



## Statutory Code: Code of Practice - Procedures at Meetings

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## Code of Practice - Procedures at Meetings

### INTRODUCTION

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

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

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

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

The combined document is regarded as the City of West Torrens' Code of Practice for Procedures at Meetings (Code of Practice).

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

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

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

## 1. Interpretation (Regulation 3)

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

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

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

“**formal motion**” means a motion -

- (a) that the meeting proceed to the next business, or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned<sup>1</sup> ;

“**Guiding Principles**” see regulation 4;

“**member**” means a member of the council or council committee (as the case may be);

“**point of order**” means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

“**presiding member**” means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

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

- (1) In the calculation of “**clear days**” in relation to the giving of notice before a meeting -
  - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - (b) Saturdays, Sundays and public holidays will be taken into account.
- (2) For the purposes of the calculation of clear days under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (3) 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 sub regulation prevents a division from being called in relation to the vote).

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

## 2. Guiding Principles (Regulation 4)

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

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

## PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

### DIVISION 1 - PRELIMINARY

## 3. Application of Part (Regulation 5)

The provisions of this Part apply to or in relation to -

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

## 4. Discretionary Procedures (Regulation 6)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least 2/3 of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) 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 2/3 of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation 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 of practice.

- (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 20<sup>2</sup>.

## DIVISION 2 PRESCRIBED PROCEDURES

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

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of the members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must:
  - (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.

#### **City of West Torrens Provisions:**

- (6) Prior to the commencement of business at a Council or Committee meeting, a senior officer will read the Fire Evacuation Statement.
- (7) Prior to the commencement of business at a Council or Committee meeting the presiding member will draw the attention of members to the Disclosure Statement relating to *Sections 73 and 74 of the Local Government Act 1999* and seek any disclosures by elected members. Any disclosure of interest will be recorded in the Minutes.
- (8) The presiding member may alter the order of business listed in the agenda with the leave of the Council or Committee, e.g. If a number of people in the gallery are in attendance for any particular item listed in the agenda.
- (9) When there are people in the public gallery:

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

- (a) as determined by the council; or
- (b) in the case of a council committee where a determination has not been made by the council, as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

- (a) Council staff will determine (when possible) their reason for attending and identify any relevant report(s) on the agenda.
  - (b) The relevant information will be provided to the presiding member as soon as is practicable, prior to the beginning of the Council meeting if possible.
  - (c) After the item 'Elected Member Reports' in the Council agenda, and prior to the adjournment into Standing Committees, the presiding member will seek the leave of the meeting to bring forward the reports that are of specific interest to persons in the Public Gallery.
  - (d) The Council will not adjourn into Committee(s) but instead consider the report and the presiding member will remain in the Chair while the matters are discussed.
  - (e) The presiding member will direct a brief statement to the Gallery advising of Council's intention to consider the relevant item(s) and, after the Council has determined a direction, to advise the Gallery of the outcome(s).
- (10) This section is subject to any notice given by the Minister under section 302B of the *Local Government Act 1999*.

## 6. Minutes (Regulation 8)

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will -
  - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (3a) For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.
- (4) The minutes of proceedings of a meeting must include -
  - (a) the names of the members present at the meeting; and
  - (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 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.
- (o) The method of attendance by the person.

**City of West Torrens Provisions:**

- (5) Minutes will be forwarded by either hard or soft copy to Members, as requested, and placed on Council's website and extranet.
- (6) The minutes of Council and Council Committee meetings will not include voting patterns other than divisions.
- (7) With regard to Council Committees, a motion to the effect that the Committee meeting recommendations be adopted, will be sufficient, if carried, to endorse the recommendations of the Council Standing or General Committees as Council resolutions.
- (8) If Elected Member(s) are attending the meeting via electronic means, minutes must be taken accurately with due consideration to those not physically present in the meeting.

**7. Questions (Regulation 9)**

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-regulation (9.1):
  - (a) the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
  - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.



**City of West Torrens Provisions:**

- (3.1) With regard to sub-regulation (9.3) a maximum of two clarification questions may be asked by a member unless the presiding member grants leave for a member to ask more.
- (3.2) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or amendment).

- (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.

**City of West Torrens Provisions:**

- (5.1) With regard to sub-regulation (9.5) a question without notice and the reply will only be entered in the minutes when the members present at the meeting resolve that an entry should be made at the time the question is addressed.

- (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.

**8. Petitions (Regulation 10)**

- (1) A petition to the council must:
  - (a) be legibly written or typed or printed; and
  - (b) clearly set out the request or submission of the petitioners;
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (d) be addressed to the council and delivered by a means determined by the chief executive officer.
- (2) If a petition is received under sub-regulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Sub-regulation (2) may be varied at the discretion of the council pursuant to regulation 6.

**City of West Torrens Provisions:**

- (4) The original of each page of the petition must be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of the petition presented to the Council must restate the whole of the request or submission of the petitioners.
- (6) The name and address of each person who signed or endorsed the petition must be clear and legible.
- (7) Electronically submitted petitions will be only be accepted if they meet the requirements detailed in regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice.
- (8) If the petition does not comply with regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice, the petition will not be accepted or presented to Council for its consideration.
- (9) If a page of a petition does not comply with regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice, the signatures on that page will not to be taken into account by the Council when considering the petition.
- (10) When a petition is placed on the Council Agenda in accordance with regulation (10.2), the only motion that may be moved is:
  - (a) That the petition be received and referred to a Council Committee or officer for consideration and a report back to Council.
- (11) On receipt of the petition, in accordance with (10.2), a summary of the first page only will be provided to Council as an attachment to an initial report which sets out the request or submission of the petitioners. When the report on the petition is subsequently considered by Council the entire petition will be attached to the Agenda report except any page or pages not complying with sub-regulation (5) unless the petition is non-compliant and in such instances the whole petition will be included in the initial report for Members information.
- (12) When a petition is placed on the Council Agenda in accordance with regulation (10.2) but the petition is not to be actioned and the only motion that may be moved is:

That the petition be noted.
- (13) On receipt of a petition pursuant to clause 10(12), the entire petition will be attached to the Agenda report except any page or pages not complying with sub-regulation (5)

## **9. Deputations (Regulation 11)**

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver a written request to the council.
- (2) The chief executive officer must transmit a request received under sub-regulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.

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

**City of West Torrens Provisions:**

- (8) Deputations will only be heard at a full Council meeting.
- (9) A request for a deputation must be received by 5pm on the Wednesday prior to the Council meeting at which they wish to appear.
- (10) Deputations received after 5pm on the Wednesday prior to the Council meeting will be presented to the Council meeting for it to determine whether to accept the deputation or not.
- (11) If the presiding member declines a request for a deputation then a report, which may be in the form of a late report if the request was received after the agenda has been produced, will be presented to Council indicating that the presiding member has declined the request.
- (12) Any person(s) wishing to appear as a deputation, and claiming to represent an organisation and/or body, must, prior to the Council or Council Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation and/or body, and provide a copy of the constitution and rules of the organisation and/or body, and a list of members.
- (13) If an association, organisation or body is generally known, the requirements of clause (12) above will not be required.
- (14) A deputation, which must not exceed three people, will not exceed 5 minutes in total, not including questions from Members, except with the leave of the presiding member.
- (15) The name(s) of the representor(s) and subject matter will be recorded in the minutes of a Council or Council Committee meeting but the details of the content of the deputation will not be included.

**10. Motions (Regulation 12)**

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the motion is to be moved.

- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under sub-regulation (3) is lost, a motion to the same effect cannot be brought:
  - (a) until after the expiration of 12 months; or
  - (b) until after the next general election, whichever is the sooner.

**City of West Torrens Provisions:**

- (5) If a Member, who has given notice of a motion in accordance with sub-regulation (2), is absent from the meeting at which the motion is to be considered, the motion will lapse unless written authority has been provided by the Member for the notice of motion to be presented by another Member.
- (6) When placing a motion with notice in a Council or Council Committee Agenda, the CEO may take the opportunity to provide written comments to assist Council to make informed decisions.
- (7) A member must seek and obtain the leave of the meeting to withdraw a motion with notice given in accordance with regulation 12.
- (8) A member must seek and obtain the leave of the meeting to alter the wording of a motion with notice given in accordance with regulation (12).

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

**City of West Torrens Provisions:**

- (9.1) If possible, Members are encouraged to provide any motions without notice in writing to the CEO's office by 6pm on the day of the meeting to expedite the minute taking process.
- (9.2) A motion without notice will not, having regard to the Guiding Principles, be accepted for debate at the Council or Council Committee meeting at which it is brought forward unless:
  - (a) the presiding member determines that the matter is one of urgency; or
  - (b) in the opinion of the presiding member, the motion relates to an issue that does not require substantive information in order to make an informed decision on the motion.

- (10) 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.
- (11) 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).

**City of West Torrens Provisions:**

- (11.1) If a motion without notice is not accepted for debate, in accordance with clause (7) above, it will be deferred until the next Council or Council Committee meeting (as the case may be) when it will be treated as a motion with notice in accordance with regulation (12.1 and 12.2).
- (11.2) If a motion without notice is accepted for debate at a Council meeting, the Mayor will provide the CEO with an opportunity to comment on the proposed motion to assist Council to make an informed decision.
- (11.3) If a motion without notice is accepted for debate at a Council Committee meeting, the presiding member will provide the relevant general manager with an opportunity to comment on the proposed motion to assist the Committee to make an informed decision.

- (12) A motion will lapse if it is not seconded at the appropriate time.
- (13) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

**City of West Torrens Provisions:**

- (13.1) Notwithstanding regulation (12.9), the presiding member may seek a seconder to a motion before allowing the mover of the motion to speak in support of the motion.

- (14) 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.
- (15) 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.

**City of West Torrens Provisions:**

- (15.1) Notwithstanding sub-regulation (11), a member who has already spoken to a motion before the presiding member, may move or second an amendment provided that the member is neither the mover nor seconder of the original motion.
- (15.2) Notwithstanding sub-regulation (12.11), a member who has already spoken to a motion or amendment before the presiding member, may move or second a second amendment provided that the member is neither the mover nor seconder of the original motion nor the amendment.
- (15.3) A member who has spoken to a motion may speak to both an amendment and a second amendment, for no more than five minutes respectively, other than the member who have moved or seconded the original motion.

- (16) A member who has not spoken in the debate on a question may move a formal motion.
- (17) A formal motion must be in the form of a motion set out in sub-regulation (14) (and no other formal motion to a different effect will be recognised).
- (18) 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.
- (19) 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).
- (20) A formal motion does not constitute an amendment to a substantive motion.
- (21) If a formal motion is lost:
- (a) the meeting will be resumed at the point at which it was interrupted: and
  - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e. a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (22) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (23) Any question that lies on the table as a result of a successful formal motion under sub-regulation (14)(c) lapses at the next general election. .
- (24) 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.
- (25) Sub-regulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

**City of West Torrens Provisions:**

- (26) A member wishing to move a motion that is different from that recommended in the agenda is required to make available a written copy of their motion to assist the presiding member in the conduct of the meeting and the accurate recording of the minutes of the meeting.

**11. Amendments to Motions (Regulation 13)**

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.

**City of West Torrens Provisions:**

- (1.1) Notwithstanding sub-regulation (11.1), a member who has already spoken to a motion before the presiding member, may move or second an amendment provided that the member is neither the mover nor seconder of the original motion.
- (1.2) Notwithstanding sub-regulation (12.11), a member who has already spoken to a motion or amendment before the presiding member, may move or second a second amendment provided that the member is neither the mover nor seconder of the original motion nor the amendment.
- (1.3) A member who has spoken to a motion may speak to an amendment and a second amendment, for no more than five minutes, other than the members who have moved the original motion.

- (2) An amendment will lapse if it is not seconded at the appropriate time.

**City of West Torrens Provisions:**

- (2.1) A member moving or seconding an amendment will speak to the amendment at the time of moving or seconding the amendment.
- (2.2) Notwithstanding clause (2.1), the presiding member may seek a seconder to an amendment before allowing the mover of the amendment to speak in support of the amendment.
- (2.3) If the amendment is not seconded then the amendment will lapse.

- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Sub-regulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

## 12. Variations etc. (Regulation 14)

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

## 13. Addresses by Members etc. (Regulation 15)

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

### **City of West Torrens Provisions:**

- (7) A member or officer at a Council meeting must stand when speaking to a matter being considered at the meeting unless:
  - (a) that person is prevented from doing so by a physical disability; or
  - (b) the presiding member determines otherwise.
- (8) A member or officer at a Council Committee meeting may remain seated when speaking to a matter being considered at a Council Committee meeting.
- (9) If two or more members at a Council meeting rise to speak to a matter at the same time, or two or more members at a Council Committee meeting indicate at the same time they wish to speak to a matter being considered at the meeting, the presiding member will decide which member will be heard first.
- (10) A member must, at all times during a meeting, address and refer to another Member or an officer or employee by the member's, officer's or employee's official title or designation.
- (11) A member speaking at a meeting must not make a personal reflection on, or impute an improper motive to, another member or officer.

## 14. Voting (Regulation 16)

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.



- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-regulation (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;
  - (c) is varied in relation to a member participating in a council meeting by electronic means such that the reference to "not in his or her seat" is taken to include a disconnection of the electronic means.

## **15. Divisions (Regulation 17)**

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
  - (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places; and
  - (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats; and
  - (c) the presiding member will count the number of votes and then declare the outcome.
  - (d) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative
- (4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-regulation (3) may be varied at the discretion of the council pursuant to regulation 6.

## **16. Tabling of Information (Regulation 18)**

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents

are tabled, then the matter must not be put to the vote until the documents are tabled).

- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

#### **17. Adjourned Business (Regulation 19)**

- (1) If a formal motion for a substantive motion to be adjourned is carried:
  - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provision of this regulation may be varied at the discretion of the council pursuant to regulation 6.

#### **City of West Torrens Provisions:**

- (5) Council and Council Committee meetings will conclude at or before 10.30pm unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

NOTE: whenever a meeting is set to conclude before all agenda business has been completed, it must occur by way of a formal motion.

#### **18. Short-term Suspension of Proceedings (Regulation 20)**

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least 2/3 of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-regulation (1).
- (3) If a suspension occurs under sub-regulation (1):
  - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
  - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:

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

**19. Chief executive officer may submit report recommending revocation or amendment of council decision (Regulation 21)**

- (1) The chief executive officer may submit a report to council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is considered.
- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

**PART 3 - MEETINGS OF OTHER COMMITTEES**

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

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

**21. Notice of Meetings for Members (Regulation 23)**

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

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee; and
- (b) that notice need not be given for each meeting separately; and
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

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

## 22. Public Notice of Committee Meetings (Regulation 24)

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking in account the nature and purpose of the committee.

## 23. Minutes (Regulation 25)

- (1) The minutes of the proceedings of a meeting must include:
  - (a) the names of the members present at the meeting; and
  - (b) each motion carried at the meeting; and
  - (c) any disclosure of interest made by a member a; and
  - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

### City of West Torrens Provisions:

- (1.1) The minutes of the Council proceedings must also include:
  - (a) the name and title of each member of the management team present.
  - (b) the name and title of each member of the executive management team who is an apology.
- (1.2) The minutes of Committee meeting proceedings must include:
  - (a) the name and title of each member of the management team present.
  - (b) the name and title of each member of the executive management team who is an apology.

- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

## PART 4 - MISCELLANEOUS

### 24. Quorum for Committees (Regulation 26)

- (1) The **prescribed number** of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is:

- (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
- (b) a number determined by the Council.

Note:

See also section 41(6) of the Act.

## 25. Voting at Committee Meetings (Regulation 27)

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

## 26. Points of Order (Regulation 28)

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under sub-regulation (5) is put.
- (7) A resolution under sub-regulation (5) binds the meeting and, if a ruling is not agreed with:
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.

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

- (1) A member of a council or council committee must not, while at a meeting:
  - (a) behave in an improper or disorderly manner; or
  - (b) cause an interruption or interrupt another member who is speaking.
- (2) Sub-regulation (1)(b) does not apply to a member who is:
  - (a) objecting to words used by a member who is speaking; or
  - (b) calling attention to a point of order; or

- (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-regulation (1) has occurred, those members may, by resolution:
  - (a) censure the member; or
  - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
  - (a) refuses to leave a meeting in contravention of sub-regulation (4); or
  - (b) enters a meeting in contravention of a suspension under sub-regulation (5), is guilty of an offence.

Maximum penalty: \$1250.

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

- (1) A member of the public who is present at a meeting of a council or council committee must not:
  - (a) behave in a disorderly manner; or
  - (b) cause an interruption.

Maximum penalty: \$500.

### **City of West Torrens Provisions:**

- (2) A member of the public who interrupts the orderly conduct of a meeting must, on being requested to do so by the presiding member, immediately leave the place where the meeting is being held.
- (3) If a person(s) does not leave the place where the meeting is held at the request of the presiding member, a senior officer of Council will contact SAPOL requesting their immediate attendance to remove that person(s).

## **29. Other Matters (City of West Torrens Provision)**

### **(1) Mayor's Report**

- (1.1) The Mayor's report must only contain information relating to the official duties of the Mayor since his/her last report.
- (1.2) The Mayor's report will be included in the agenda, but not the minutes, of a Council meeting and any issues raised by the report can be made the subject of a separate motion.

### **(2) Elected Members Reports**

- (2.1) Each Council meeting will provide the opportunity for elected members to provide written reports for inclusion in the minutes of the meeting on their attendance at meetings and conferences on behalf of, and/or endorsed by, Council. .
- (2.2) Reports should be provided to the CEO's office by midday on the day of the Council meeting to enable them to be collated in readiness for inclusion in the minutes of the meeting
- (2.3) Members may speak to their written reports at the meeting on a 'by exception' basis.
- (2.4) Elected members may provide brief verbal reports or updates on matters not suited to being dealt with as a question or a motion, but only with the prior agreement of the presiding member.

### **(3) Tabling of Information by Elected Members**

- (3.1) Written information tabled by elected members at a Council meeting will be placed in the elected members' bookshelf and not included in the Council minutes.
- (3.2) If Elected Members wish for the information to be considered by Council then a motion with or without notice needs to be raised under the relevant section of the agenda for a report to be brought back to the next or subsequent meeting of Council.

### **(4) Conduct of Members**

The prescribed Code of Conduct for Council Members must be adhered to at all meetings.

### **(5) Nominations**

Pursuant to sections 73 and 74 of the Act Elected Members wishing to be nominated to a board or committee, who would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter, or to attend a conference or seminar, must:

- (a) register their interest in nominating with the Chief Executive Officer prior to the commencement of the meeting at which the nominations will be considered.
- (b) inform the meeting at which their nomination is to be presented of the Elected Member's material conflict of interest.
- (c) leave the meeting while the matter is being considered and voted on unless an approval to remain in the room, has been granted by the Minister in accordance with section 74(3) of the Act and the approval has been provided to the Chief Executive Officer.
- (d) At the commencement of the business item to consider nominations, the Chief Executive Officer will advise the Council of the nominations received.

### **(6) Filming Council and Committee Meetings**

Council and Committee meetings may not be filmed, or recorded in any manner, without the prior written permission of the Chief Executive Officer.

