

Code of Practice – Meeting Procedures	
Statutory Policy	
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1. POLICY STATEMENT

Council is committed to the principle of open, transparent and accountable decision-making and encourages community participation in the business of Council. Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provide that meetings of the Council or a Council Committee will be conducted according to the procedures:

- a) prescribed by the Act;
- b) prescribed by Regulation; and
- c) in relation to Council meetings, insofar as the procedure is not prescribed by either the Act or Regulations - as determined by the Council; and
- d) in relation to Committee meetings, insofar as the procedure is not prescribed by the Act or Regulations, or determined by the Council - as determined by the Committee itself.

2. PURPOSE

2.1 Purpose

This Code of Practice is made pursuant to Regulation 7 of the *Local Government (Procedures at Meetings) Regulations 2013*.

2.2 Scope

To establish appropriate meeting procedures that are variations of the Regulations, or concern matters on which the Act and Regulations are silent.

2.3 Strategic Reference

5 Governance and Financial Sustainability

- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3. CODE OF PRACTICE MEETING PROCEDURES

Under the Regulations, Council may adopt a Code of Practice that varies certain provision where they are capable of variation. This Code of Practice sets out the meeting procedures to be followed at Council and Committee Meetings and includes variations to meeting procedures that have been adopted by the Port Augusta City Council and these have been inserted (in ***bold italics*** and in a box) in the appropriate sections of the Regulations to enable them to be read in conjunction with the formal requirements of the Regulations.

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999
LOCAL GOVERNMENT (PROCEDURES AT MEETINGS) REGULATIONS 2013

PART 1 - PRELIMINARY

Note: The term 'regulation' and 'sub regulation' appearing in the Regulations have been substituted with 'clause' and sub-clause' respectively for the purposes of this Code of Practice.

1. CITATION

<p>(1) <i>These procedures may be cited as the "Port Augusta City Council - Code of Practice for Meeting Procedures".</i></p>
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2. COMMENCEMENT

<p>(1) <i>These procedures were approved by the Port Augusta City Council on 12/12/2023</i></p>
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3. INTERPRETATION

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

Act means the *Local Government Act 1999*

clear days-see subclause (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;

disconnection of the electronic includes:

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

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

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 Clause 4;

member means a member of the council or council committee (as the case may be)

point of order means a point raised to draw attention to an alleged breach of the Act or the 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.

- (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 in account.
- (3) For the purposes of the calculation of **clear days** under sub-clause (2), if a notice is given after 5pm on a day, the notice will be taken to have been given on the next day.
- (4) For the purposes of these procedures, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in the sub-clauses prevents a division from being called in relation to the vote).

Note-

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

4. GUIDING PRINCIPLES

- (1) 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-making confidence in the deliberations undertaken at the meeting.

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 - PRELIMINARY

5. APPLICATION OF PART

- (1) The provisions of this Part apply to, or in relation to
 - (a) the meetings of the Council;

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

6. DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this clause.
- (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 clause, 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) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of Clause 20¹.

Note:

1 Furthermore, if a matter is not dealt with by the Act or the Regulations (including under a code of practice under this clause), 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.

The Chair and any Member of a Committee may provide apologies to the relevant Council Officer at a meeting of a Council Committee and that apology will be recorded in the minutes of the meeting.

- (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.

8. MINUTES

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will-
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- (4) The minutes of the proceedings of a meeting must include-
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present-
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any 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 sub-section (2) of Section 90 of the Act (see sub-section (7) of that Section); and
 - (i) a note of the making of an order under subsection (7) of Section 91 of the Act in accordance with the requirements of subsection (9) of that Section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and

- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

9. QUESTIONS

- (1) A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least seven clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1)-
 - (a) the 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.

To facilitate the efficiency of meetings, members are encouraged to use the availability of the Chief Executive Officer/Directors prior to the meetings to clarify issues of concern. The presiding member may request that questions without notice be put in writing. Where an answer is not possible at the meeting, the questions may be taken 'on notice'. Where this occurs, the member is required to put the question in writing and forward it to the Chief Executive Officer.

- (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 residential address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under sub-clause (1), the 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-clause (2) may be varied at the discretion of the council pursuant to Clause 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.

Community Members

Written requests must be received 24 hours prior to the commencement of the meeting to which the deputation is being requested, if the deputation relates to a matter of business on the Agenda.

If the matter is not already listed on the Agenda, then the written request must be received at the principal office of the council, seven clear days prior to the day on which the meeting is scheduled¹.

¹ This will enable staff to liaise with the Mayor, prior to the Agenda for the meeting being distributed. A notation should appear on the Agenda for the meeting in relation to the deputation.

State Government/Agencies/Organisations/Developers

When representatives from State Government Departments, various agencies, organisations or developers are seeking approval to make representation to Council, a written request outlining the details of the proposal/information is to be provided to the Chief Executive Officer.

The Chief Executive Officer will seek approval from the Mayor for the representation to be made.

A hard copy of presentations must be provided to the Executive Assistant for record purposes.

If a decision of Council is required in relation to the representation, a further report with appropriate recommendations will be submitted to the Council for consideration.

- (2) The Chief Executive Officer must transmit a request received under sub-clause (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.

The presiding member may offer those requesting a deputation the opportunity to appear at a relevant Committee.

- (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.

Those making a deputation will be allowed to speak on an issue for a maximum of 5 minutes. The Presiding Member may allow for additional time or speakers.

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 seven 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 periodic election of the council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought-
 - (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election, whichever is the sooner.
- (5) Subject to the Act, Regulations and this Code of Practice, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) the presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.

If a Member puts forward a Written Notice of Motion, and in the unlikely event that they are not able to attend the meeting at which the Written Notice of Motion is presented, the Written Notice of Motion may be moved by another Member.

- (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.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is-

- (a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; 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 with 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 one member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-clause (14)(c) lapses at the next general election.
- (20) The Chief Executive Officer must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-clause (9), (10) and (11) may be varied at the discretion of the council pursuant to Clause 6.

13. AMENDMENTS TO MOTIONS

- (1) A member who has not spoken to a motion at any 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 one further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the Council pursuant to Clause 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 five minutes at any one 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-clause (1) and (2) may be varied at the discretion of the council pursuant to Clause 6.

A member is at all times during a meeting to address and refer to another Member or an officer by their official title or designation.

A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an officer or employee.

Elected Members when speaking during debate will stand. Elected Members are not required to stand when moving or seconding a motion.

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.
- (4) Sub-clause (3)-
 - (a) may be varied at the discretion of the council pursuant to Clause 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 list 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; and
 - (b) 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.
- (4) The Chief Executive Officer will record in the minutes the names of members who voted in the affirmative and the names of members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the Council pursuant to Clause 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.

A Member may table additional information that is before a Council or Committee Meeting where;

- a) that additional information relates to a motion that is before the current meeting, and***
- b) a resolution of the Council or Committee is made at that meeting approving the tabling of the additional information.***

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 Clause 19 may be varied at the discretion of Council pursuant to Clause 6.

20. SHORT-TERM SUSPENSION OF PROCEEDINGS

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1)-
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension-
 - (i) the provisions of the Act must continue to be 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 Clause 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 no 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 sub-sections (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.

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

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.

- (c) *use offensive language; or*
 - (d) *have mobile phones on and leave the table during debate to answer the mobile phone (mobiles should be silenced or turned off during meetings).*
- (2) Sub-clause (1)(b) does not apply to a member who is-
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution-
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who-
 - (a) refuses to leave a meeting in contravention of sub-clause (4); or
 - (b) enters a meeting in contravention of a suspension under sub-clause (5),

is guilty of an offence.

Maximum penalty: \$1,250.

30. INTERRUPTION OF MEETINGS BY OTHERS

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.

PART 5 - OTHER MATTERS

PORT AUGUSTA CITY COUNCIL PROVISIONS

32. *Alteration to the Order of Business*

The Mayor or presiding member of a Committee Meeting may, in the public interest, seek the leave of the meeting to consider an item of business set down on the Agenda forthwith. The Mayor or Presiding Member will ask the meeting whether leave is granted and if leave is granted, the matter will be considered as the next item of business.

4. RESPONSIBILITY & REVIEW

4.1 Responsible Officer

Director City Services

4.2 Availability

This policy will be available on Council's website.

4.3 Review

- 4.3.1 This policy will be reviewed within 12 months of a General Election for Local Government.
- 4.3.2 Pursuant to Regulation 6(2) the operation of this Code of Practice will be reviewed at least once in every financial year.
- 4.3.3 Council may at any time, by resolution supported by at least two-thirds of the members of the Council as a whole, alter a code of practice, or substitute or revoke a code of practice.

5. REFERENCES

5.1 Legislation

Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2013

5.2 Other References

Behavioural Standards for Elected Members