only;
    - i. the members voting in the affirmative will, until the vote is recorded, stand in their places;
    - ii. the members voting in the negative will, until the vote is recorded, sit in their seats;
    - iii. the presiding member will count the number of votes and then declare the outcome;
  - b) where a member is participating in a committee 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.
- 15.3 The CEO and the Minute Taker 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).
- 15.5 Sub-regulation (3) may be varied at the discretion of the Council pursuant to regulation 6.

## 16. Tabling of Information (Regulation 18)

- 16.1 A member may require the CEO to table any documents of the Council relating to a motion that is before a meeting (and the CEO 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).
- 16.2 The CEO 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)

- 17.1 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.
- 17.2 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.

- 17.3 Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- 17.4 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)**

- 18.1 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.
- 18.2 The Guiding Principles must be taken into account when considering whether to act under sub-regulation (1).
- 18.3 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>3</sup>, and
    - ii. no act or discussion will have any status or significance under the provisions which have been suspended; and
    - iii. no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
  - c) the period of suspension should be limited to achieving the purpose for which it was declared; and
  - d) the period of suspension will come to an end if:
    - i. the presiding member determines that the period should be brought to an end; or
    - ii. at least 2/3 of the members present at the meeting resolve that the period should be brought to an end.

## **19. CEO may submit report recommending revocation or amendment of Council decision (Regulation 21)**

- 19.1 The CEO may submit a report to Council recommending the revocation or amendment of a resolution passed since the last general election of the Council.
- 19.2 The CEO must ensure that the report is placed on the agenda for the meeting at which the report is considered.
- 19.3 The provisions of this regulation may be varied at the discretion of the Council pursuant to regulation 6.

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<sup>3</sup> See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

## 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 Elected Members (Regulation 23)

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

- a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
- b) that notice need not be given for each meeting separately;
- c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
- d) that it is not necessary for the CEO 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 (3) provided as follows:

*“The notice and the agenda for the meeting must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.”*

### 23. Minutes (Regulation 25)

23.1 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 Section 90 (2) of the Act (see subsection (7) of that section); and
- e) a note of the making of an order under Section 91 (7) of the Act in accordance with the requirements of subsection (9) of that section.

23.2 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)

24.1 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.



- 24.2 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)

- 25.1 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.
- 25.2 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.
- 25.3 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)

- 26.1 The presiding member may call to order a member who is in breach of the Act or these regulations.
- 26.2 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.
- 26.3 A point of order takes precedence over all other business until determined.
- 26.4 The presiding member will rule on a point of order.
- 26.5 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.
- 26.6 The presiding member is entitled to make a statement in support of the ruling before a motion under sub-regulation (5) is put.
- 26.7 A resolution under sub-regulation (5) binds the meeting and, if a ruling is not agreed:
- a) the ruling has no effect; and
  - b) the point of order is annulled.

## 27. Interruption of Meetings by Members (Regulation 29)

- 27.1 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.

- 27.2 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.
- 27.3 If the presiding member considers that a member may have acted in contravention of sub regulation (1), the member must be allowed to make a personal explanation.
- 27.4 Subject to complying with sub regulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- 27.5 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.
- 27.6 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.

## 28. Interruption of Meetings by Others (Regulation 30)

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

## 29. Other Matters (Barunga West Council Provisions)

- 29.1 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.
- 29.2 If a person(s) does not leave the place where the meeting is held at the request of the presiding member, a Senior Officer of Council will contact SAPOL requesting their immediate attendance to remove that person(s).
- 29.3 Questions from the Gallery
- Questions from the Gallery will be scheduled immediately after Deputations to Council in the Agenda.
- 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 by 5pm on the day prior to the Council meeting.
  - A question form will be available (on-line/at meetings) 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.
- Members of the public wishing to ask a question are to state their name, address and direct their question to the Presiding Member.
- If the question is not able to be dealt with at the meeting at which it is asked, it will be taken on notice and a written reply will be sent to the person who asked the question.
- There is to be no debate on the question or the answer to it.

#### **RESPONSIBILITIES:**

The Chief Executive Officer is accountable for ensuring the proper operation of this Policy.

#### **LEGISLATION:**

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

#### **REVIEW:**

This Policy shall be reviewed within 12 months of each Local Government general election of the Council, or more frequently if legislation or Council requirements change.

<b>DATE</b>	<b>REVISION NO</b>	<b>REASON FOR AMENDMENT</b>
10 September 2019	01	Initial Adoption by Council
November 2019	02	Clause 29 Questions from the Gallery amended.
August 2020	03	Reviewed – Covid19. Inclusion of meeting and livestreaming.
October 2020	04	Reviewed per Norman Waterhouse advice
December 2021	05	Reviewed to include Notice No.5 and update references to Sections of the Act which have been amended through LG Reform - Rounds 1 & 2.
February 2022	06	Reviewed to include for the Live streaming of Council's Special Meetings and where appropriate Council Information Sessions.
July 2022	07	Reviewed to remove Covid 19 Declaration
August 2022	08	Reviewed to remove reference to Electronic Participation in Council Meetings
March 2024	09	Reviewed to remove Live streaming and refine references for electronic participation to Committee Meetings only.