

 <b>Adelaide Plains Council</b>	Code of Practice – Meeting Procedures	
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## Introduction

Adelaide Plains Council is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the *Act*) provides that, subject to the *Act*, the procedures to be observed at a meeting of Council or a Council Committee will be:-

- As prescribed by regulation; and
- Insofar as the procedure is not prescribed by regulation – as determined by the Council; and
- Insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (the *Regulations*) specifies certain procedures to be followed during the operation of:-

- Meetings of Council;
- Meetings of a Council Committee performing regulatory activities; and
- Meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The *Regulations* provide that Council may develop and adopt a Code of Practice for its own meetings of Council and its Committees that varies certain of these provisions.

This Code of Practice restates the minimum legislative requirements contained in the *Regulations*, and contains the procedures adopted by Council that are variations of the *Act* and *Regulations*, or concern matters on which the *Act* and *Regulations* are silent. These discretionary procedures have been inserted in ***italics and bold like this***, in this Code of Practice to enable them to be read in conjunction with the formal requirements of the *Act* and *Regulations*.

Further, the terms 'regulation' and 'sub regulation' appearing in the *Regulations* have been substituted with 'clause' and 'sub-clause' respectively for the purposes of this Code of Practice. These words may be used interchangeably for the purpose of referring to and interpreting this Code. The *Act* and *Regulations* will prevail in the event of any conflict or inconsistency with this Code.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of Adelaide Plains Council.

## **Part 1 – Preliminary**

### **1. Citation**

This Code may be cited as the Code of Practice – Meeting Procedures (the Code).

### **2. Purpose**

The Code sets out the agreed procedures for the conduct of Council and Committee Meetings, including the legislative obligations and the discretionary elements which Council has varied to enable the Council to operate with reference to the specific needs of this community. It is to be read in conjunction with the *Act* and *Regulations*.

### **3. Interpretation**

(1) In this Code, unless the contrary intention appears:

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

**Clear days** see sub-clause (2) & (3);

**Deputation** means a person or group of persons who wish to appear personally before the Council or Council committee in order to address the council or committee (as the case may be) on a particular matter;

**Formal motion** means a motion:

- (i) that the meeting proceed to the next business; or
- (ii) that the question be put; or
- (iii) that the question lie on the table; or
- (iv) that the question be adjourned; or
- (v) that the meeting be adjourned<sup>1</sup>;

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

**Guiding Principles** see Clause 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 this Code of Practice in relation to the proceedings of a meeting;

**Presiding Member** means the person who is the Presiding Member of the Council or Council committee (as the case may be) and includes any person who is presiding at a particular meeting;

**Regulatory function** means an activity which involves the making or enforcement of by-laws, orders, standards or other controls under the *Act*; and

**Written notice** includes a notice given in a manner or form determined by the Council ***which includes either legibly hand written or typed and either in paper or electronic form.***

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting:
  - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purpose of the calculation of **clear days** under sub-clause (2), if a notice is given after 5.00pm on a day, the notice will be taken to have been given on the next day.
- (4) For the purpose of this Code, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this sub-clause prevents a division from being called in relation to the vote).

#### **4. Guiding Principles**

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the 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 Key Committees**

### **Division 1 – Preliminary**

#### **5. Application of Part**

The provisions of this Part apply to, or in relation to:

- (a) the meetings of the Council;
- (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.

***Where there is any doubt as to whether a committee performs regulatory activities, the Chief Executive Officer (CEO) will make a final determination on the matter.***

#### **6. Discretionary Procedures**

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this clause, then a Council may, by a resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) Council should, at least once in every financial year, review the operation of this Code under this clause.
- (3) Council may at any time, by resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) Council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the Code under this clause at the principal office of the Council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the Council, to a copy of the Code.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of Clause 20.

## Division 2 – Prescribed Procedures

### 7. Commencement of Meetings and Quorums

- (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 CEO indicates that a quorum will not be present at a meeting, the CEO 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 CEO, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the CEO will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the CEO must:
  - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting;
  - (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 placed on display at the principal office of the Council; and
  - (c) ***where such notice is to be given, notices will be placed on Council's website, its Principal Office and the Two Wells Service Centre.***
- (6) ***Council and committee meetings outlined in Part 2 Clause 6, will be adjourned if, where the items listed on the agenda are not considered by Council / Committee within three (3) hours, with the option of an additional 30 minute curfew.***

### 8. Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will:
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

- (4) The minutes of the proceedings of a meeting must include:
- (a) the names of the members present at the meeting; and
  - (b) in relation to each member present:
    - (i) the time at which the person entered or left the meeting; and
    - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
  - (c) each motion or amendment, and the names of the mover and seconder; and
  - (d) any amendment 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.

## 9. Questions

- (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.
- (2) If notice of a question is given under sub-clause (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;
  - (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.

***(a) a motion under Clause 9(5) must be made prior to the question without notice and reply being 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.

## **10. Petitions**

- (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 principal office of the council.
- (2) If a petition is received under sub-clause (1), the CEO must ensure 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 is so provided by a policy of the Council, a committee of the Council, ***and that a copy of the full petition is provided to Council Members on request.***
- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.*

## **11. Deputations**

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the council ***five (5) clear days before the date of the meeting at which the person(s) wishes to appear.***<sup>1</sup>
- (a) If the matter relates to an item of business on the Agenda, the written request may be received at the principal office of the Council up until one (1) hour prior to the meeting.***
- (2) The CEO must transmit a request received under sub-clause (1) to the Presiding Member.

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<sup>1</sup> This will enable staff to liaise with the Presiding Member, prior to distribution of the agenda for the meeting. A notation should appear on the agenda for the meeting in relation to the deputation.



- (3) The Presiding Member may refuse to allow the deputation to appear at a meeting ***or may offer those requesting a deputation the opportunity to appear at a relevant Committee (as per sub-clause (7)).***
- (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.
- (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.
- (8) ***A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of ten (10) minutes. The Presiding Member may allow for additional time or speakers.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Council Meetings – Call Over of Items of Business***

- (1) ***Each item on the meeting agenda will be considered separately with Council considering each recommendation made in such reports.***

## **12. Motions**

- (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 CEO at least seven (7) clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion to 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-clause (3) is lost, a motion to the same effect cannot be brought:
  - (a) until after the expiration of twelve (12) months; or
  - (b) until after the next general election; whichever is the sooner.
- (5) Subject to the Act and this Code, a member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving a motion will speak to the motion at the time of moving the motion.
  - (a) A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.**
- (10) A member may only speak once to a motion except:
  - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
  - (b) with leave of the meeting; or
  - (c) as the mover in reply.
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion:
  - (a) A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause (9)(a), may not move or second an amendment to the motion,**
  - (b) Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.**
- (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-clause (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;

- (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;
  - (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);
  - (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 one (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-clause (14)(c) lapses at the next general election.
- (20) The CEO must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Member who places Notice of Motion on Agenda Absent***

- (1) ***In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting, another Elected Member may move the motion in their stead or move a motion without notice in the same terms of the Notice of Motion.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Motions without Notice (refer Regulation/Clause (12)(6) and (7))***

- (1) Motions without Notice have not been advertised to the broader community and therefore it is considered not in the interest of best governance practice, and a denial of natural justice, to have items that do not fit into the following criteria below, considered at this part of the meeting.***
- (2) The agenda item 'Motions without Notice' is to be restricted to business that is:-***
  - A request that a report on a particular topic be presented at a future meeting;***
  - A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;***
  - A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion without Notice is seen as the best way to resolve the matter; and/or***
  - A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council.***
- (3) Wherever practicable, members wishing to move a Motion without Notice (in relation to an item on the agenda) that differs from that recommended in the agenda for that item are encouraged to make available a written copy of their motion. This will assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.***

## **13. Amendments to Motions**

- (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.
  - (a) A member may only speak once to an amendment to the motion except:***
    - (i) 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***
    - (ii) with leave of the meeting.***
  - (b) For the avoidance of doubt:***
    - (i) 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; and***

***(ii) clause (13)(3)(a) does not prevent a member from speaking to any further amendment to the original motion.***

- (4) If an amendment is lost, only one (1) further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one (1) further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

#### **14. Variations etc.**

- (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.

#### **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

##### ***Right of Reply***

- (1) The mover of a motion shall have an opportunity to respond following all debate on a motion (closing the item / right of reply).***
- (2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.***

#### **15. Addresses by Members, etc.**

- (1) A member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.
- (2) A member, may, with the 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) ***Where practicable, a copy of the personal explanation is provided to the Presiding Member before the meeting.***
- (6) The contribution of a member must be relevant to the subject matter of the debate.

- (7) Sub-clauses (1) and (2) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.
- (8) ***A member is at all times during a meeting to address and refer to another member or an employee by their official title or designation, for example, "Councillor (Surname)".***
- (9) ***A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an employee.***
- (10) ***If the Presiding Member is to enter the debate, they must only do so between the first and last speaker.***

## 16. Voting

- (1) The Presiding Member, or any other member, may ask the CEO 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) Sub-clause (3):-
  - (a) may be varied at the discretion of the council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*; and
  - (b) does not apply in relation to a member participating in a Council Committee meeting by telephone or electronic means approved in accordance with procedures determined by the Council or Council Committee for the purposes of Section 89 of the Act.

## 17. Divisions

- (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) the members voting in the affirmative will, until the vote is recorded, stand in their places. ***In any instance the presiding member is satisfied a members health condition impacts their ability to stand, the member may raise their hand to indicate their vote (in the affirmative);***
  - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;

- (c) the Presiding Member will count the number of votes and then declare the outcome.
- (4) The CEO 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).

## **18. Tabling of Information**

- (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).
- (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.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Urgent Business Items***

- (1) A member may raise an item for discussion, not already on the agenda, if the item cannot wait until the next meeting of Council.***
- (2) Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Urgent Business item.***
- (3) Where possible, and to facilitate good and informed decision-making, Members are encouraged to raise such Urgent Business Items by way of a motion seeking a report to be submitted.***

## **19. Adjourned Business**

- (1) If a formal motion for a substantive motion to be adjourned is carried:
  - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6* of the *Local Government (Procedures at Meetings) Regulations 2013*.

## **20. Short-Term Suspension of Proceedings**

- (1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (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
    - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
    - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
  - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
  - (d) the period of suspension will come to an end if:
    - (i) the Presiding Member determines that the period should be brought to an end; or
    - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

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



**21. Chief Executive Officer (CEO) may submit report recommending revocation or amendment of council decision**

- (1) The CEO may submit a report to the Council recommending the revocation or amendment of a resolution passed since the last general election of the Council.
- (2) The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

**ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

***Termination of Meetings in the Event of an Emergency***

- (1) ***In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of Clause 20(1).***
- (2) ***The CEO or delegate will direct all staff and any visitors to the designated emergency assembly points.***

**ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

***Confidential Items***

***The conduct of all Council and committee meetings will be in accordance with Council's Code of Practice – Access to Council Meetings and Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.***

## **Part 3 – Meetings of Other Committees**

### **22. Application of Part**

The provisions of this Part apply to or in relation to the meetings of any Council committee that is not subject to the operation of Part 2.

### **23. Notice of Meetings for Members**

- (1) 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.

### **24. Public Notice of Committee Meetings**

- (1) 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 sub-sections (2), (3) and (4) provided as follows:
  - (a) that public notice need not be given for each meeting separately; and
  - (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after taking into account the nature and purpose of the committee.

### **25. Minutes**

- (1) The minutes of the proceedings of a meeting must include:-
  - (a) the names of the members present at the meeting; and
  - (b) each motion carried at the meeting; and
  - (c) any disclosure of interest made by a member; and

- (d) details of the making of an order under subsection (2) of Section 90 of the *Act* (see subsection (7) of that section); and
  - (e) a note of the making of an order under subsection (7) of Section 91 of the *Act* in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

#### **Part 4 – Miscellaneous**

### **26. Quorum for Committees**

- (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 clause, 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 two (2), ignoring any fraction resulting from the division, and adding one (1); or
  - (b) a number determined by the Council.

\*See also Section 41(6) of the *Act*

### **27. Voting at Committee Meetings**

- (1) Subject to the *Act* and this Code, 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 the 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.

### **28. Points of Order**

- (1) The Presiding Member may call to order a member who is in breach of the *Act* or this Code.
- (2) A member may draw to the attention of the Presiding Member a breach of the *Act* or this Code, 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-clause (5) is put.
- (7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with:-
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.
- (8) *All Points of Order, and any subsequent ruling and motions of a Point of Order, will be recorded in the minutes of the meeting.***

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURE**

### ***Conduct of Members***

***The Mandatory Behavioural Standards for Council Members will be adhered to for all meetings.***

## **29. Interruption of Meetings by Members**

- (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; **or**
  - (c) use offensive language.**
- (2) Sub-clause (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 sub-clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-clause (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-clause (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-clause (4); or
    - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.
- Maximum penalty: \$1,250.

### **30. Interruption of Meetings by Others**

- (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.

## **ADDITIONAL COUNCIL-DETERMINED PROCEDURES**

### ***Public Holidays on Scheduled Meeting Days***

- (1) Council meetings will be held one (1) day later in the event of any public holiday falling on any scheduled meeting day.***
- (2) Committee meetings not undertaking a regulatory function will meet on an alternate day as agreed by the committee members.***

### ***Annual Appointment of Committee Chairperson, Deputy Chairperson and Members***

***The appointment of Committee Chairperson, Deputy Chairperson and Members will be in line with the Council endorsed Terms of Reference for the relevant Committee.***

### ***Use of Electronic Media***

***The Chairperson may deem appropriate for one (1) or more members to participate in committee meetings, covered by Clause 5 'Application of Part', via telephone or electronic means. In doing so the method must ensure that all members and any public member present are able to clearly hear the discussions.***

## **Related Documents**

Code of Practice – Access to Council Meetings and Documents

Mandatory Behavioural Standards for Council Members

Deputation Request Form

## **Records Management**

All documents relating to this Code of Practice will be registered in Council's Record Management System and remain confidential where identified.

## **Document Review**

This Code of Practice must be reviewed within 12 months of a general election and should be further reviewed at least once in every financial year.

Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.

## **References**

*Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2013*

## **Further Information**

Members of the public may inspect this Code of Practice free of charge on Council's website at [www.apc.sa.gov.au](http://www.apc.sa.gov.au) or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained. Any queries in relation to this Code of Practice must be in writing and addressed to the Director, Corporate Services.