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|  <p>City of Mount Gambier</p> | <p>COUNCIL POLICY</p> <p>Code of Practice for Meeting Procedures</p> | Version No: | 1 |
| | | Issued: | 19 November 2024 |
| | | Next Review: | November 2025 |

1. Introduction

The City of Mount Gambier is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

Council is required under Section 92 of the Local Government Act 1999 (the Act) to adopt a Code of Practice for Access to Meetings and Documents (i.e. a code for the use of confidentiality provisions in sections 90, 90A and 91 of the Act). The section 92 code is contained in a separate Council policy.

The Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) stipulate the statutory procedures to be undertaken during the operation of Council and Committee meetings. Under the Regulations, Council may adopt a Code of Practice for its own meetings, which varies the provisions that are capable of variation under the Regulations. Any such varied meeting procedure regulations will be contained in a separate Council code / policy which (if adopted) must be reviewed at least once in every financial year and altered, substituted or revoked by resolution supported by at least two-thirds of members entitled to vote.

Sections 86(8) and 89(1) of the Act provides that where a procedure is not prescribed by regulation, Council (or a Council Committee, when Council does not determine the procedures for the Committee) can determine its own procedures, provided it is not inconsistent with the Act or Regulations (including any varied regulations).

2. Statement of Principle

This Policy contains Council determined meeting procedures under sections 86(8) and 89(1) of the Act, and supported variations to meeting procedures in accordance with Regulation 6(1) of the Regulations at **Appendix 1**.

This Policy should be read in conjunction with the Act and Regulations, in particular the *Guiding Principles* set out in Regulation 4. The Guiding Principles should be applied with respect to the procedures to be observed at a meeting of a Council or a Council committee:

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

3. Definitions

Act means the *Local Government Act 1999*.

Clear days means days, inclusive of Saturdays, Sundays and public holidays, which do not include:

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- the day on which the notice is given
- the day on which the meeting occurs.

If a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.

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.

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, Regulations or this Code of Practice in relation to the proceedings of a meeting;

Presiding Member means the person who is presiding at a council or council committee (as the case may be) meeting.

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

4. Council Determined / Discretionary Meeting Procedures

4.1 Filming and Audio Recording Devices

Council maintains its current minute taking practice that involves the agenda item and recommendation / resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Member be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting for the purposes of Regulation 29(1) and 30.

Audio recording of items considered 'In-Confidence' under the provisions of the Act is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member prior.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission, however they may place restrictions and conditions on such recording and photography as they see fit, so as to ensure such photography or video recording does not interfere with the orderly conduct of the meeting.

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Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting for the purposes of Regulation 30, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered ‘In-confidence’ under the provisions of the Act is prohibited.

4.2 **Presentation of Committee Recommendations to Council**

It is the policy of this Council that the Presiding Member or nominee of any Council Committee will present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be able to attend a Council Meeting, then they may nominate in advance any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item(s) to Council.

4.3 **Voting ‘En-Bloc’**

Council does not support the use of ‘en-bloc’ voting during Council and Committee meetings to adopt a number of items, motions or recommendations by way of single resolution, absent discussion and debate.

En-bloc decision-making is not lawful in relation to items for decision, is not considered good practice for other agenda items, and is in conflict with the Guiding Principles of the Regulations.

4.4 **Appointment and Role of Deputy Mayor**

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Act.

Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term of two (2) years, or otherwise determined by the Council, that must not exceed four (4) years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall call for nominations and acceptances from Members present at the Council Meeting immediately following the relevant periodic elections (or, otherwise where there is a vacancy in the position).

If only one nomination is received then that Member is to be declared Deputy Mayor, evidenced by resolution of the Council.

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Where more than one nomination is received, the Council will hold a secret ballot, or otherwise determine the voting process to be followed, consistent with section 51(8) of the Act and the Chief Executive Officer (or any other Senior Officer present at the meeting) will be appointed as Returning Officer to declare the result and draw lots (if / as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- A secret ballot shall be conducted.
- The Mayor does not vote in the secret ballot on the question of the appointment of Deputy Mayor.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the last name drawn in a lot) shall be declared the Deputy Mayor.
- A division cannot be called when a resolution appointing the successful candidate as Deputy Mayor is taken.

In the absence of the Mayor, the

Deputy Mayor shall act in the office of the Mayor.

In the Council Chamber, the Deputy Mayor shall assume no additional authority, save for in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

4.5 **Appointment to Committees and other Bodies and Organisations**

This policy provision applies when Council has been requested, or is required to nominate or appoint, a Member or any other person to fill a vacant position on any Committee or as delegate / representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply to the extent of the inconsistency (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees).

The Chief Executive Officer shall notify Members of the request and / or requirements associated with the vacancy, including details of the Committee / Body / Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and / or experience.

Where Council is required under a legislative or other requirement, such as the Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

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The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting, together with a recommendation and draft resolutions that Council may endorse a secret ballot voting process. The Chief Executive Officer (or any other Senior Officer present at the meeting) will be appointed as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by resolution, Council:
 - i. may determine not to nominate or appoint any person to fill a vacancy.
 - ii. should determine the term to apply to the nomination/appointment, that may survive the next general (periodic) election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisations.
- Any Member not in his or her seat at the meeting is not entitled vote, unless they have prior permission from the Presiding Member.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the last name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called when a resolution on the question of appointing a person to fill a vacant position is taken.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

Whilst it is a discretionary matter for the Council, the Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a section 42 subsidiary (i.e. Limestone Coast Local Government Association).

Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy, or otherwise where the Council has resolved to the contrary.

Payment of Allowances/Sitting Fees

Council will have a consistent and accountable approach to payment of allowances / sitting fees for Members and other community and independent persons appointed to positions on Committees. These matters will be set out in the Terms of Reference.

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Appointment of Independent Members of a Council Committee will be for a term determined by the Council, and may survive the next general (periodic) election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

Roles of Nominees/Appointees

Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (i.e. Mayor, Deputy Mayor, Member, Chief Executive Officer etc).

Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated / appointed a Member or delegate / representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates / appoints Elected Members, Council Officers or other suitably persons as delegates / representatives do not operate under the provisions of the Act or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated / appointed as a delegate / representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate / representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests / roles.

4.6 Electronic Attendance at Committee Meetings or Information Briefing Sessions

Members must attend all Council Meetings in person, but may attend Committee meetings or Information Briefing Sessions electronically.

Members of Council and Council Committees acknowledge that attending meetings and Information Briefing Sessions electronically is a privilege, and that the opportunity to attend by electronic means does not replace in person attendance as Council's preference for meeting arrangements.

Whenever possible, Council expects all Members of Committees to attend formal meetings and Information Briefing Sessions in person.

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An Elected Member or Member of a Council Committee may, by exception, participate in a Committee meeting or Information Briefing Session by electronic means for extenuating reasons, provided that:

- a) On each separate occasion written approval to participate in the meeting or session by electronic means has been sought from the relevant Presiding Member and confirmed to the Chief Executive Officer at least 4 hours prior to the scheduled commencement time of the meeting; and
- b) the Chief Executive Officer has confirmed prior to the scheduled commencement time of the meeting or session that necessary technologies are available to accommodate the participation in the meeting and compliance with the Act; and
- c) the Member participating in a meeting or workshop by electronic means is taken to be present at the meeting/workshop provided that the Member:
 - i. can hear all other members present at the meeting;
 - ii. can be seen and heard by all other members present at the meeting;
 - iii. can be seen and heard by the person recording the minutes of the meeting; and
 - iv. can express their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by electronic means).

Non-Council Members (e.g. Independent/Community Committee Members, Council Officers, Contractors, Presenters etc) may attend Committee Meetings and Information Briefing Sessions by electronic means where such provision is able to be accommodated with the prior approval of the relevant Presiding Member/Chief Executive Officer.

Any Member or Non-Council Member participating by electronic means in a Committee meeting or Information Briefing Session which is conducted in-confidence in accordance with the provisions under section 90 of the Act is responsible to ensure that they take necessary precautions to the same degree of stringency as if they were attending the meeting in-person to preserve the confidentiality of the subject discussions, material and documents.

The following requirements apply to attendance by Members by electronic means:

- Members must attend at least 50% of meetings of any Committee or Information Briefing Sessions in person during any 12 month period;
- Members must not attend three (3) or more consecutive meetings of the same Committee or Information Briefing Sessions (being three consecutive dates on which Information Briefings are held, not three individual Information Briefing Sessions) by electronic means.

Where an Elected Member fails to meet the above electronic participation requirements, the Presiding Member may determine that the Elected Members position on that Committee shall be vacated, after affording that Member procedural fairness (being an opportunity to explain why they may not have been able to attend in person) which response will be considered by the Presiding Member, prior to making any final determination as to that Members position on the Committee will be vacated.

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An Elected Member of a Committee whose position has become vacant as a result of failure to meet the electronic participation requirements may only be re-appointed to the Committee by Council after it has considered nominations for the vacancy, and in accordance with any relevant Committee Terms of Reference.

Members and Non-Members of the Audit and Risk Committee are granted an exemption to the requirement to attend at least 50% of Committee meetings in person during a 12 month period for their attendance at Audit and Risk Committee meetings only, with such attendance simply being removed from any overall calculation of attendance by electronic means.

5. Review of Policy

Council will review this Code of Practice at least once in each financial year in accordance with Regulation 6(2) of the Regulations. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter this Code of Practice, or substitute, or revoke the Code of Practice.

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| Strategic Reference: | |
| Related Policies: | s92 Code of Practice for access to meetings and documents |
| Related Procedures: | |
| Related Documents: | Council Meeting Procedures Handbook (2019) Minute Takers Handbook for Local Government (2014) |

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Appendix 1

City of Mount Gambier (Procedures at Meetings) Regulations 2024

under the *Local Government Act 1999*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) Regulations 2013*.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Local Government Act 1999*;

clear days—see subregulations (2) and (3);

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

formal motion means a motion—

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

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;

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

COMG 3.1 Notice Requirements

Written notice must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time it is provided to the Chief Executive Officer. For clarity, a draft or incomplete notice will not meet the written notice requirements.

- (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 purposes of the calculation of *clear days* under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

- (4) For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote).

Note—

- 1 See regulation 12 for specific provisions about formal motions.

4—Guiding Principles

The following principles (the *Guiding Principles*) should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:

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

Part 2—Meetings of councils and key committees

Division 1—Preliminary

5—Application of Part

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.

COMG 5.1 Application to Council Committees

Part 2 of the Local Government (Procedures at Meetings) Regulations (including any varied or Council determined procedures) shall apply to all Council Committees established under the Local Government Act 1999, and Part 3 shall not apply to any Committees unless the Council specifically resolves they will do so under the Terms of Reference for that Committee.

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 regulation, 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) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.

- (3) A 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) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20¹.

Note—

- 1 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.)

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 chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must—
 - (a) give notice of the adjourned meeting to each member 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 placed on display at the principal office of the council.

COMG 7.1 Order of Agenda

The Presiding Member may seek leave of the meeting to vary the order of the Agenda. Reasons for such variation may include bringing forward items associated with a deputation or petition presented at the meeting, or a matter for which significant community interest has been shown by public attendance in the gallery, or where the Council may have invited consultants or other guests to provide advice on items.

In determining whether to grant leave, the meeting is to take into account the Guiding Principles in Regulation 4 and that interested persons may arrive at the meeting later to observe an item based on its position in the published Agenda.

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
 - (ab) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; and
 - (b) in relation to each member present—
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and
 - (m) a description of any oral briefing given to the meeting on a matter of council business; and

- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

COMG 8.1 Attendance Record

A mandatory sign-in sheet shall be made available at the Council Chamber (or Civic Reception Area) to record public attendance in the building for Work Health and Safety (emergency evacuation) purposes.

9—Questions

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.

COMG 9.1 Question (on Notice) Requirements

A Question on Notice must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time that it is given to the Chief Executive Officer. A Question on Notice must not be vague, irrelevant, insulting or improper.

A proposed Question on Notice that does not meet the definition of ‘*written notice*’ in Regulation 3 and COMG 3.1 shall not be accepted, unless resubmitted in the time and manner required to be compliant with Regulation 3, COMG 3.1 and Regulation 9(1).

If a Question on Notice does not meet the requirements then the Question will not be included in the Agenda. For clarity, a draft or incomplete Question will not meet the ‘*written notice*’ requirements. To be a complete Question on Notice the Member must have strictly complied with all components of Regulation 9(1), the definition of ‘*written notice*’ in Regulation 3, COMG 3.1 and this Council determined procedure.

Any ‘preamble’ included with a Question on Notice will be disregarded and not included in the Agenda, or Minutes. If the question is incapable of being answered absent the preamble, it will be returned to the Member for re-submission, taking into account the timing requirements under Regulation 9(1).

- (2) If notice of a question is given under subregulation (1)—
- (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.

COMG 9.2 Question (without Notice) Requirements

A question raised at the section of the Agenda titled ‘Questions Without Notice’ should be presented in legible handwritten or typed, in hardcopy or electronic form, to the Presiding Member as soon as practicable at the meeting at which it is ask, to enable consideration to be given to the reply, including any enquiries or additional information that may be necessary to inform the same.

- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

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 subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.

COMG 10.1 Statement of Nature (Petitions)

Petitions received by Council shall be included in the relevant Agenda as a 'statement of the nature' of the request and total number of signatures, rather than the Petition in its entirety.

- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

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.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

COMG 11.1 Deputation Requirements

A deputation must not exceed five (5) minutes duration without prior consent of the Presiding Member, having sought and been granted leave of the meeting.

Any materials or presentations to be used in support of a deputation must be provided at least 7 clear days before the date of the meeting at which the deputation is to be made. Any materials or presentations may, at the absolute discretion of the Presiding Member, be redacted or disallowed if inappropriate, offensive or otherwise gives rise to a risk for the Council. No materials may be distributed on the night of the deputation, without prior approval from the Chief Executive Officer.

A request for deputation does not need to relate to an item contained on the Council or Committee Agenda for the meeting at which it is to be received, but must relate to subject matter within the decision making or influence remit of the Council or Committee.

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 chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.

COMG 12.1 Notice of Motion Requirements

A Notice of Motion must be legibly handwritten or typed, in hardcopy or electronic form, and complete at the time that it is given to the Chief Executive Officer.

If a Notice of Motion does not meet the requirements then the Motion will not be included in the Agenda. For clarity, a draft or incomplete Motion will not meet the '*written notice*' requirements. To be a complete Notice of Motion the Member must have strictly complied with all components of Regulation 12(2), the definition of '*written notice*' in Regulation 3, COMG 3.1 and this Council determined procedure.

If the Motion does not meet the requirements, it will be returned to the Member for further consideration and re-submission, taking into account the timing requirements under Regulation 12(2). If the re-submitted Motion fails to meeting the timing requirements, it will be received an included on the Agenda for the next available meeting of the Council or Committee.

- (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.

COMG 12.2 Notice of Motion Procedure

A Member may, having notified the Presiding Member prior to the meeting at which a Notice of Motion is to be moved, may nominate another Member to move a Motion on Notice in their absence.

A Motion on Notice given by a Member who is not in their seat at the relevant point of the Agenda, and who has not nominated another Member to move the Motion or otherwise, will be included on the Agenda for the next meeting of the Council or Committee and the meeting shall immediately proceed to the next item of business.

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- (4) If a motion under subregulation (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.
- (5) Subject to the Act and these regulations, 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.

COMG 12.3 Refusal of Motion Without Notice

Where a Motion without notice has been refused by the Presiding Member in accordance with Regulation 12(6), no further action will be taken in regard to the proposed Motion until and unless a formal Notice of Motion is given in accordance with Regulation 12(2).

- (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 or seconding a motion will speak to the motion at the time of moving or seconding the motion.
- (10) A member may only speak once to a motion except—
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (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.

COMG 12.4 Questions to a Motion

Any Member may direct a question relating to a Motion that has been moved and seconded to the Presiding Member.

In responding to the question the Presiding Member may seek information from the Chief Executive Officer, or another Member with respect any explanation that may be sought under Regulation 12(10).

Only the Chief Executive Officer and Presiding Member may seek responses to questions directly from staff in attendance at the meeting.

Members are encouraged to seek answers to questions relating to Agenda items prior to the commencement of a Council or Committee meeting, through the formal lines of communication established by the Chief Executive Officer.

- (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 subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is—
- (a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost—
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.

- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

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.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

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.

15—Addresses by members etc

- (1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.
- (2) A member may, with leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

16—Voting

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.

COMG 16.1 Leave to Vote – Not Seated

A Member may seek leave from the Presiding Member to vote whilst not seated in their chair in exceptional circumstances.

- (4) Subregulation (3)—
- (a) may be varied at the discretion of the council pursuant to regulation 6; 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;
 - (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 chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

18—Tabling of information

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

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 regulation may be varied at the discretion of the council pursuant to regulation 6.

COMG 19.1 Adjournment - Late Meetings

Where a meeting continues until 9pm, the meeting (and hence, all remaining business) will be adjourned to a date and time specified by the Presiding Member, unless the Presiding Member seeks, and is granted, leave by a simple majority of Members present to extend the meeting by a period of up to 1 hour.

The Presiding Member must first confer with the Chief Executive Officer/Senior Officer present with respect to excusing staff (save for essential staff as determined by the Chief Executive Officer, which will include the minute taker) from the meeting prior to seeking leave for an extension.

On the expiration of any initial period, the Presiding Member may seek leave by a simple majority of Members present to extend the meeting by periods in increments of 30 minutes.

Any items of business outstanding at the adjournment of a meeting will be dealt with first at the next meeting of Council.

COMG 19.2 Adjournment - Emergency

The circumstances of an emergency may take precedence over the formalities of meeting procedures.

Where the circumstances of an emergency permit, the Presiding Member may do one of the following:

- call for a formal motion to adjourn under regulation 12(14)(e) and 12(18),
- close the meeting for want / loss of a quorum,
- comply with any reasonable work, health and safety obligation under the Work, Health and Safety Act in response to the relevant circumstances.

At all times the safety of persons present at the meeting must be the paramount concern.

Any administrative anomaly that arises in giving effect to the Council's obligations to deal with an actual or perceived emergency will not be considered fatal to any decisions made with respect to the adjournment of the meeting, or resumption, nor to the validity of any decisions arising from the same.

The minutes of a meeting adjourned in the case of an emergency need not specify full details of the emergency. The Minutes need only record that an emergency situation arose.

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 subregulation (1).
- (3) If a suspension occurs under subregulation (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 observed¹; 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.

Note—

- 1 See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

21—Chief executive officer may submit report recommending revocation or amendment of council decision

- (1) The chief executive officer 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 chief executive officer 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 regulation may be varied at the discretion of the council pursuant to regulation 6.

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

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 chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24—Public notice of committee meetings

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2) and (3) 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 chief executive officer 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 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.

27—Voting at committee meetings

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28—Points of order

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (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.

28A—Exclusion of member from meeting by presiding member

- (1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.
- (2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.
- (3) A member will not be taken to contravene section 86(6a) of the Act merely because the member is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.

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.
- (2) Subregulation (1)(b) does not apply to a member who is—
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (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 subregulation (4); or
 - (b) enters a meeting in contravention of a suspension under subregulation (5),is guilty of an offence.
Maximum penalty: \$1 250.

COMG 29.1 Mobile Electronic Devices

To prevent any interruptions for the purposes of Regulation 29(1) all Council and Committee Members must ensure electronic communication devices (e.g. mobile telephones, smart devices or similar), including any being used by the Member to attend the meeting or session, are placed on silent mode during the meeting.

Except for the express limited purpose of facilitating electronic attendance at a Committee Meeting or at an Information or Briefing Session, Council and Committee Members are not to use electronic communication devices to communicate with any other Council or Committee Member or any other person (whether present or absent from the meeting) about an Agenda item or any other matter while present during the course of a meeting.

Nothing in this item is intended to prevent a Member from:

- leaving the meeting or session to communicate with another person, or
- seeking leave of the meeting or session to contact another Member for an appropriate purpose, such as to enquire about the Members absence, wellbeing, or safety.

30—Interruption of meetings by others

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.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Local Government (Procedures at Meetings) Regulations 2013* revoked the following:

Local Government (Procedures at Meetings) Regulations 2000

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|-----------|--|------------------------|
| 2013 | 278 | <i>Gazette 12.12.2013 p4642</i> | 1.1.2014: r 2 |
| 2021 | 141 | <i>Gazette 16.9.2021 p3565</i> | 10.11.2021: r 2 |
| 2022 | 97 | <i>Gazette 17.11.2022 p6647</i> | 17.11.2022: r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|----------------|--|-------------------|
| Pt 1 | | |
| r 2 | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>10.11.2021</i> |
| Pt 2 | | |
| r 6 | | |
| r 6(5) and (6) | <i>deleted by 141/2021 r 4</i> | <i>10.11.2021</i> |
| r 8 | | |
| r 8(4) | amended by 97/2022 r 3(1), (2) | 17.11.2022 |
| r 9 | | |
| r 9(1) | varied by 141/2021 r 5 | 10.11.2021 |
| r 12 | | |
| r 12(2) | varied by 141/2021 r 6 | 10.11.2021 |
| Pt 3 | | |
| r 24 | varied by 141/2021 r 7 | 10.11.2021 |
| Pt 4 | | |
| r 28A | inserted by 97/2022 r 4 | 17.11.2022 |
| <i>Sch 1</i> | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>10.11.2021</i> |

Historical versions

10.11.2021