



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

## **Code of Practice for Meeting Procedures**

**In accordance with regulation 7 of the  
*Local Government (Procedures at Meetings) Regulations 2013***

***Adopted by Council 23 April 2018***

***Amendment to Conclusion of Deliberations of Council and its  
Committees and Sub Committees – 26 November 2018 (Refer S.MCT -  
Page 19)***

***Amendment to Remote Participation in Committee and Council Meetings  
– 1 April 2020 (Resolution No. 0488/2020) (Refer S.RP – Page 9)***

***Amended in accordance with the Local Government (Procedures at  
Meetings) (Review) Variation Regulations 2021 and Council Resolution  
1110/2021 – Audio Recordings***

***Reviewed 22 November 2021 (Resolution No. 1155/2021)***



## Introduction

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

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provide that meetings of the Council or a Council Committee will be conducted according to the procedures:

- Prescribed by regulation; and
- In relation to Council meetings, insofar as the procedure is not prescribed by the regulations – as determined by the Council; and
- In relation to Committee meetings, insofar as the procedure is not prescribed by the regulations, or determined by the Council – as determined by the Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* specify certain procedures to be followed during the operation of Council and certain Council Committee meetings. These meetings include:

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

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

This document is the City of Salisbury Code of Practice for Meeting Procedures.

Procedures adopted by Council that are variations of the Regulations, or concern matters on which the Act and Regulations are silent, have been inserted (in boxes, italics and bold ***like this***) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the regulations. Further, the terms “regulation” and “sub regulation” appearing in the Regulations have been substituted with “clause” and “sub-clause” respectively for the purposes of this Code of Practice.

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

As required under the legislation, this Code of Practice is reviewed annually. The Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.



# CITY OF SALISBURY CODE OF PRACTICE FOR MEETING PROCEDURES

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## PART 1 – PRELIMINARY

### 1. CITATION

(1) *These procedures may be cited as the “City of Salisbury – Code of Practice for Meeting Procedures.*

### 2. COMMENCEMENT

(1) *These procedures were approved by the City of Salisbury Council on 22 November 2021.*

### 3. INTERPRETATION

(1) In these procedures, unless the contrary intention appears:

- (a) "**Act**" means the Local Government Act 1999;
- (b) "**clear days**" see sub-clauses (2) and (3);
- (c) "**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;
- (d) "**formal motion**" means a motion
  - (i) that the meeting proceed to the next business; or
  - (ii) that the question be put; or
  - (iii) that the question lie on the table; or
  - (iv) that the question be adjourned; or
  - (v) that the meeting be adjourned<sup>1</sup>;

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

- (e) "**Guiding Principles**" see Clause 4;
- (f) "**member**" means a member of the council or council committee (as the case may be);
- (g) "**point of order**" means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting;
- (h) "**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;
- (i) "**written notice**" includes a notice given in a manner or form determined by the

Council *which includes either legibly hand written or typed and either in paper or electronic form.*

(2) In the calculation of "**clear days**" in relation to the giving of notice before a meeting:

- (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
- (b) Saturdays, Sundays and public holidays will be taken into account.

(3) For the purposes of the calculation of "**clear days**" under clause 3 (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 procedures, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this clause prevents a division from being called in relation to the vote).

#### 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-makers 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;

**(c) the meetings of:**

- (i) the Policy and Planning Committee;**
- (ii) the Urban Services Committee;**
- (iii) the Governance and Compliance Committee;**
- (iv) the Finance and Corporate Services Committee;**
- (v) the Community Wellbeing and Sport Committee; and**
- (vi) Innovation and Business Development Committee**
- (vii) any other Committee, that the Council resolves is a Standing Committee;**

- (d) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

**(S.2) where there is any doubt as to whether a Committee performs regulatory activities, the Chief Executive Officer will make a final determination on the matter.**

#### 6. DISCRETIONARY PROCEDURES

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this clause, then a

council may, by a resolution supported by at least two-thirds of the members of the council as a whole, 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 as a whole, 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 clause at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code 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 20.

## **DIVISION 2 - PRESCRIBED PROCEDURES**

### **7. COMMENCEMENT OF MEETINGS AND QUORUMS**

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the 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 minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the 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.

## **S.RP REMOTE PARTICIPATION IN COMMITTEE AND COUNCIL MEETINGS**

- (1) A Committee Member may attend Committee meetings by telephone or electronic means subject to the following conditions:**
  - (a) All Committee Members being able to hear other Committee Members whilst a Committee Member is participating by telephone or other electronic means, and;**
  - (b) Committee Members participating by telephone or electronic means shall be located within a quiet environment to ensure they are able to hear and be heard clearly and in a confidential environment with no other persons present when confidential items are considered by the Committee.**
  - (c) Committee Members participating by telephone or other electronic means expressing 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 telephone or other electronic means), and;**
  - (d) The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;**
  - (e) Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;**
  - (f) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.**
- (2) This Code of Practice for Meeting Procedures is amended to enable Elected Members to attend meetings of Council by electronic means, in accordance with the Electronic Participation in Council Meetings Notice 2020 (SA Government Gazette, 31 March 2020) issued by the Minister for Local Government. (Resolution No 0488/2020, Council, 1 April 2020)**

## **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;
    - (iii) whether the member is in attendance via remote participation as per Clause S.RP; 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 subject description of any oral briefing given to the meeting on a matter of Council business; and
  - (k) any other matter required to be included in the minutes by or under the Act or any Regulation.

#### **S.MP MEETING PROTOCOL**

- (1) ***The Chief Executive Officer/appropriate General Manager will sit either side of the Presiding Member of Standing Committees.***
- (2) ***If the time required to consider the business on the agenda extends beyond two (2) hours a five (5) minute break will be provided to members and staff present.***

#### **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 (7) clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
  - (a) the 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.
- (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.

#### **S.PQT PUBLIC QUESTION TIME**

- (1) ***A period of 30 minutes will be made available at the commencement of each ordinary Council Meeting to provide an opportunity for members of the public to ask questions of the Council.***
- (2) ***A maximum time of ten (10) minutes per representative will apply. The Presiding Member may allow for an extension of time if appropriate.***
- (3) ***People wishing to ask questions are encouraged to advise the Chief Executive Officer of the nature of their question in writing at least seven (7) working days prior to the meeting, to enable the question/s and answer/s to be included in the publicly available agenda for the Council meeting.***
- (4) ***Should notice of the question/s be advised to the Chief Executive Officer less than seven (7) working days prior to the meeting, staff will make the best possible effort to provide an answer at the meeting, which the Presiding Member will read out.***
- (5) ***If there has been insufficient notice given to allow the Presiding Member to give an answer to the question at the meeting, the question will be taken on notice and an answer given in the Agenda for the next meeting of Council.***
- (6) ***Questions without notice may be asked by members of the public, however the Presiding Member will give priority to those who have given prior notice of their intention to ask a question.***
- (7) ***The Presiding Member will provide an answer to the question asked and the answer will be recorded in the minutes. Where the question was:***
  - (a) ***asked with notice, a written copy of the answers will be provided to the person who asked the question following the giving of the answer.***
  - (b) ***asked without notice, a copy of the written response will be forwarded to the person who asked the question within three working days.***
  - (c) ***taken on notice, the question and an answer to the question will be entered into the Agenda and minutes of the next ordinary Council Meeting and a copy of the answer will be provided directly to the person who asked the question.***
- (8) ***The Presiding Member may refuse to allow a public question to be listed or refuse to respond to a question put at a meeting without notice that:***
  - (a) ***is unlawful in any way;***

- (b) ***contains defamatory remarks, offensive or improper language;***
  - (c) ***questions the competency of Council staff or Councillors;***
  - (d) ***relates to the personal affairs or actions of Council staff or Councillors;***
  - (e) ***relates to confidential matters, legal advice or actual or possible legal proceedings;***
  - (f) ***is, in the reasonable opinion on the Presiding Member, proffered to advance a particular point of view, rather than to make a genuine inquiry;***
  - (g) ***is vague in nature, or irrelevant to Council;***
  - (h) ***is not related to Council activities; or***
  - (i) ***is a question that has been substantially asked and answered at a previous Council meeting.***
- (9) ***No debate is permitted on either the question or the answer.***

## 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;
  - (c) include the name and address of each person who signed or endorsed the petition; and
  - (c) 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 ***a summary of the petition including a statement as to the nature of the request or submission and the number of signatures, is placed on the agenda for the next ordinary meeting of the council and that a copy of the full petition is provided to all elected members.***

- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

## 11. DEPUTATIONS

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (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.
- (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.

## 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 (7) 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 and these procedures, a member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the **Guiding Principles**, he or she considers that the motion should be dealt with by way of a written notice of motion.
- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving a motion will speak to the motion at the time of moving the motion.

***(S.a) A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.***

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

***(S.d) A member may, with the leave of the Presiding Member, ask a question prior to the moving of a motion or during a debate on a motion or amendment to a motion for clarification purposes only without losing their right to speak to the motion or amendment.***

- (11) A member who has spoken to a motion may not at a later stage of the debate move an amendment to the motion.

**(S.a) Notwithstanding clauses 12 (10) a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.**

**(S.b) A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause 12 (9)(S.a), may not move or second an amendment to the motion.**

**(S.c) Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and the minute taker in the subsequent preparation of the minutes of the meeting.**

- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) below (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 (i.e., 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.
- (19) Sub-clauses (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

**S.NOM MEMBER WHO PLACES NOTICE OF MOTION ON AGENDA ABSENT**

- (1) ***In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting the Notice of Motion will lapse.***

**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.

***(S.a) Notwithstanding clauses 12 (10) and 13 (1), a member who has spoken to a motion at an earlier stage of the debate may, at a later stage of the debate, second an amendment to the motion, but in doing so is not automatically granted the right to speak for a further time.***

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

**14. VARIATIONS, ETC.**

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

**S.FM FURTHER MOTIONS**

- (1) ***A Member may move a Motion Without Notice pursuant to Regulation 12.5 related to the preceding item of business on the meeting agenda.***

## 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 the leave of the **Presiding Member**, 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-clauses (1) and (2) may be varied at the discretion of the council pursuant to regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

- (S7) A member is at all times during a meeting to address and refer to another Member or an officer or employee by their official title or designation.**
- (S8) 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. In the event that this occurs, a member, or the Presiding Member, may request that the member withdraw any comments made.**

### S.RoR RIGHT OF REPLY

- (1) **The mover of a motion shall have an opportunity to respond following all debate on a motion (the right of reply).**
- (2) **Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.**
- (3) **Notwithstanding clause S.RoR(2), a member may:**
  - i. provide an explanation in regard to a material part of his or her speech (Clause 12 (10)(a)); or**
  - ii. seek leave of the meeting to make a personal explanation (Clause 15 (3)).**

## 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 regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.
  - (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 *Local Government Act 1999*.

## 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; 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 the 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 regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

## 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.

### **S.GB GENERAL BUSINESS ITEMS (RAISED BY STAFF)**

- (1) *will be included by staff on a Council meeting agenda where the matter is either:*
  - (a) *urgent; or*
  - (b) *a matter that does not otherwise fit within the scope of an existing Committee.*

### **S.OB OTHER BUSINESS ITEMS (RAISED BY ELECTED MEMBERS)**

- (1) *Elected Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Other Business item.*
- (2) *To facilitate good and informed decision-making Elected Members will endeavour to raise such Other Business items by way of a motion seeking a report to be submitted to the relevant Committee.*

## 19. ADJOURNED BUSINESS

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

## 20. SHORT-TERM SUSPENSION OF PROCEEDINGS

- (1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.
- (2) The **Guiding Principles** must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):
  - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
  - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
    - (i) the provisions of the Act must continue to be observed<sup>1</sup>; and  
<sup>1</sup>See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.
    - (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.

### S.EMG TERMINATION OF MEETINGS IN THE EVENT OF AN EMERGENCY

- (1) *In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of clause 20 (1).*

- (2) ***The Presiding Member or Chief Executive Officer (in the absence of a Council Security Officer) will direct all staff and any visitor/s to the designated emergency assembly points via either:***
- (a) ***the front stairwell; or***
  - (b) ***the rear stairwell.***

#### **S.MCT MEETING CONCLUSION TIME**

***Meetings of Council and Council Committees and Sub Committees to which this Part applies will conclude no later than 11.30pm with remaining matters to be deferred to a reconvened meeting subject to advice of the CEO, or referred to the next Council meeting, depending on the will of the meeting. A Motion to Adjourn will be called by the Presiding Member.***

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

#### **S.CONF CONFIDENTIAL ITEMS**

- (1) ***The consideration of confidential items at all Council and Committee meetings will be in accordance with the Act and Council's Code of Practice for Access to Meetings and Associated Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.***
  - (a) ***Public access to meetings of Council and Committees is guaranteed, except where indicated on the Agenda that a matter may need to be discussed in confidence and Council/the Committee determines that is the case.***
  - (b) ***Before a meeting excludes the public from discussion of a particular matter, the meeting will formally determine if this is necessary and that the matter falls within Section 90(3) of the Act. The meeting will then pass an appropriate resolution to exclude the public.***
  - (c) ***The debate on whether or not the public should be excluded will be held in public. The public will only be excluded if a motion to that effect is carried.***

- (d) Confidential items will be placed last on the agenda and dealt with at the conclusion of all other business.**

#### **S.AGD DISTRIBUTION OF AGENDA AND ASSOCIATION DOCUMENTS**

- (1) At least 3 clear days prior to the commencement of a Council or Committee meeting a copy of the Agenda and associated documents for the meeting will be distributed to all Elected Members, and published on Council's website.**
- (2) In accordance with section 91(3) of the Local Government Act 1999, within five days after a meeting of the council or a council committee, a copy of all minutes of the proceedings of the meeting will be provided to Elected Members and published on Council's website.**

### **PART 3 - MEETINGS OF OTHER COMMITTEES**

#### **22. APPLICATION OF PART**

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

#### **23. NOTICE OF MEETINGS FOR MEMBERS**

- (1) Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:
- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee; 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**

- (1) Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if 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.
- See also section 41(6) of the Act.
- (3) For the purposes of the definition of **prescribed number** –
- (a) A member of council who is suspended from the office of member of the Council; and
  - (b) A member of Council who is taken to have been granted leave of absence from the office of a member of Council under section 55A.
- is not to be counted in the total number of members of Council.

### 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 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 procedures.

- (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.

### **S.COC CONDUCT OF MEMBERS**

- (1) ***The mandatory Code of Conduct for Council Members sets out expectations of conduct for all Elected Members and will be adhered to at all times.***

### **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) 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 Council or Council committee must not:
- (a) behave in a disorderly manner; or



- (b) cause an interruption.

Maximum penalty: \$500.

#### **S.REC RECORDING OF MEETINGS/PUBLICATION OF AUDIO**

- (1) Public meetings of Council and Council Standing Committees will be recorded to assist the Minute Secretary with preparation of the minutes following the meeting. The recording is not intended to be an enduring record of the meeting: the minutes exist for that purpose.***
- (2) The recording of a public Council meeting will be published on the Council website within 48 hours after the Council meeting and retained on the website for a period of 3 months, after which it will be removed from the website.***
- (2) Any recording of a Council or Council Standing Committee meeting will be retained for the remainder of the current term of the council and during the final 12 months of the term of Council the recordings be kept for a period of 12 months from the date of the meeting.***
- (3) Where a copy of any recording of a Council or Council Standing Committee meeting is accessed/provided for a purpose other than preparation of the minutes, the recording will be retained within the City of Salisbury record keeping system in accordance with the requirements of the State Records Act 1997 with the retention period as determined by the General Disposal Schedule 20.***

#### **S. PH PUBLIC HOLIDAYS ON SCHEDULED MEETING DAYS**

- (1) Committee and Council meetings will be held one day later in the event of any public holiday falling on any scheduled meeting day.***