Port Pirie Regional Council

CODE OF PRACTICE FOR MEETING PROCEDURES	
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Related Documents	Code of Practice for Access to Council & Committee Meetings and Documents Elected Members Code of Conduct Complaint Handling Procedure
Public Consultation Required	No
File Reference (Altus)	2024.1363
Purpose	To ensure appropriate and efficient running of Council meetings.

Part 1—Preliminary

1. Introduction

The aim of this Code is to establish a consistent approach and provide clear expectations to Elected Members, Committee Members, employees, residents, ratepayers and guests for the order of business, procedures and etiquette of Council meetings and Section 41 Council Committee meetings.

2. Legislative Requirements and Policy Context

Council meeting procedures are largely determined by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations).

The Local Government Act 1999 (the Act), Section 86(8) provide that meetings of the Council will be conducted according to the procedures:

a) Prescribed by the Regulations

b) Insofar as the procedure is not prescribed by the regulation as determined by the Council.

The Local Government Act 1999 (the Act), Section 89(1) provide that meetings of a Council Committee will be conducted according to the procedures:

a) Prescribed by the Regulation; and

b) In relation to Council meetings, insofar as the procedure is not prescribed by either the Act or Regulations, will be determined by the Council;

The Regulations provide that Council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to or vary certain aspects of these provisions.

This Code includes meeting procedures that are variations of the Regulations, or concern matters on which the Act and Regulations are silent.

The provisions set out in this Code of Practice reflect the provisions of the Regulations (including numbering) except where Council has utilised its discretionary powers.

Regulations that have been varied by Council under these powers are highlighted in ***bold italics*** in this document.

All Council Committees established under Section 41 of the Act will follow this Code of Practice.

3. Definitions (refer **Attachment A**)

4. Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of a Council or a Council Section 41 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 COMMITTEES (TO WHICH PART 2 APPLIES)

Division 1—Preliminary

5. Application of Part 2

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.

6. Discretionary procedures

(1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).

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

(3) A council may at any time, by resolution supported by at least two-thirds of the Elected 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, on payment of a fee fixed by the council, to a copy of the code of practice.

(6) Regulation 12(4) does not apply to a motion under sub-regulation (3).

(7) This regulation does not limit or derogate from the operation of regulation 20[1].

Note—

1 Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be—

(a) as determined by the council; or

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

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

Division 2—Prescribed procedures

7. Commencement of meetings and quorums

(1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

(2) If the number of apologies received by the Chief Executive Officer (CEO) indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time.

(3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the CEO, will adjourn the meeting to a specified day and time.

(4) If a meeting is adjourned for want of a quorum, the CEO will record in the 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 CEO 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.

(6) ***Acknowledgement - each meeting will commence with an Acknowledgement which has been endorsed by Council*** *(e.g. statement (OM91/24).*

The presiding member will be responsible for stating the current adopted statement of the council.

(7) ***Mobile phones are not permitted in the Chamber during meetings unless in exceptional circumstances. In those instances, Elected Members or employees, are to seek permission of the Mayor or CEO prior to the meeting. If permission is granted mobile telephones are to be set to silent or meeting, and the Elected Member is to leave the room to answer.***

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 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 subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and

(j) details of any adjournment of business; and

(k) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

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

9. Questions

(1) A member may ask a question on notice by giving the CEO written notice of the question at least 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-regulation 9 (1) -

(a) the CEO must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; 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.

(7) ***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.***

(8) ***A maximum of two clarification points may be asked by individual members in relation to each motion except with the consent of the presiding member.***

(9) ***Members are able to ask a maximum of three questions without notice at a council meeting except with the consent of the meeting.***

(10) ***Questions may be asked prior to the moving of a motion or during a debate on a motion for clarification purposes only. Such questions are not considered "questions without notice" as described in sub-regulations 9 (3), 9(4), 9(5), and 9(9).***

(11) ***To facilitate the efficiency of meetings, members are encouraged to use the availability of the CEO/directors prior to the meetings to clarify issues of concern.***

(12) ***The presiding member may request that questions without notice be put in writing.***

(13) ***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 CEO.***

(14) ***In relation to questions with notice, all questions and answers will be included in the agenda papers and the minutes therefore will not be read out at the relevant meeting.***

10. Petitions

(1) A petition to the council must—

(a) be legibly written or typed or printed; and

(b) clearly set out the request or submission of the petitioners; and

(c) include the name and address of each person who signed or endorsed the petition; and

(d) be addressed to the council and delivered to the principal office of the council.

(2) If a petition is received under sub-regulation 10 (1) of this Procedure, the CEO 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 10 (2) above may be varied at the discretion of the council pursuant to regulation 6.

(4) ***Petitions shall be submitted at least seven (7) clear days prior to the council meeting, to enable a report to be included in the agenda for the next ordinary meeting of council.***

(5) ***The report will contain the nature of the request or submission, the name and address of the head petitioner and a summary of number of supporters.***

(6) ***A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Members may request a copy of the petition and it is the responsibility of the members NOT to distribute or publish a copy of the full petition.***

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 CEO must transmit a request received under sub-regulation 11(1) to the presiding member of the committee.

(3) The presiding member may refuse to allow the deputation to appear at a meeting.

(4) The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

(5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).

(6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

(7) A council may refer the hearing of a deputation to a council committee.

(8) ***The hearing of a deputation should not exceed 5 minutes except with the consent of the meeting.***

12. Motions

(1) A member may bring forward any business in the form of a written notice of motion.

(2) The notice of motion must be given to the CEO at least 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 general election of the council must be brought by written notice of motion.

(4) If a motion under sub-regulation 12(3) above is lost, a motion to the same effect cannot be brought—

(a) until after the expiration of 12 months; or

(b) until after the next general election,

whichever is the sooner.

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

(6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

(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 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. At the time of seconding the motion, they must seek the approval of the presiding member to do so. 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. Where a member seconds a motion and has reserved their right to speak to the motion at a later stage pursuant, they may not move or second an amendment to the motion.***

(10) A member may only speak once to a motion except—

(a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or

(b) with leave of the meeting; or

(c) as the mover in reply.

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

(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 under sub-regulation 12(14) *(and no other formal motion to a different effect will be recognised)*.

(14) If the formal motion is—

(a) that **the meeting proceed to the next business**, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or

(b) that **the question be put**, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or

(c) that **the question lie on the table**, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or

(d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or

(e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

(16) A formal motion does not constitute an amendment to a substantive motion.

(17) If a formal motion is lost—

(a) the meeting will be resumed at the point at which it was interrupted; and

(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken on the question.

(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

(19) Any question that lies on the table as a result of a successful formal motion under sub-regulation 12(14)(c) of this Procedure lapses at the next general election.

(20) The CEO must report on each question that lapses under sub-regulation 12(19) above of this Procedure to the council at the first ordinary meeting of the council after the general election.

(21) Sub-regulations 12(9), 12(10) and 12(11) may be varied at the discretion of the council pursuant to regulation 6.

(22) ***Where a notice of motion has been given by a member who is not present at the meeting, the notice of motion may be moved by any other member present at the meeting.***

(23) ***If a member puts forward a written notice of motion, and they are not able to attend the meeting at which the written notice of motion is presented, the written notice of motion may with the consent of the meeting be held over until the next meeting at which the member is present.***

13. Amendments to motions

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

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

(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.

(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

(6) Sub-regulations 13(1), 13(3), 13(4) and 13(5) may be varied at the discretion of the council pursuant to regulation 6.

(7) ***All amendments are to be provided in writing to the minute taker, to ensure accuracy of the recording of the motion.***

14. Variations etc

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

15. Addresses by members etc

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.

(2) A member may, with leave of the meeting, raise a matter of urgency.

(3) A member may, with leave of the meeting, make a personal explanation.

(4) The subject matter of a personal explanation may not be debated.

(5) The contribution of a member must be relevant to the subject matter of the debate.

(6) Sub-regulations 15(1) and 15(2) may be varied at the discretion of the council pursuant to regulation 6.

(7) ***Members are to speak through the presiding member of the meeting when speaking to a motion.***

(8) ***Members are to stand when speaking to the meeting except when they may be unable to stand due to extenuating circumstances.***

16. Voting

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

(2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

(3) A person who is not in his or her seat is not permitted to vote.

(4) Sub-regulation 16(3)—

(a) may be varied at the discretion of the council pursuant to regulation 6; and

(b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.

17. Divisions

(1) A division will be taken at the request of a member.

(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

(3) The division will be taken as follows:

(a) the members voting in the affirmative will, until the vote is recorded, stand in their places;

(b) the members voting in the negative will, until the vote is recorded, sit in their seats;

(c) the presiding member will count the number of votes and then declare the outcome.

(4) The CEO will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

(5) Sub-regulation 17(3) may be varied at the discretion of the council pursuant to regulation 6.

(6) ***Members wishing to vote in the affirmative but are unable to stand due to extenuating circumstances may indicate their affirmative vote by raising a hand or indicating in some other clear manner.***

18. Tabling of information

(1) A member may require the CEO to table any documents of the council relating to a motion that is before a meeting (and the CEO must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member

who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

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

19. Adjourned business

(1) If a formal motion for a substantive motion to be adjourned is carried—

(a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and

(b) the debate will, on resumption, continue from the point at which it was adjourned.

(2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

(3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

(4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

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 considered 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[1]; 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 CEO may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.

(2) The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

(3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

PART 3 - MEETINGS OF OTHER COMMITTEES (TO WHICH PART 2 DOES NOT APPLY)

22. Application of Part 3

(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.

Remote participation procedures in accordance with section 89 of the Act

A committee member may be considered as being present at a committee meeting despite not being physically present at the meeting, subject to the following conditions:

(a) ***No less than two (2) hours before the scheduled commencement of the meeting, the member has advised the committee Presiding Member or CEO of their requirement to participate via electronic means; and***

(b) ***A committee member participating by such means being for the specified meeting only and not for two (2) or more consecutive meetings of the Committee without leave of the Council; and***

(c) ***All committee members, as well as members of the public, can hear each member, whilst a committee member is participating by telephone or other electronic means; and***

(d) ***The committee member who is 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***

(e) ***Where a committee member who is participating by telephone or other electronically has a material conflict of interest must leave the meeting or a general conflict of interest that they determine they will deal with by***

leaving the meeting they will be disconnected for that item and reconnected to the meeting, once the item has been determined ; and

(f) ***The 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***

(g) ***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***

23. Notice of meetings for members

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

(a) that notice of a meeting of the committee may be given in a form determined by the committee after considering the nature and purpose of the committee;

(b) that notice need not be given for each meeting separately;

(c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;

(d) that it is not necessary for the CEO to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24. Public notice of committee meetings

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:

(1) that public notice need not be given for each meeting separately; and

() that public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after considering the nature and purpose of the committee.

25. Minutes

(1) The minutes of the proceedings of a meeting must include—

(a) the names of the members present at the meeting; and

(b) each motion carried at the meeting; and

(c) any disclosure of interest made by a member; and

(d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

(e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

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

PART 4—MISCELLANEOUS

26. Quorum for committees

(1) The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.

(2) For the purposes of this regulation, the prescribed number of members of a council committee is—

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

(b) a number determined by the council.

Note —
See also section 41(6) of the Act.

27. Voting at committee meetings

(1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

(2) Each member of a council who is a member of a council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

(3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28. Points of order

(1) The presiding member may call to order a member who is in breach of the Act or these regulations.

(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

(3) A point of order takes precedence over all other business until determined.

(4) The presiding member will rule on a point of order.

(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

(6) The presiding member is entitled to make a statement in support of the ruling before a motion under 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.

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 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 sub regulation (1), the member must be allowed to make a personal explanation.

(4) Subject to complying with sub regulation (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 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**.**

Attachment A – Definitions *(formerly known as Interpretation)*

Act
means the *Local Government Act 1999*;

clear days
— in accordance with sub-regulations (2) and (3) from the Local Government (Procedures at Meetings) Regulations 2013:
means in the calculation of clear days in relation to the giving of notice before a meeting where—
2(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
2(b) Saturdays, Sundays and public holidays will be taken into account.
And
3) 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

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;

leave of the meeting
is granted / or not granted after a show of hands (but nothing in the is sub-regulation for leave of meeting in the Local Government (Procedures at Meetings) Regulations 2013 prevents a division from being called in relation to the vote).

member
means an Elected Member of the council or a 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;

regulation/ sub-regulation
means the Local Government (Procedures at Meetings) Regulations 2013

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