

REGIONAL COUNCIL OF GOYDER

	CODE OF PRACTICE MEETINGS OF COUNCIL POLICY	Department	Governance
		Version No:	3.2
		Adopted:	May 20
		Reviewed:	Jan 2024
		Next Review:	Next Periodic Election
		Minutes Ref:	003/24
		Responsibility:	CEO

INTRODUCTION

The provision for the conduct of Council and Committee meetings and the decision-making processes at those meetings are prescribed by the Local Government Act 1999 Chapter 6 (the Act) and the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations) Parts 1, 2, 3 & 4.

Parts 1 and 4 apply to both Council and Council Committee Meetings.

Part 2 applies to Council Meetings, Council Committees performing regulatory activities and any other Advisory Groups, determined by Council that this Part should apply.

Part 3 applies to all Council Committee meetings that are not subject to Part 2.

Council has resolved to apply Part 3 to all of its Council Committees.

DISCRETIONARY MEETING PROCEDURES

In order to provide Councils with a degree of flexibility in meeting procedures, the Regulations in some instances provide for some provisions of Part 2 of the Regulations to be varied at the discretion of the Council.

Regulation 6 states that if a provision in the Regulations is expressed to be capable of being varied, then Council may, by a resolution supported by at least two-thirds of the Members present, determine that a Code of Practice be prepared or adopted that establishes its own procedures to apply in substitution for the relevant provision.

In addition Section 86(8) and 89(1) of the Act provides Council with the opportunity to make its own meeting procedures, where practices they are not otherwise stipulated in the Act or the Regulations.

LEGISLATIVE REQUIREMENTS

Procedures at Council meetings are regulated by the *Local Government (Procedures at Meetings) Regulations 2013*. The Council is able to set discretionary procedures pursuant to Regulation 6. This Code of Practice is made pursuant to this Regulation and has, in accordance with the Regulation, been passed by a two-thirds majority of Members. Council has, in considering the exercise of a power under this Regulation, taken into account the Guiding Principles as described in Regulation 4.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.

SCOPE

This Code of Practice reflects the 4 Parts of the meeting Regulations:

- Part 1 is applicable to both Council and Council Committees.

REGIONAL COUNCIL OF GOYDER

CODE OF PRACTICE MEETINGS OF COUNCIL POLICY V3.2

- Part 2 is applicable to Council meetings only and highlights those procedures varied by Council and additional practices where the legislation is silent.
- Part 3 is applicable to Council Committees only and highlights other meeting practices, set by Council, for use to Council Committees.
- Part 4 is applicable to both Council and Council Committees and highlights additional meeting practices applicable to Council and/or a Council Committee

PART 1 – PRELIMINARY

1. Short Title

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

2. Commencement

These regulations will come into operation on 1 January 2014.

3. Interpretation

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

Act - means the Local Government Act 1999;

clear days - see sub regulations (2) and (3);

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

formal motion means a motion—

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

Guiding Principles—see regulation 4;

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

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

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

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

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

(a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and

(b) Saturdays, Sundays and public holidays will be taken into account.

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

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

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

REGIONAL COUNCIL OF GOYDER
CODE OF PRACTICE MEETINGS OF COUNCIL POLICY V3.2

4. Guiding Principles

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

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

PART 2 – MEETINGS OF COUNCIL AND KEY COMMITTEES

Division 1 – Preliminary

5. Application of Part

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

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

6. Discretionary Procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under sub regulation (3).
- (8) This regulation does not limit or derogate from the operation of regulation 20

**REGIONAL COUNCIL OF GOYDER
CODE OF PRACTICE MEETINGS OF COUNCIL POLICY V3.2**

7. AVAILABILITY

This document can be viewed on Councils website at www.goyder.sa.gov.au/council/policies and a copy can be provided for a fixed fee at Councils principal office.

8. RECORDS

All records should be treated in accordance with Local Government GDS40.

9. REVIEW

This document will be reviewed by Council no less than every four (4) years

10. REVIEW HISTORY

Document History	Version No:	Issue Date:	Description of Change:
		30.05.00	231/00
		15.03.05	107/05
		21.11.06	458/06
		17.04.07	145/07
		26.11.10	331/10 & 332/10
		18.11.14	202/14
		23.06.15	126/15
		20.11.18	242/18
	V3.0	07.04.20	046/20
	V3.1	14/12/21	Adopted with amendments refer minute 188/21
	V3.2	16/01/24	Adopted Ref 003/24