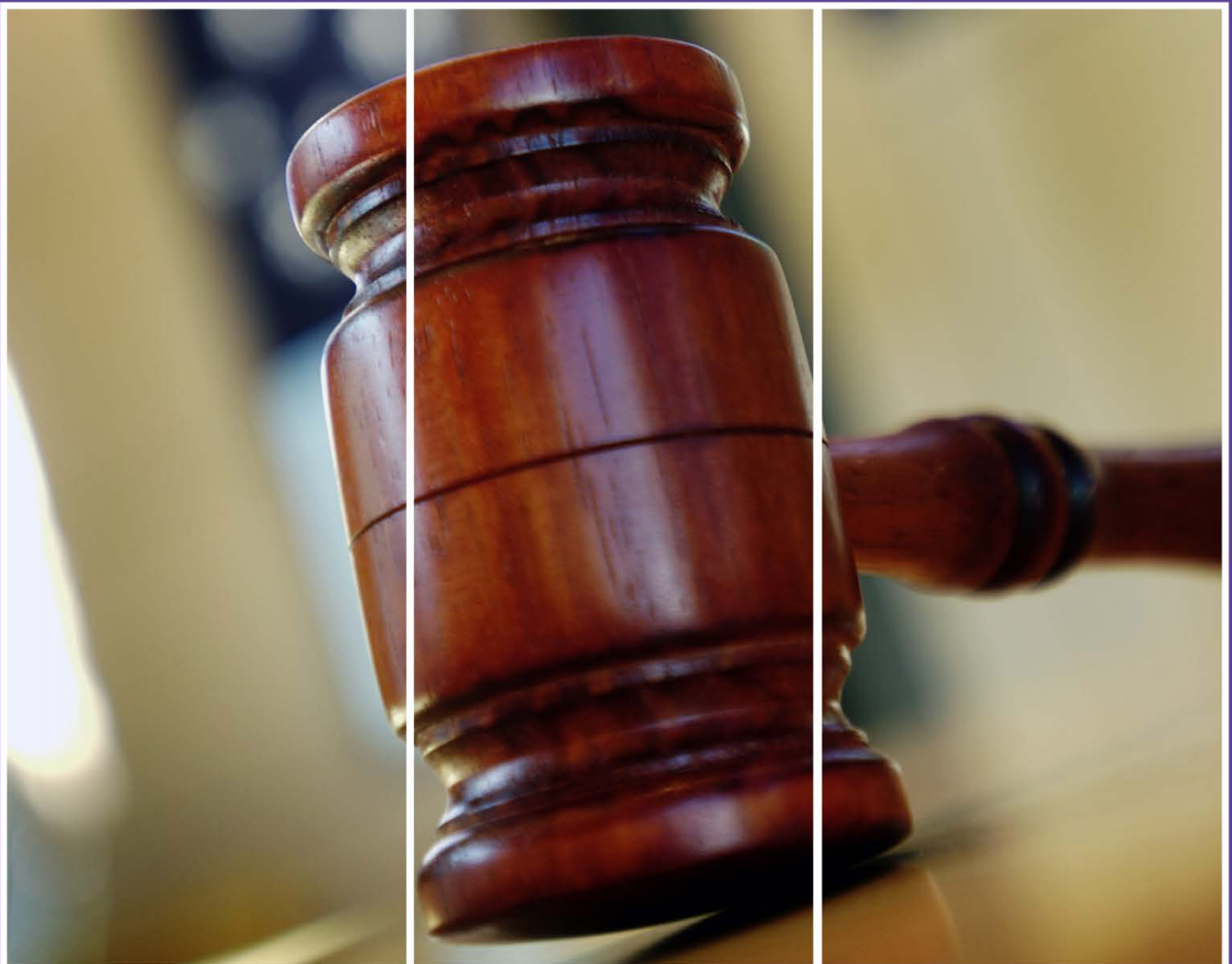




Local Government Association
of South Australia

Council Meeting Procedures Handbook



Note:

The information in this handbook is provided as a guide for members of Councils and Council Committees and Council officers providing advice on meeting procedure. The handbook has been designed as an information 'tool' to assist Council members in their decision-making responsibilities. Users should always refer to the relevant legislation, the South Australian *Local Government Act 1999* (the Act) and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

Throughout the text reference to the relevant section of the Act is shown as 's' and the relevant clauses of the Regulations as 'r'.

Examples include:

Council Committees - s41

Quorum for committees – r26

The information in this handbook applies to the provisions of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* for meetings of Council and Council committees. The Handbook also applies to subsidiaries where their charter specifies that the *Local Government (Procedures at Meetings) Regulations 2013* apply.

The information is not applicable to meetings of Development Assessment Panels.

Development Assessment Panels are established in accordance with the provisions of the South Australian *Development Act 1993* and therefore the provisions of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* do not apply to DAP meetings.

Further enquiries regarding the Meeting Procedures Handbook 2013 should be made to the Local Government Association on (08) 8224 2000 or email lgasa@lga.sa.gov.au

FOREWORD

This Meeting Procedures Handbook for Council Members was first printed in 2005 following requests from Council Members and Officers to have access to an 'easy to read' booklet to assist in the interpretation of the *Local Government (Procedures at Meetings) Regulations 2000*. The handbook has been revised and updated in light of the re-making of the *Local Government (Procedures at Meetings) Regulations 2013*.

It is important that Council meetings are conducted within the letter and the spirit of the Regulations and in an open and accountable fashion consistent with the *Local Government Act 1999*. This handbook will be invaluable to Mayors/Chairpersons, Council Members and those Officers supporting the Council in the conduct of Council and Council Committee Meetings.

The LGA welcomes feedback on the handbook which is available electronically at <http://www.lga.sa.gov.au/site/page.cfm?u=204> so as to facilitate the adjustment of its contents (by the LGA) to meet new or emerging needs of the users or future changes to the Act and Regulations. Feedback can be forwarded to the LGA, GPO Box 2693, Adelaide 5001 or emailed to lgasa@lga.sa.gov.au

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TABLE OF CONTENTS

Interpretations	vii
1.0 Introduction	1
Principal Role of the Council s6.....	1
The legislative provisions for meeting procedures	2
The Local Government Act 1999 (the Act)	2
The Local Government (Procedures at Meetings) Regulations 2013.....	3
Guiding Principles.....	3
2.0 Calling and Preparation of Council and Council Committee Meetings	4
2.1 Council Meetings	4
Ordinary Council meetings.....	4
Special Council Meetings	4
Notice of a meeting.....	4
Public Notice of Council Meetings - s84.....	5
Quorum - s85 and r7	6
Public access to Council and committee meetings - s90.....	6
Access to meetings and documents code of practice - s92	6
2.2 Council Committees - s41	7
Calling and timing of committee meetings - s87.....	8
Public notice of committee meetings - s88.....	9
Quorum for committees - r26	9
Attendance at Committee meetings via telephone conference - s90(7a)	10
Informal gatherings or discussions of the Council - s90(8)	10
3.0 The Agenda and the Order of Business	11
3.1 The Agenda.....	11
Order of Business	11
Opening of the meeting	12
Apologies.....	12
Confirmation of the minutes of previous meeting(s) – r8	12
Reports by members.....	12
Questions - r9.....	13
Petitions - r10.....	13
Deputations - r11	13
Business adjourned - r19(3)	14
Reports from officers	14
‘Any other business’ or ‘general business’ as an agenda item.....	14
Matters of urgency.....	15
The risks of <i>en bloc</i> decision making.....	15
4.0 Meeting Procedures	17
4.1 The decision-making process	17
The provisions for meeting procedures	17
Casting vote.....	18
Deliberative vote.....	18
The Local Government (Procedures at Meetings) Regulations 2013.....	18
Guiding Principles.....	19
Commencement of meetings and quorum - r7.....	19
4.2 Minutes - r8	19
4.3 Questions - r9	19
4.4 Motions - r12	20

	Motion on notice – r12	20
	A motion to revoke or amend a decision - r12(3)	21
	Motion without notice - r12(5) – (7)	21
	Seconding Motions – r12(8).....	22
	Speaking to a motion - r12(9) and (10)	22
	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 - r12(11).....	22
	Formal motions - r12(12)-(18).....	23
4.5	Amendments to motions - r13.....	25
	An example of the process to amend a motion	25
4.6	Variations etc - r14.....	26
4.7	The Right of Reply – r12(10)(c).....	27
4.8	Addresses by members etc - r15	27
4.9	Voting.....	27
	Duty to vote	27
4.10	Divisions – r17.....	28
4.11	Tabling of Information - r18.....	29
4.12	Adjourned business - r19.....	29
4.13	Short-term suspension of proceedings - r20.....	30
4.14	CEO may submit a report recommending revocation or amendment of a Council decision - r21	30
4.15	Points of Order - r28.....	31
4.16	Interruption of meetings by members - r29.....	31
4.17	Interruption of meeting by others - r30.....	32
4.18	Meeting Procedure at Committee Meetings.....	32
	Notice of Meetings - r23 and r24	32
	Minutes of Committee meetings - r25.....	32
	Quorum for committees - r26.....	32
	Voting at Committee meetings -r27.....	33
5.0	Council Determined Meeting Procedures.....	34
	Some examples of areas where a Council determined meeting procedure could be considered—	34
6.0	Discretionary Procedures	36
	Provisions of the Regulations capable of being varied by resolution	36
7.0	Chairing the Meeting.....	39
7.1	The Principal Member	39
	Specific roles of the principal member - s58.....	39
7.2	The presiding member	39
	The presiding member of a committee – s41(4).....	39
	The principal member or presiding member’s vote – s86	39
	The role and responsibilities of a presiding member.....	40
	Specific powers of the presiding member	41
	Managing the meeting	42
	Leave of the Meeting	43
	Speaking in the debate.....	43
	Voting.....	43

8.0	Minutes of Council and Council Committee Meetings	45
8.1	Minutes and release of documents - s91	45
	Public access to minutes and documents - s91(4) and (6)	45
	The Content of the Minutes - r8	45
	Confirmation of the minutes	46
9.0	Tips for Presiding Members	48
10.0	The Decision-Making Process - Quick Tips	54
	Resources	57

Interpretations

Absolute majority of the members of a Council means a majority of the whole number of members.

Agenda means a list of items of business to be considered at a meeting.

Amendment means an alteration to the wording of a motion – it is not a motion in its own right. The purpose of an amendment is to refine or modify a motion but not to substantially change the intent of the motion or to contradict it.

Casting vote is the vote that is exercised by a directly elected Mayor at a Council meeting in the event of an equality of votes on a question for decision.

Clear days in the calculation for giving notice before a meeting: the day on which the notice is given and the day on which the meeting occurs will not be taken into account; and Saturdays, Sundays and public holidays will be taken into account. If notice is given after 5pm on a day, the notice will be taken as given on the next day.

Council committee means a committee of a Council established under the section 41 of the Local Government Act and includes a subcommittee.

Councillor means a person appointed or elected as a Councillor.

Deliberative vote is the vote that expresses an individual's opinion on a question for decision. At a Council meeting all Councillors (other than a directly elected Mayor) have a deliberative vote.

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 a vote on whether leave of the meeting is granted may be conducted by a show of hands – but nothing in sub regulation (r3(4) prevents a division from being called in relation to the vote.

Member means a member of the Council or committee (as the case may be).

Point of Order means a point raised to draw attention to an alleged breach of the Act or Regulations in relation to the proceedings of a meeting.

Presiding member means the person who presiding at a Council or Council committee meeting.

Principal member means-

- (a) the person elected as a representative of the area as a whole (in which case the principal member is to be called Mayor); or
- (b) the person chosen by the Members of the Council from amongst their own number (in which case the principal member may be called the Chairperson or have another title as Council decides; some Councils use the term Mayor in this instance).

Question means a matter before the meeting on which a decision must be made such as a motion, amendment or request for leave of the meeting.

Regulatory activity means an activity that involves the making or enforcement of by-laws, orders, standards or other controls.

Written notice includes a notice given in a manner or form determined by the Council.

1.0 Introduction

Local Government in South Australia is provided by autonomous Councils established in accordance with the provisions of the *Local Government Act 1999* (the Act).

Each Council is a body corporate and bears the name assigned to it under the Act. The corporate body, known as the Council, consists of a number of members appointed or elected in accordance with the provisions of the Act and the *Local Government (Elections) Act 1999*.

A Council consists of:

- a principal member who may be appointed or elected as a representative of the area as a whole, or chosen by the members of the Council; and
- a number of members appointed or elected who are known as Councillors. Councillors represent either a ward (ward Councillors) or the area as a whole (area Councillors).

This guide to meeting procedures discusses the provisions of the Act and the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). The information in this handbook applies to the provisions of the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* for meetings of Council and Council committees. The Handbook also applies to subsidiaries where their charter specifies that the *Local Government (Procedures at Meetings) Regulations 2013* apply.

The provisions of the Act and the Regulations 2013 do not apply to Development Assessment Panels which are established in accordance with the provisions of the *Development Act 1993*. The meeting procedures for Development Assessment Panel are determined by the Council and may vary from Council to Council.

Principal Role of the Council s6

A Council is established to provide for the government and management of its area at the local level and, in particular—

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and
- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) to represent the interests of its community to the wider community; and
- (e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.

The focus of this handbook is to provide a resource for Mayors/Chairpersons, presiding members, Councillors and those officers supporting the Council in the conduct of Council and Council committee meetings in the performance of the principal role of a Council s6(a), being

‘to act as a representative, informed and responsible decision-maker in the interests of its community’.

The legislative provisions for meeting procedures

The *Local Government Act 1999* (the Act) is the primary legislation for the operation of Local Government in South Australia. The provisions of the Act are supported by the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

The provisions for the conduct of meetings of Councils and Council committees and the decision-making processes at those meetings are prescribed by the Act and the relevant Regulations.

The combined provisions of the Act and Regulations form the basis of how Local Government Council and Council committee meetings must be conducted in South Australia. These requirements must be observed at all times.

Every Councillor should be aware of and understand the provisions of the Act and the Regulations in relation to the conduct of Council and Committee meetings and their participation in those meetings.

The Local Government Act 1999 (the Act)

The provisions of the Act apply to all meetings of Councils and Council committees.

Chapter 6 and in particular s86 contains the provisions for procedures at Council meetings; s89 contains the provisions for proceedings at committee meetings.

Section 86(8) provides that subject to the Act the procedure at a meeting of the Council will be:

- as prescribed by regulation; or
- insofar as the procedure is not prescribed by regulation, as determined by the Council.
- Section 89(1) provides that subject to the Act the procedure at a meeting of a Council committee will be:
 - as prescribed by regulation; or
 - insofar as the procedure is not prescribed by regulation, as determined by the Council; or
 - insofar as the procedure is not prescribed by regulation or determined by the Council as determined by the Council committee itself.

Any meeting procedures determined by the Council in accordance with s86 and s89 become a policy of the Council and should be recorded in a meeting procedures policy manual or code of practice.

The Local Government (Procedures at Meetings) Regulations 2013

The provisions of the Regulations apply to Council and Council committee meetings.

The Regulations are in 4 parts -

Part 1 contains definitions of key terms and the Guiding Principles that should be applied with respect to the procedures to be observed at a meeting of a Council or a Council committee.

Part 2 contains the provisions that apply to meetings of Councils and key committees:

- Council meetings;
- meetings of a Council committee performing regulatory activities;¹ and
- meetings of any other Council committee that the Council has, by resolution, determined that Part 2 will apply to that committee.²

Part 3 contains the provisions that apply to meetings of all Council committees.

Part 4 contains miscellaneous provisions that apply to both Council and Committee meetings.

Guiding Principles

Regulation 4 of the Regulations prescribes guiding principles that 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; and
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

¹ A regulatory activity means an activity that involves the making or enforcement of by-laws, orders, standards or other controls under the Local Government Act or another Act.

² The provisions of Part 2 of the Regulations (r7-21) do not apply to all Council committee meetings by default. The Council must resolve that Part 2 of the Regulations will apply to a meeting of a committee; this would generally be included in the resolution establishing the committee in accordance with the provisions of s41.

2.0 Calling and Preparation of Council and Council Committee Meetings

Chapter 6 of the Act.

2.1 Council Meetings

There are two types of Council meetings:

- ordinary Council meetings; and
- special Council meetings.

Council meetings are the most important function of the Council. It is at properly convened Council meetings that the corporate body, which is the Council as a whole, makes the decisions that direct the ongoing operations of the Council.

Members have a responsibility to be well informed in relation to the business before the Council. The exercise of a member's vote at a Council meeting is the most important part of their role. Preparation for meetings such as reading the agenda and reports and following up of any queries before the meeting is essential in order for members to make meaningful contributions to the debate.

Ordinary Council meetings

Ordinary Council meetings are held at a time and a place determined by a resolution of the Council. This is generally done at the first meeting of a Council after a general election. The exception is the first meeting held after a general election, and in that instance it is the responsibility of the Chief Executive Officer (CEO) to call the meeting.

A Council must hold an ordinary Council meeting at least once a month and the meeting may not be held on a Sunday or on a public holiday. If the Council is a municipal Council it may only hold an ordinary Council meeting before 5.00pm if the Council unanimously resolves to do so.

Special Council Meetings

The CEO must call a special Council meeting of the Council at the request of:

- the principal member;
- at least three members of the Council; or
- a Council Committee at which at least three members of the Council vote in favour of making the request.

Special meetings of a Council may be held at any time - s82.

At the time of making the request for a special meeting the CEO must be provided with the agenda item for the meeting. If an agenda item is not provided the request has no effect.

Notice of a meeting

The CEO must give each member of Council at least three clear days³ notice of an ordinary Council meeting or at least four hours notice of a special meeting.

³ See Interpretation section of this Handbook, or r3.

The notice of the meeting must:

- be in writing;
- state the date, time and place of the meeting;
- be signed by the CEO; and
- be accompanied by the agenda for the meeting.

The CEO must also make sure that the items on the agenda are described with 'reasonable particularity and accuracy' (s83) and that a copy of any documents or reports to be considered at the meeting are provided to members – so far as it is reasonably practicable to provide.

In addition, the CEO may indicate on a document or report provided to members of the Council prior to the meeting any information or matter that may, if the Council so determines, be considered in confidence under Part 3 (s90(2) & (3)) of the Act -s83(5) and s83(6). While the CEO's advice would generally be in the form of a recommendation, the decision to exclude the public from the meeting and consider the item in confidence must be a resolution of the Council or Council committee at the meeting. Where the CEO makes such a recommendation the document is exempt from the requirement for public inspection - s84(5) and s84(6).

Notice of a meeting must be given to the members of Council – s83(6):

- personally; or
- by delivering the notice to the member's usual place of residence, or another place authorised by the member in writing; or
- by leaving the notice at the principal office if authorised by the member in writing; or
- by a means authorised in writing by the member as being an available means of giving notice.

A Council may decide, by resolution, that the notice of an ordinary meeting, agenda and documents will be sent out to members with more than three clear days⁴ notice. However in this circumstance there may be a need for a supplementary agenda to be supplied to members if an item of business is received by the Council in the days after the agenda has been delivered and prior to the three days statutory notice requirement. The public notice requirement of three clear days must still be observed.

Public Notice of Council Meetings - s84

The CEO must give notice to the public of the times and places of ordinary and special meetings of Council. This is done by placing a copy of the notice and the agenda for a meeting on public display at the principal office of the Council. In the case of an ordinary meeting this must be done at least three clear days before the Council meeting. In the case of a special meeting the notice must be on public display as soon as practicable after notice has been given to the members.

The CEO must, so far as is reasonably practicable, make available for inspection on the Internet an up-to-date schedule of the dates, times and places set for meetings of the Council and Council committees - s94A

⁴ See Interpretation section of this Handbook, or r3.

Public notice of the meeting may also be given in additional appropriate ways taking into account the characteristics of the Council's community and area. Many Councils place the information in branch offices, libraries and other places frequented by the public throughout the Council area.

The notice must be kept on display at the Council office until the meeting has been held. The public is entitled to obtain a copy of the notice and agenda for which the Council may set a fixed fee. The agenda consists only of the list of items to be discussed, not the reports themselves – s4.

The CEO must also ensure that copies of any reports or documents supplied to members for consideration at a meeting are available for inspection at the principal office.

The CEO must keep a record of all notices of ordinary and special Council meetings. The CEO must, so far as is reasonably practicable, make available for inspection on the Internet an up-to-date schedule of the dates, times and places set for Council and Council committee meetings - s94A.

Quorum - s85 and r7

A quorum is the minimum number of members who must be present for a meeting to be conducted. Dividing the number of members in office by 2, ignoring any fraction, and adding 1 ascertains the quorum for a Council meeting. A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present. No business can be transacted at a Council meeting unless a quorum is present.

Additional considerations in relation to the inability to form a quorum are set out in r7.

Public access to Council and committee meetings - s90

A meeting of a Council or Council committee must be held in a place open to the public - s90(1). The default situation prescribed in the Act is that the public have the right to attend all meetings of Council and Council committees, subject to the exceptions prescribed in s90. For further information on the application of s90, refer to the LGA Confidentiality Guidelines. For further information on access to meetings and document refer to the LGA's Model Code of Practice for Access to Council and Committee meetings and documents.

Access to meetings and documents code of practice - s92

A Council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the Council will apply for the purpose of the operation of s90 (public access to Council and committee meetings) and s91 (minutes of Council and committee meetings and release of documents). For further information on access to meetings and document refer to the LGA's Model Code of Practice for Access to Council and Committee meetings and documents.

2.2 Council Committees - s41

A Council may establish a committee⁵—

- (a) to assist in the performance of its functions; e.g.
 - 1) To carry out a project on behalf of the Council.
 - 2) To manage or administer property, facilities or activities on behalf of the Council.
 - 3) To oversee works on behalf of the Council.
- (b) to inquire into and report to the Council on matters within the ambit of Council's responsibilities;
- (c) to provide advice to the Council;
- (d) to exercise, perform or discharge delegated powers, functions or duties.

The membership of the committee is determined by the Council and may consist of or include people who are not members of the Council. The Council appoints the presiding member of the committee, or must make provision for how the presiding member is to be appointed.

A committee could be comprised totally of non-Council members.

The Mayor is not automatically a member of all committees. The Council may appoint the principal member as a member of a committee, or as an *ex officio* member of a committee or all committees. In an *ex officio* appointment he/she would not be included in the quorum unless actually present at the meeting.

Councillors who have not been appointed as a member of a committee do not take part in committee meetings. Only the appointed committee members take part in the deliberations of a committee. A Councillor whom the Council has not appointed as a member should be regarded as having the same status as a member of the public at a committee meeting.

Committees have no direct decision-making powers unless the Council has delegated its power to the committee to make decisions in certain circumstances. In most instances a committee makes recommendations to the Council for consideration.

The Council also determines the reporting and other accountability provisions (often called terms of reference) that apply to the committee. All members of a Council committee are bound by the provisions of the Act and, where applicable, the Regulations.

Because Council committees are constituted under the Act the provisions of the Act bind all members of committees, whether they are Council members, community members or Council officers.

The Regulations do not apply to all Council committee meetings. The Regulations are in four Parts and apply to Council committees as follows —

Parts 1, 3 and 4 apply to all meetings.

Part 2 applies to meetings of:

- Council (ordinary and special);
- a committee performing regulatory activities; and
- any other Council committee if the Council has, by resolution, determined Part 2 will apply.

⁵ All committees of Council must be established pursuant to s41.

Note that the provisions of Part 2 of the Regulations (r7-21) do not apply to all Council committee meetings by default. The Council must resolve that Part 2 of the Regulations will apply to meetings of a Council committee and this would generally be included in the resolution establishing the committee in accordance with the provisions of s41.

Part 3 contains specific provisions for meetings of all other s41 committees (i.e., those to which Part 2 does not apply).

Part 4 prescribes procedures that apply to Council and Council committee meetings. As noted above, Part 4 applies to all Council and Council committee meetings.

A committee may establish a sub-committee to assist in a matter and does not require the approval of the Council to do so - s41(7).

A committee can determine its own meeting procedures if the procedure is not prescribed by Regulation or the Council - s89.

Calling and timing of committee meetings - s87

Ordinary meetings of Council committees are held at the time and places appointed by the Council or, if not set by the Council, by the committee. The decision on time and place of meetings must take into account the availability and convenience of members of the committee and the nature and purpose of the committee.

The CEO must ensure that each member of the committee is given notice of an ordinary meeting of the committee at least three clear days before the date of the meeting.

The notice of the committee meeting must:

- be in writing;
- state the date, time and place of the meeting; and
- be accompanied by the agenda for the meeting.

The CEO must also make sure that the items on the agenda are described with 'reasonable particularity and accuracy' and that a copy of any documents and reports to be considered at the meeting are provided to members of the committee.

In addition, the CEO may indicate on a document provided to the committee prior to the meeting any information or matter that may, if the committee so determines, be considered in confidence under Part 3, s90 of the Act. Such items are exempt from the requirement of public inspection - s87(10).

Notice of a committee meeting must be given to the members of the committee - s87(11)

- personally; or
- by delivering the notice to the member's usual place of residence, or another place authorised by the member in writing; or
- by leaving the notice at the principal office if authorised by the member in writing; or
- by a means authorised in writing by the member as being an available means of giving notice.

Regulation 23 provides that if the committee does not perform regulatory activities and the Council has not otherwise applied Part 2 of the Regulations to the committee, the committee may determine that the provisions of notice of committee meetings be modified and, after taking into account the nature and purpose of the committee, that:

- the notice need not be given for each meeting separately;
- if ordinary meetings of the committee have a set agenda, notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
- it is not necessary for the CEO to ensure each member of the committee is supplied with a copy of any documents or reports to be considered at the meeting at the time notice is given.

Public notice of committee meetings - s88

The CEO must ensure that notice is given to the public of the times and places of committee meetings by placing the notice and the agenda on public display at the principal office of the Council as soon as is practicable after the notice of the meeting is given to members of the committee. The CEO may give notice to the public of the time and place of a committee meeting in such other manner as the CEO considers appropriate after taking into account the work of the committee and the characteristics of the Council's community. The notice and agenda must be kept on display until the completion of the meeting.

The CEO must also ensure that copies of any reports or documents supplied to committee members for consideration at a meeting are available for inspection at the principal office as soon as practicable after the documents have been supplied to members of the committee.

Regulation 24 provides that if the committee does not perform regulatory activities and the Council has not otherwise applied Part 2 of the Regulations to it the public notice requirements may be modified, to provide that:

- public notice need not be given for each meeting separately; and
- public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after taking into account the nature and purpose of the committee.

The CEO must, so far as is reasonably practicable, make available for inspection on the Internet an up to date schedule of the dates, times and places set for meetings of the Council and committees - s94A.

Quorum for committees - r26

The quorum for a committee meeting is:

- ascertained by dividing the total number of members of the committee by 2, ignoring any fraction, and adding 1; or
- a number determined by the Council.

No business can be transacted at a committee meeting unless a quorum is present.

Any modification of the requirements for a committee in accordance with the Act and Regulation would be included in the terms of reference for the committee resolved by the Council.

Attendance at Committee meetings via telephone conference - s90(7a)

Council committee meetings are taken to be conducted in a place open to the public, even if one or more committee members participate in the meeting by telephone or other electronic means. However, this is only allowed if members of the public can hear the discussion between all committee members and subject to the qualification that a Council may direct a committee not to use telephone or other electronic means for the purposes of its meetings.

Informal gatherings or discussions of the Council - s90(8)

The duty to hold a meeting of a Council or Council committee at a place open to the public does not make unlawful informal gatherings of members of Council or committees or members and staff. However, such gatherings must not deal with a matter that would ordinarily form part of a formal agenda for a meeting in such a way as to effectively obtain a decision on a matter outside a formally constituted Council or committee meeting. Examples of informal gatherings would be:

- planning sessions to develop policies or strategies;
- briefing or training sessions;
- workshops; and
- social gatherings.

3.0 The Agenda and the Order of Business

3.1 The Agenda

The Act requires that the notice of all Council and some committee meetings must contain or be accompanied by the agenda for the meeting - s83(3) and s87(8).

Agenda is interpreted by the Act as 'a list of items of business to be considered at a meeting'. The Act requires that the CEO must, as far as is reasonably practicable:

- (a) ensure that items on the agenda are described with reasonable particularity and accuracy; and
- (b) supply to each member of the Council or committee at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable) - s83(4) and s87(9).

The requirement of the Act is that the notice of the meeting and the agenda are to be delivered to each Council member at least three clear days before an ordinary meeting and at least four hours before a special meeting.

In the interests of fair, open and accountable decision-making, agendas must indicate clearly the nature of each item of business on the agenda so that interested members of the community are aware of the business to be transacted at a meeting and can obtain information and attend the meeting.

Agendas for meetings are prepared by the CEO and generally are accompanied by reports and other documentation that provide information and advice to assist in decision-making and performance monitoring.

Order of Business

The agenda is the formal requirement for listing the business to be considered at meetings. The order of business merely indicates the order in which the items on the agenda will be considered. The Council may amend the order of business as set out in the agenda either by resolution or by leave of the meeting.⁶ This should only ever be done for good reason as public attendance may be affected.

Although a Council or committee can change the order of business, it is not best practice once the agenda has been made available to the public and should only occur in exceptional circumstances and then by resolution. Members of the public may be coming at a particular stage in the meeting to hear a particular matter and would not be aware that the order of business had been changed.

There is no set order of business for Council or committee meetings. It is for the Council or committee to decide the order of business.

⁶ See Interpretation section for definition of 'leave of the meeting'.

The Regulations address procedures in an order that could suggest a generic order of business for the regulatory requirements —

1. Opening of the meeting
2. Confirmation of the minutes of previous meeting(s)
3. Business adjourned
4. Questions - with and without notice
5. Petitions
6. Deputations
7. Motions on notice

Other items on the agenda could be—

- Apologies
- Mayoral report and/or reports by Members
- Recommendations from Committees
- Reports from Officers

The manner in which a report from an officer appears on the agenda varies from Council to Council. Generally it is either as a regular agenda item or in the context of a business item relevant to a particular matter.

Opening of the meeting

The form and content of the opening of a meeting is at the discretion of the Council. The presiding member opens the meeting - r7. Some Councils open the meeting with a simple welcome from the principal member, others with a prayer and others use a statement of their own determination. None of these procedures is a legislative requirement.

Apologies

There is no formal requirement for apologies to be given or recorded. However, non-attendance at a particular meeting is usually noted at the beginning of a meeting and recorded in the minutes. The names of members with leave of absence from the Council are also recorded on the agenda and in the minutes. This provides a record of attendance that may be of evidential value if a Member is absent without leave for 3 or more consecutive meetings, such that it may trigger action under s54(1)(d) of the Act.

It is good practice for a member who is unable to attend a meeting to apologise to the CEO before the time of the meeting. An apology is not synonymous with leave of absence and will not be sufficient for the purposes of s54(1)(d).

Confirmation of the minutes of previous meeting(s) – r8

This item is to confirm the minutes of a previous meeting or meetings as to their accuracy. No discussion on the minutes may occur before confirmation. Minutes are confirmed by resolution. Minutes are the formal record of the details of the meeting and the business transacted at the meeting.

Reports by members

There is no regulatory requirement for members to give reports at Council meetings. It is a decision of the Council as to the process for Council members to give reports. At meetings of most Councils it is customary for the principal member to provide a short written or verbal report.

Questions - r9

The provisions for questions with and without notice at meeting are discussed in chapter 4.

Petitions - r10

Petitions are an important part of community participation in the decision-making process. A petition is a formal tool that provides individuals or groups in the community with an opportunity to present their opinions to the meeting.

Many Councils have a *pro forma* petition for residents to use. This provision does not preclude the making of a petition through social media tools.

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.

Once the petition is received at the principal office the CEO must ensure that the petition or, if the Council has determined, a statement as to the nature of the request or submission and the number of signatures or persons endorsing the petition, on the agenda of the next Council meeting or, if so provided by a policy of the Council, a committee of the Council.

Generally the meeting would resolve to receive the petition and may also resolve an action in relation to the request or submission of the petitioners.

Deputations - r11

A deputation is 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.

A deputation is also an important opportunity for community participation in the decision-making process of a Council. A deputation allows individuals or groups in the community to personally address the Council and present their opinions to the meeting.

The Regulations provide that a person who wishes to appear as a deputation and address the meeting on a matter must make the request in writing. The presiding member may refuse to allow the deputation. The CEO must take reasonable steps to ensure that the person or persons who requested the deputation are informed of the outcome of the request. If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report that decision to the next meeting of the Council or committee. The Council or committee meeting may then resolve to allow the deputation to appear despite a contrary ruling by the presiding member.

There is no set format for a deputation. However, it would be appropriate for a Council to establish a Council determined meeting procedure that sets out guidelines for a deputation, and make that information available to people when a request for a deputation is made. The guidelines could include the number of people who can speak and the length of time etc.

Business adjourned - r19(3)

Any business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.

See discussion on 'adjournment' and 'lying on the table' elsewhere in this document.

Reports from officers

The manner in which a report from an officer appears on the agenda varies from Council to Council. Generally it is either as a regular agenda item or in the context of a business item relevant to a particular matter.

Reports from officers serve several functions.

- To provide information and advice to assist decision-making.

New business requiring consideration or a decision of the Council usually comes on to the agenda by way of a report from the relevant officer. These reports would generally contain a recommendation from the relevant officer. The recommendation contained in a report is based on the author's expertise and provided as a starting point for a motion and thence a decision of the Council.

- To provide information relative to performance monitoring and exercise of delegated authority.

Reports in relation to the performance of the Council are supplied to the Council on a regular basis. Some of these provisions are statutory such as financial reports. Others are at the direction of the Council.

- To provide information to the Council. Items of significant information are generally provided to the Council in reports from the CEO.

Reports from officers generally contain a recommendation from the relevant officer. The recommendation contained in a report is based on the author's expertise and provides a starting point for deliberation and resolution by the Council. The recommendation is only that – it is not required to be moved as a motion and may be altered or not proceeded with, or a different motion may be moved.

There is also a provision in r8(m) for a description of any oral briefing given to the meeting on a matter of Council business to be minuted.

'Any other business' or 'general business' as an agenda item

This suggested order of business does not contain an item such as 'any other business' or 'general business'.

One of the objects of the Act is 'to ensure accountability of Councils to the community' - s3. Section 85 requires that matters on the agenda are described with 'reasonable particularity and accuracy' and that the reports and other documentation to be considered at a meeting are available to the public prior to the meeting.

The Guiding Principles (r4) provide that meeting procedures should 'be fair and contribute to open, transparent and informed decision-making', and 'encourage appropriate community participation in the affairs of the Council' and that 'procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations at the meeting'.

All of the above provisions promote a framework of informed decision-making. The inclusion of matters at a meeting on which there has been no public notification, no relevant report from officers and possible subsequent decisions of the Council is not in keeping with the provisions or the tenor of the Act. The practice should be restricted to matters of urgency. Adding late items to the agenda without the necessary notice to members and the public is of doubtful legality and any decision on such an item risks not being able to withstand judicial scrutiny. So, for instance, principles of good governance speak against a standing agenda item of "Any Other Business".

Matters of urgency

Regulation 15(2) provides that a member may, with leave of the meeting, raise a matter of urgency. In most circumstances it would be the principal member who seeks leave to introduce an urgent matter to the meeting.

Late items that the meeting does not resolve to be a matter of urgency should be deferred to the next meeting or a special meeting to allow time for public notification of the matter and for relevant input from officers and due reading time and consideration by members. The Act also provides for calling special meetings to deal with matters of urgency.

To reinforce the need for accountability and public notification of matters to be considered at meetings, r12(6) gives the presiding member the power to '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'.

The most effective way for a member of Council or a committee to include a matter on the agenda is by way of a motion with notice. Alternatively a member could move a motion without notice to request that a report on a matter be provided to a subsequent meeting. This process ensures public notification of the matter as the report would be included in the agenda for the subsequent meeting. Another option would be to place a question on notice and then follow up with a motion without notice, bearing in mind the presiding member could refuse to accept a motion without notice and request that the motion be put on notice for a subsequent meeting - r12(6).

The risks of *en bloc* decision making

The actual content of a meeting agenda and the process of decision-making is the decision of the Council within the requirements of the legislation.

Some Councils have a practice of including in the agenda, items marked to be moved *en bloc* (the terms starred, consensus agenda etc. are also used).

En bloc decision making is not considered best practice for agenda items requiring a decision and could leave the Council exposed to the risk of having a decision declared invalid.

Legal advice states that a Council should not consider the following matters on an *en bloc* basis:

- matters involving the exercise of a statutory or other power that affects or is likely to affect an identifiable third party's legitimate rights, interests or expectations;
- matters where a member has indicated a desired to debate or ask a question in respect of the matter;
- matters which require the formation of a statutorily mandated 'opinion' or 'consideration';

- matters which require a particular special majority vote;
- matters which are likely to attract controversy or debate to the extent that an amendment to the motion is likely; and
- matters where a member has declared an interest in accordance with Section 73 of the Act or may otherwise be 'biased', contrary to the requirements of the common law or Code of Conduct for Council Members

The use of en bloc decision making is best left for routine procedural matters, matters for noting or matters that do not impact on individual third parties.

4.0 Meeting Procedures

4.1 The decision-making process

The Council is a corporate body and as such can only make decisions at properly convened meetings i.e. a question has to be put to the meeting and passed by the majority of members⁷ present and entitled to vote. If a meeting is not convened in accordance with the provisions of the Act and the Regulations the Council members are merely a group of individuals and any decisions made are not valid Council resolutions and have no status.

A Council may only make decisions about matters falling within its jurisdiction, otherwise it will be deemed to be acting beyond its powers (*ultra vires*).

The decision-making process in Local Government is one that encourages participation and contribution by the members and the public. All members of the Council or committee receive exactly the same information at the same time. That information is required to be made available for inspection to the public at the same time as the members (3 clear days) with the exception of specific items that the CEO has indicated that the Council may wish to discuss in confidence in accordance with the provisions of s90.

Council meetings are the most important part of a Council's operations and the exercise of members' roles and responsibilities. The decisions made by the members at formal Council meetings, evidenced by resolution by the required majority vote, provide the direction and authority for the ongoing operation of the Council. The decisions of the Council give direct and immediate authority to the CEO to act in accordance with that decision.

The decision-making process for Council and committee meetings is by resolution i.e. motions, moved, seconded and voted on. In a Council meeting (and some Committees) the process includes debate on the motion, possibly amendment or variation and finally voting by the members present and entitled to vote.

The outcome of the vote is referred to as the resolution. Hence the phrase 'by resolution' that is used to refer to the decisions of Councils and committees.

The provisions for meeting procedures

Section 86 of the Act, and the Regulations, are the legislation that prescribe the procedures to be followed at meetings of Councils and committees. These legislative requirements must be adhered to and cannot be disregarded or negated.

The provisions for meeting procedures for Council and committee meetings are contained in:

- the *Local Government Act 1999* Chapter 6, in particular s86;
- the *Local Government (Procedures at Meetings Regulations) 2013* parts 1-4;
- Council determined meeting procedures in accordance with s86(8); and
- Any discretionary procedure determined by the Council in accordance with r6.

Section 86 prescribes the procedure at meetings including, among other things, that—
S86(a)The principal member of the Council will preside at a meeting of the Council.

⁷ In most circumstances this is a simple majority of members present and entitled to vote however there are provisions in both the Act and Regulations where the required majority is two thirds of members present and entitled to vote, two thirds of members of the Council as a whole or an absolute majority i.e a majority of all members whether all are present or not.

S86(4) A question arising for decision at a meeting of a Council will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

S86(5) Each member present at a meeting of a Council must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.

S86(6) The Mayor (the principal member elected by the electorate) or a member presiding in the absence of the Mayor, at a meeting of the Council, does not have a deliberative vote on a question for decision but has, in the event of an equality of votes, a casting vote.

S86(7) The Chairperson of a Council (the principal member who has been chosen by the members from amongst their own number)⁸ or other member presiding in the absence of the Chairperson, has a deliberative vote on a question for decision but does not, in the event of an equality of votes, have a casting vote.

Section 86(8) provides that, subject to the provisions of the Act, the procedure to be observed at a meeting of a Council will be:

- (a) as prescribed by Regulation; and
- (b) insofar as the procedure is not prescribed by Regulation, as determined by the Council.

Casting vote

A casting vote is the vote that is exercised in the event of an equality of votes. A directly elected Mayor has a casting vote at a Council meeting but does not have a deliberative vote.

Deliberative vote

At a Council meeting all Councillors have a deliberative vote. At a committee meeting all Council members have a deliberative vote and must exercise it r27(2). There is no 'casting vote' in a committee meeting.

The Local Government (Procedures at Meetings) Regulations 2013

The Regulations are in four Parts -

Part 1 contains interpretations and the Guiding Principles that should be applied with respect to the definitions and principles that should be observed at a meeting of a Council or a Council committee.

Part 2 contains the provisions that apply to:

- all meetings of a Council;
- the meetings of a Council committee performing regulatory activities.
- the meetings of any other Council committee if the Council has, by resolution determined that Part 2 should apply to those committees.

Part 3 contains the provisions that apply to meetings of all other committees.

Part 4 contains miscellaneous provisions that apply to all Council and committee meetings.

The provisions of Part 2 of the Regulations (r7-21) do not apply to Council committee meetings by default. The Council must resolve that Part 2 of the Regulations will apply to meeting of a committee; this would generally be included in the resolution establishing the committee in accordance with the provisions of s41 of the Act.

⁸ In which case may be called the Chairperson or have another title as the Council decides, some Councils use the title Mayor.

Guiding Principles

Regulation 4 prescribes guiding principles that 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; and
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Commencement of meetings and quorum - r7

A quorum for a meeting is the minimum number of members who must be present for a meeting to be conducted. Dividing the number of members in office by 2, ignoring any fraction, and adding 1 ascertains the quorum for a Council meeting. No business can be transacted at a Council meeting unless a quorum is present.

Regulation 7 provides that—

- (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 CEO indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time, or alternatively— or
- (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 the Presiding member, the CEO will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of quorum, the CEO will record in the minute book the reasons for the adjournment, the names of the members present, and the date and time to which the meeting is adjourned.
- (5) If the 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.

4.2 Minutes - r8

The provisions of r8 in relation to minutes are discussed in Chapter 8.

4.3 Questions - r9

There is provision in the Regulations for questions from members with notice and without notice.

This procedure enables Councillors to obtain information at the Council meeting that is relevant to their role as a member of the governing body and the function of that body. The question should relate to functional, strategic or policy issues of the Council. Questions of an

operational nature are the domain of the CEO and should be directed to the CEO outside of a meeting and during business hours.

Regulation 9 prescribes—

- (1) A member may ask a question on notice by giving the CEO at least five clear days notice⁹ in writing before the date of the meeting.
- (2) If notice is given— the CEO must ensure that question on notice is placed on the agenda for the meeting for which the question is to be asked, and the question and reply must be recorded in the minutes of the meeting.
- (3) A member may ask a question without notice.
- (4) The presiding member may allow the reply to that question to be given at the next meeting. This does not mean that the question becomes a question on notice, it simply gives the relevant person time to formulate the reply. If the member who asked the question without notice wished the question to go on notice for the next Council meeting he or she would be required to put the question in writing with the prescribed five clear days notice.
- (5) A question without notice will not be entered in the minutes unless the members present 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.

If the presiding member rules that the question not be answered, that decision is made at his or discretion and cannot be overturned by the meeting.

It is good practice for the presiding member to provide reasons for rejecting a question on the basis that it is vague, irrelevant, insulting or improper, but there is no need to minute those reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).

4.4 Motions - r12

Regulation 12 addresses the provisions for:

- motions on notice;
- motions the effect of which would be to revoke or amend a decision of the Council passed since the last periodic election;
- motions without notice; and
- formal motions.

Motion on notice – r12

A member may bring forward any business by way of a motion on notice.

Notice of motion requires written notice from the member to the CEO at least five clear days before the date of the meeting at which the motion is to be moved.

⁹ See Interpretation section for definition of 'clear days'.

“Written notice” means in a manner or form determined by the Council. This could include fax or email if the Council so determines. The notice of motion appears on the agenda of the meeting and at that place in the meeting the presiding member gives the member who has placed the motion on notice the opportunity to move the motion.

The benefits of giving notice of a motion are that—

- the motion appears on the agenda for the meeting thus giving public notice of the intentions of the member and conforming with the Guiding Principles.
- Notice is given to the other members of the Council of the member’s intent and provides opportunity for those who may wish to inform themselves in regard to the proposal prior to the meeting.

There is no provision in Regulations for what process is to be followed if a member who has a motion on notice does not attend the meeting. It would be good practice for the Council to adopt a Council determined meeting procedure (see s86(8)(b)) to address this eventuality.

A motion to revoke or amend a decision - r12(3)

If a member wishes to bring forward a motion the effect of which is to either:

- revoke a resolution passed by the council since the last general election; or
- amend a resolution passed by the council since the last general election,

the motion must be brought forward by written notice.

Once on the agenda, the motion is handled in the same way as any other motion on notice. When the agenda item concerning the motion is to be dealt with, the presiding member invites the mover to move the motion and speak in support of it.

If a motion to revoke a resolution of the Council is successful, the resolution ceases to have effect. In some instances, no alternative action or decision of the Council may be proposed. Where it is intended that an earlier resolution of the Council be revoked and an alternative decision or action taken, this should be made clear in the written notice of the motion being brought forward.

If a member proposes to vary a resolution passed by the Council since the last general election, the member can bring a motion seeking to amend, rather than revoke, the earlier resolution. The intention to amend an earlier resolution of the Council should be made clear in the written notice of the motion.

Motion without notice - r12(5) – (7)

A member may move a motion without notice - r12(5).

The Regulations provide two circumstances in which the presiding member may refuse to accept a motion without notice:

1. if, after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of notice of motion - r12(6); and
2. if the subject matter is, in his/her opinion, beyond the power of the Council or Council committee. In this case if the motion was on notice that decision could be made when the CEO received the notice and consequently the motion would not be placed on the agenda - r12(7).

It is good practice for the presiding member to provide reasons for refusing to accept a motion without notice under r12(6) and r12(7), but there is no need to minute those reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).

Seconding Motions – r12(8)

A motion, with or without notice, will lapse if it is not seconded at the appropriate time.

Speaking to a motion - r12(9) and (10)

The provisions in the Regulations in relation to who may speak and for how long ensure that the decision making procedures are fair and equitable and that no member has an opportunity to dominate a meeting and preclude others from contributing.

The mover or seconder of a motion must speak to the motion at the time of moving or seconding the motion.

A member of the Council may only speak once to a motion except:

- to provide an explanation about some material part of his/her speech, but not so as to introduce any new matter;
- with leave of the meeting;¹⁰ or
- as the mover in reply.

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 - r12(11)

The provisions of r12(9),(10) and (11) in relation to a member speaking to a motion or moving an amendment can be varied pursuant to the Discretionary Procedures set out in r6.

A member moves a motion with the words 'I move that — then the wording of the motion'. The mover then has the right to speak for up to five minutes on the reasons why the motion has been moved and why the members should support it.

Likewise, the seconder of the motion seconds the motion with the words 'I second the motion' and then may, for up to five minutes, speak to the motion (unless the Council has varied r12(9), as reflected in a r6 Discretionary Procedures).

When a member moves or seconds a motion he or she cannot reserve the right to speak to the motion at a later time unless the Council has varied r12(9) (as reflected in a r6 Discretionary Procedure). The mover of the motion does, however, enjoy the right of reply at the end of the debate before the vote is taken.

A motion does not have to be seconded before the mover can speak to it. The Regulations provide that the mover must speak to the motion at the time of moving or seconding the motion - r12(9) – unless the Council has varied this regulation in accordance with r6. If the mover spoke after the seconder he or she would be deemed to have spoken twice. In addition, in speaking to the motion when it is moved, there is an opportunity for the mover to encourage another member to second the motion.

¹⁰ See Interpretation section for definition of 'leave of the meeting'.

The appropriate time for a member to second a motion is as soon as the mover has finished speaking. The presiding member will ask for a seconder at that time. The member seconding the motion will speak to the motion at the time of seconding the motion - r12(9). The seconder cannot reserve his or her right to speak later in the debate. This would require leave of the Council because the seconder would be speaking a second time - r12(9) and (10). However the Council is able to vary this regulation in accordance with r6.

Once a motion has been moved or seconded the presiding member will then ask for speakers for or against the motion. As noted above, a member may only speak once to a motion unless the meeting gives leave for the member to speak more than once, or if the Council has established Discretionary Procedures (r6) to allow members to speak more than once.

A question of clarification asked by a member during the debate, is not taken as having spoken, as long as it is clearly a question and not used as an opportunity to contribute to the debate.

Similarly, a member who has already spoken in the debate could, through the Chair ask a question of clarification or ask the CEO for information through the Chair, as long as it is clearly a question and not used as an opportunity to contribute to the debate.

A member who has spoken in the debate and then later wishes to add additional information to the debate must request leave of the meeting to be able to speak more than once to the motion - r12(10).

Formal motions - r12(12)-(18)

A member who has not spoken in the debate on a question may move a formal motion - r12(12). A member who has spoken in the debate may second a formal motion. A formal motion must be moved, seconded and put to the vote.

Formal motions are procedural, and are moved/seconded during the course of the debate on a motion and if carried —

- interrupt (stop) or suspend the debate; or
- adjourn the debate; or
- adjourn the meeting.

If moved, a formal motion must be seconded before it can proceed. It takes precedence and must be put to the meeting without discussion, unless the motion is for an adjournment - r12(15).

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

There are five forms of formal motions prescribed in r12(14):

- (a) that the meeting proceed to the next business – the effect of the motion if successful,
 - in the case of an amendment, is 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;

- (b) that the question be put - the effect of the motion, if successful, is that debate is terminated and the question (motion or amendment) put to the vote without further debate;
- (c) that the question lie on the table - 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;
- (d) that the question be adjourned - the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at a later time, (at the point of interruption); and
- (e) that the meeting be adjourned - the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of any other business. The meeting is resumed at another time.

The differences between the formal motion 'that the question lie on the table' and that 'the question be adjourned' are—

- the formal motion 'that the question lie on the table' requires no reason or specific details of time or place for resumption of debate on the matter. If carried the meeting immediately moves to the next item of business, and the question can only be retrieved at a later time by resolution. The effect of the formal motion 'the question lie on the table' (if carried) is a permanent or temporary halt to the debate on the question before the meeting. Any question that lies on the table as a result of a successful formal motion lapses at the next general election. The CEO must report on each question that lapses to the Council at the first ordinary meeting of the Council after the general election - r12(19&20)
- the formal motion 'that the question be adjourned' must include the reasons for the adjournment and the details of time and place for resumption of the debate - r12(18). The effect of a formal motion for adjournment (if carried) is a temporary halt on the debate for a specific reason to the time and place stated in the formal motion.

The formal motions 'that the question lie on the table' and 'the question be adjourned' if carried result in the suspension of the debate and resumption of the debate at the point of interruption. This means that a member who has spoken in the debate would require leave of the meeting to speak again and the mover of the motion retains the right of reply.

If a formal motion is lost – r12(17):

- (a) the meeting will be resumed at the point at which it was interrupted; and
- (b) if the formal motion was put during debate on a question (rather than at the end of the debate) then a similar formal motion (ie, a motion to the same effect) cannot be put until at least one member has spoken on the question.

NOTE A motion to defer a matter is not a formal motion. There is often confusion over this. A motion to have a matter deferred is a substantive motion and must be moved before the Chair has accepted any other motion on a matter. A successful motion to defer a matter postpones consideration of a matter to another time. Generally a member moving that a matter be deferred would include in the motion the reasons for deferral and possibly a request for other action such as a request for further information etc. Similarly a motion to defer a matter is not an amendment to a motion.

4.5 Amendments to motions - r13

An amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right. An amendment to the substantive motion is moved after the motion has been moved and seconded.

An amendment could be to insert additional words, delete words or delete and substitute words in the motion. The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or to contradict it.

The presiding member will not accept a proposed amendment that is a direct negative of the motion. Similarly a proposed amendment that substantially changes the motion or the intent of the motion is not an amendment and should not be accepted by the presiding member.

The provisions of r13 are:

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

With the exception of r13(2) ‘that an amendment will lapse if not seconded at the appropriate time’, r13(6) provides that a Council may use the Discretionary Procedures in r6 to establish a Code of Practice in relation to the amendment process.

In moving an amendment the mover of the amendment uses the words ‘I move that the motion be amended to state’ [incorporating the changes into the wording of the motion].

The seconder uses the words ‘I second the amendment’. Any debate on an amendment must be confined to the amendment and not the substantive motion. The mover and seconder of an amendment are taken to have spoken to the motion to which the amendment relates.

The Regulations are silent in regard to who may speak in any debate on an amendment. It would be good practice for the Council to establish a Council determined meeting procedure to manage this. Members speaking in the debate on an amendment must confine their remarks to the amendment and not debate the motion.

There is no right of reply to an amendment because it is not motion. An amendment has no standing on its own. If carried the amendment is incorporated into the motion. The right of reply is the prerogative of the mover of the motion even if the motion has been amended. Likewise, no division can be called on an amendment because it is not a motion.

An example of the process to amend a motion

The process of amendments can be confusing. The regulations allow for two amendments to a substantive motion. Amendment(s) are moved after a motion has been moved and seconded.

An example of the amendment process-

1. A motion **(A)** is moved and seconded—
2. An amendment **(B)** is moved and seconded
3. If amendment **(B)** is-
 - (a) **carried** the amendment is incorporated into the motion; the motion before the meeting becomes **(A + B)**
 - (b) **lost** the motion before the meeting reverts to **(A)**
4. A second amendment (C) may be moved and seconded
5. If amendment **(C)** is-
 - (d) **carried** the amendment is incorporated into the motion.

The motion before the meeting would become **(A + B+ C) if the previous outcome was 3 (a) (amendment (B) carried)**

or

- (e) The motion before the meeting would become **(A+C) if the previous outcome was 3(b) (amendment (B) lost)**

6. If amendment **(C)** was lost the motion before the meeting is either -

- (f) if amendment **(B)** was carried **(A+ B)**

or

- (g) if both amendments **(B) and (C)** had been lost the motion before the meeting remains **(A)**

At the end of the amendment process the presiding member would then give the mover of (A) the right of reply and then depending on the outcome of the amendment(s) put to the vote the motion which would be either **(A) or (A+B) or (A+C) or (A+B+C)**.

4.6 Variations etc - r14

The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting¹¹ to alter, vary or withdraw the motion or amendment

If the mover requests leave of the meeting for this action, and the seconder gives consent the presiding member must immediately put the question for leave to be granted to the meeting and no debate will be allowed on that question.

If a motion is withdrawn there is no more debate on that particular motion. If an amendment is withdrawn the debate resumes at the point before the amendment was moved. The withdrawal of a motion does not preclude another motion on the same matter being moved.

Any alteration, variation or withdrawal of a motion or amendment must be recorded in the minutes.

¹¹ See Interpretation section for definition of 'leave of the meeting'.

4.7 The Right of Reply – r12(10)(c)

At the end of the debate on a motion (including any amendment or variation that takes place as part of that debate), the presiding member will ask **the mover of the motion** if he or she wishes to exercise the right to reply to the debate. In exercising the right of reply the mover must confine the remarks to responding to the issues raised in the debate and not introduce any new material. Exercising the right of reply is sometimes referred to as ‘closing the debate’ however the correct term is ‘the mover in reply’.

There is no right of reply to an amendment put during the debate because it is not a motion. An amendment has no standing on its own – it is not a motion and so does not enjoy a right of reply. If carried the amendment is incorporated into the motion. The right of reply is the prerogative of the mover of the motion even if the motion has been amended or varied.

The right of reply is exercised at the end of debate on the motion after any amendments have been voted upon. The right of reply is the opportunity for the mover of the motion (not the mover of the amendment) to respond to the debate in its entirety including any amendments and variations.

4.8 Addresses by members etc - r15

The procedures in relation to members addressing the Council are:

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

Regulations 15(1) & (2) may be varied at the discretion of the Council pursuant to regulation 6.

An account of any personal explanation given by a member will be recorded in the minutes – r8.

4.9 Voting

The provisions in relation to voting are set out in:

- Section 86 of the Act;
- Regulation 16 - Voting;
- Regulation 17 - Divisions; and
- Regulation 27(2) - Voting at committee meetings.

Duty to vote

Section 86(5) (for Council meetings) and r27(2) (for Committee meetings) require that a member of Council must vote on a question arising for decision (subject to any requirements of the Act

It is not possible for a Council member to abstain from voting at a Council or Council committee meeting.

A question (motion, amendment, leave etc) arising for decision at a Council meeting is decided by a majority of votes of the members present at the meeting and entitled to vote on

the question - s86(4). In most cases the requirement is a simple majority of the members present and entitled to vote. However there are provisions in both the Act and Regulations that require either a two thirds majority or an absolute majority of the members of Council.

Regulation 16 provides that:

- (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.
- Regulation 16(3) may be varied at the discretion of the Council pursuant to r6;and
 - 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 s89 of the Act.

The presiding member will declare the outcome of the vote as—

- carried if the majority of members have voted in favour of the question; or
- lost if the majority of members have voted against the question; or
- tied if there is an equality of votes in favour or against.

In the event of a tied vote the members have not made a decision - the question is neither carried nor lost. In a Council with a Mayor entitled to a casting vote he or she would then exercise a casting vote.

In a Council with no casting vote entitlement the outcome on the motion remains tied and recorded in the minutes as such. In this circumstance in the event of a tied vote the Council has simply not made a decision on that particular question, it is permissible that at the same or a subsequent meeting a similar question on the matter could be proposed. Likewise in a committee meeting if a vote is tied the matter would be referred to the Council for resolution.

There is no reference to a failed vote in either the Act or Regulations. The terms used are carried, lost or tied.

4.10 Divisions – r17

The Regulations provide that a division will be taken at the request of a member.

There are two purposes for a division:

- to achieve a new vote on the question, in which case the previous decision on the question of the motion being 'carried' or 'lost' is set aside; and
- to achieve the recording in the minutes of the names of the members voting for and against the question.

Regulation 17 provides that:

- (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 CEO will record in the minutes the names of the members who voted in the affirmative and the names of the members who voted in the negative and the result of the vote.

Sub regulation (3) may be varied at the discretion of the Council pursuant to r6.

R3(4) provides that a vote on whether leave of the meeting¹² is granted may be conducted by a show of hands (but nothing in r3(4) prevents a division from being called in relation to the vote).

When a division is called for it must be taken immediately and before the meeting proceeds to the next item of business.

4.11 Tabling of Information - r18

Regulation 18 provides that:

- (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 those documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting. 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 s90 or s91 of the Act.

A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting r8.

If the member who has required documents to be tabled indicates that he or she is unwilling to vote on the motion until the documents are tabled, a formal motion should be moved by a member who has not spoken, to adjourn the item to a specific time or date.

4.12 Adjourned business - r19

Regulation 19 provides that:

- (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 where 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.

¹² See Interpretation section for definition of 'leave of the meeting'.

The provisions of r19 may be varied at the discretion of the Council pursuant to r6.

A formal motion for an adjournment of either the question or the meeting must include the reasons for adjournment and the details for resumption - r12(18).

4.13 Short-term suspension of proceedings - r20

If the presiding member considers that the conduct of a meeting would benefit from a short-term suspension of the operation of all or part of Part 2 of the Regulations (r7-20) for a period of time to allow or facilitate informal discussions, the presiding member may, with the consent of two thirds of the members present, suspend all or part of Part 2 of the Regulations for a specified time.

The Guiding Principles must be taken into account when considering this action.

If a suspension occurs under r20:

- a note of the suspension, including the reasons for an period of suspension, must be made in the minutes; and
- the meeting may proceed provided that a quorum is maintained, but, during the period of suspension;
 - the provisions of the Act must continue to be observed (see particularly Part 4 of Chapter 5 of the Act (Conduct and disclosure of interests), and Chapter 6 (Meetings) of the Act); and
 - no act or discussion will have any status or significance under the provisions which have been suspended; and
 - 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
- the period of suspension should be limited to achieving the purpose for which it was declared; and
- the suspension will come to an end if the presiding member determines that the period should be brought to an end, or at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Use of a short term suspension can be very useful during the debate on a motion when members could benefit from some informal sharing of ideas, opinions and information without the constraints of the Regulations in regard to speaking to motions. A short term suspension could also be appropriately applied in the process of a ballot procedure to appoint members to specific roles or committees, etc.¹³

4.14 CEO may submit a report recommending revocation or amendment of a Council decision - r21

The CEO may submit a report to the Council recommending revocation or amendment of a Council resolution passed since the last general election of the Council.

This regulation was intended to provide an alternative process to r12(3) which requires a Council Member to place on notice a motion to amend or revoke a Council resolution passed since the last general election of the Council. However, the new regulation has not been integrated appropriately with existing r12(3) and is therefore not working as intended. At present, the CEO report recommendation will still need to be brought back to Council at the next meeting through a motion on notice put forward by a Council Member under regulation 12(3).

¹³ Refer to the LGA Guidelines for Choosing a Chairperson or Deputy Mayor or Deputy Chairperson.

The LGA has requested an amendment to the Regulations to rectify this anomaly.

4.15 Points of Order - r28

A point of order relates **only** to a breach of the provisions of the Act or Regulations.

Regulation 28 provides that—

- (1) The presiding member may call to order a member who is in breach of the Act or the Regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or the 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 subregulation (5) is put.
- (7) A resolution under subregulation (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.

If a member calls a point of order that is not a point of order as defined by the Regulations (ie it is not a breach of the Act or Regulations), the presiding member will reject it as a point of order. This does not amount to a ruling by the presiding member on a point of order that the meeting can disagree with.

Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the presiding member.

4.16 Interruption of meetings by members - r29

Regulation 29 provides that—

- (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) Subregulation (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 subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution:
 - (a) censure the member; or
 - (b) suspend the member for a part or the remainder of the meeting.

- (6) A member who -
- (a) refuses to leave a meeting in contravention of subregulation (4); or
 - (b) enters a meeting in contravention of a suspension subregulation (5),

is guilty of an offence. Maximum penalty: \$1 250.

4.17 Interruption of meeting by others - r30

Regulation 30 provides that—

A member of the public who is present at a meeting of Council or Council committees must not:

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500.

4.18 Meeting Procedure at Committee Meetings

Parts 1, 3 and 4 of the Regulations are the provisions that apply to or are in relation to any meeting of a Council committee that is not subject to the operation of Part 2 (by Council resolution).

Notice of Meetings - r23 and r24

The provisions in relation to notice of Committee meetings and public notice of committee meetings are discussed in Chapter 2 of this Handbook.

Minutes of Committee meetings - r25

Regulation 25 provides that the minutes of the proceedings of a committee meeting (not subject to the provisions of Part 2 of the Regulations) must include:

- (a) the names of the members present at the meeting;
- (b) each motion carried at the meeting;
- (c) any disclosure of interest made by a member;
- (d) details of the making of an order under s90(2) (see subsection (7) of that section); and
- (e) a note of the making of an order under s91(7) in accordance with the requirement of subsection (9) of that section.

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

Quorum for committees - r26

The prescribed number of members of a committee for a quorum is—

- A number ascertained by dividing the total number of members of the committee by two, ignoring any fraction resulting from the division, and adding one; or
- A number determined by the Council.

If the Council has appointed the principal member as an *ex officio* member of a committee the principal member will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee - s41(6) - i.e. the principal member is only included in the quorum calculation if present at the meeting.

No business can be transacted at a committee meeting unless there is a quorum present.

Voting at Committee meetings -r27

A question arising for decision at a meeting of a committee will be decided by a majority of votes cast by members present at the meeting and entitled to vote.

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 any provision of the Act to the contrary, vote on a question arising for decision at that meeting.

The presiding member of a Council committee has a deliberative vote on a question arising for decision but does not, in the event of an equality of votes, have a casting vote.

If a vote is tied in a committee meeting the matter would be referred to the Council for resolution.

If the Mayor is a member of a committee, he or she would have a deliberative vote, the same as the other members of the committee. There is no casting vote at committee meetings.

The obligation to vote at a committee meeting does not apply to members of the public or Council officers who are members of a committee. This is an area where it could be good practice for the Council to have a Council determined meeting procedure to require all members of a committee to vote. Such a procedure would ensure consistency and equity in the committee decision-making procedure.

The provisions of

- Points of Order - r28
- Interruption of meetings by members -r29
- Interruption of meetings by others -r30

are discussed in Chapter 4 and also apply to meetings of committees.

5.0 Council Determined Meeting Procedures

Section 86 of the Act provides that, subject to the Act, the procedure to be observed at a meeting of a Council will be—

- (a) as prescribed by Regulation;
- (b) insofar as the procedure is not prescribed by regulation—as determined by the Council.

Similarly s89 provides that subject to the Act, the procedure to be observed in relation to the conduct of meetings of a Council committee will be—

- (a) as prescribed by regulation;
- (b) insofar as the procedure is not prescribed by Regulation—as determined by the Council;
- (c) insofar as the procedure is not prescribed by the Council or determined by the Council—as determined by the Council committee itself.

A Council determined meeting procedure is best practice for those procedures not prescribed in either the Act or Regulations, that the Council determines by resolution should apply at meetings of Council and or Committees.

Many Councils have procedures at meetings that are frequently a result of custom and practice. These procedures would generally relate to protocols, procedures and behaviours at meetings and could be Council or committee specific. Affirmation of these practices in a Council determined meeting procedure will provide clarity and guidance to Council members and officers and in accordance with the Guiding Principles.

Part 3 and Part 4 of the Regulations do not provide a broad level of prescription for committee meetings. Procedure and performance at those meetings could be enhanced by Council determined procedures that incorporate some provisions of Part 2 of the Regulations such as questions for decision must be moved and seconded prior to being put to the vote.

Some examples of areas where a Council determined meeting procedure could be considered—

- *The requirements for pre-meeting requests for information from officers in respect to reports and recommendations on the agenda—how, what and when.*
- *A requirement to record apologies and leave of absence in the minutes of Council and committee meetings.*
- *Any requirements in relation to reports from the principal member and other members at Council meetings.*
- *The procedure for notice of motion if the member with the motion on notice is not present at the meeting such as;*
 - the motion proceed moved by another member.*
 - the meeting resolve to hold the motion over until the member is present.*
 - the member advise the presiding member in writing that he/she wishes to withdraw the motion and submit it to a subsequent meeting;*
 - the member advise the presiding member (preferably, but not necessarily, in writing) that another Member will move the motion.*
- *Method of voting at Council and/or committee meeting such as*
 - Show of hands*
 - Use of electronic device*
 - On voices in a committee meeting held electronically*

- *A requirement to vote for non-Council members who are members of a committee e.g. the Audit Committee*
- *The procedure/requirements for public question time as part of the Council meeting such as; the structure and format e.g. frequency; length of session. how members of the public can participate e.g. questions from the floor; request and questions in writing prior to the meeting; number of questions per person; number of questions or per meeting; length of time allowed per questioner how the session will be recorded— in minutes or in a summary of proceedings that are not part of the minutes.*
- *The use of mobile phones and other electronic devices in Council meetings.*
- *The appropriate forms of address for members and officers to be used in Council and Committee meetings.*
- *Inappropriate verbal and non-verbal language and behaviour in Council and Committee meetings linked to r29.*

6.0 Discretionary 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 provides that subject to the requirements of the Act, if a provision is able to be varied at the discretion of the Council 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 adopted by the Council that establishes its own procedures for the relevant matters will apply in substitution for the requirement of the Regulation provision (and such a resolution will have effect according to its terms).

Note the Mayor is only entitled to a casting vote so, unless the vote was tied the Mayor would not be entitled to vote in this instance.

In considering the use of this power a Council must take into account the Guiding Principles of the Regulations (r4).

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 or substitute or revoke a code of practice - r6(3).

A Council should, at least once in every financial year, review the operation of a Code of Practice under r6.

The requirements in r6 for a resolution to be supported by at least two thirds of the members of the Council entitled to vote on the resolution refers to two thirds of those who are present at the meeting and as such have an entitlement to vote on the proposition.

Regulation 6 discretionary procedures are different from s86 provisions in that a discretionary procedure can only be applied to the specific regulations that may be varied at the discretion of the Council.

Provisions of the Regulations capable of being varied by resolution

Those regulations are—

Petitions - r10(2)

If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the Council has so determined as a policy of the Council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the Council or, if so provided by a policy of the Council, a committee of the Council.

Motions - r12(9), (10)(a), (b) and (c), (11) —

(9) *A member moving or seconding a motion will speak to the motion at the time of moving or seconding 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 amendment to the motion.

Example of a discretionary procedure

A member seconding the motion using the words 'I second the motion' may then request leave of the meeting to speak later.

Amendments to motion -r13(1), (3), (4), (5)—

- (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.
- (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.

Example of a discretionary procedure

A member who has spoken in the debate may second an amendment.

Addresses by members etc - r15(1) and (2)—

- (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.

Example of a discretionary procedure

A discretionary procedure to change the length of time a member may speak.

Example of a discretionary procedure

A requirement that a member who wishes to raise a matter of urgency inform the presiding member/CEO prior to the meeting

Voting -r16(3)—

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

Division r17(3)(a), (b) and (c)—

- (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.

Example of a discretionary procedure

A Council could determine an alternative procedure for a division.

Adjourned business - r 19.

All the sub-regulations of r19 may be varied at the discretion of the Council.

Chief executive officer may submit report recommending revocation or amendment of Council decision – r21

- (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.*

7.0 Chairing the Meeting

7.1 The Principal Member

The Principal Member of the Council will preside at a meeting of the Council - s86 (1).

It should be noted that some District Councils have a directly elected Mayor whilst others use the title of Mayor for the principal member who has been chosen by the Council members.

Specific roles of the principal member - s58

Section 58 provides that—

- (1) The role of the principal member of a Council is -
- (a) to preside at meetings of the Council;
 - (b) if requested, to provide advice to the CEO between Council meetings on the implementation of a decision of the Council;
 - (c) to act as the principal spokesperson of the Council;
 - (d) to exercise other functions of the Council as the Council determines; and
 - (e) to carry out the civic and ceremonial duties of the office of principal member.

If the principal member is absent from a Council meeting the meeting is presided over by either the deputy principal member or if he/she is absent or there is no deputy, a member chosen from amongst the Council members.

7.2 The presiding member

Presiding member is the term used to refer to:

- the principal member of the Council when presiding at a Council meeting;
- the person chosen to be the chairperson of a Council committee; and
- any person chosen to preside at a particular meeting.

Note: the reference to “principal member” includes any person acting in that office during a casual vacancy or any other absence of the principal member. The person so acting enjoys all of the same rights and obligations of the principal member. So, for example, a member acting in the office of Mayor enjoys a casting vote but not a deliberative vote.

The presiding member of a committee – s41(4)

At the time of establishing a committee the Council must appoint a person as the presiding member of the committee or make provision, in the terms of reference of the committee, for the appointment of a presiding member.

The principal member or presiding member’s vote – s86

At a Council meeting:

- the principal member (the Mayor), if elected as a representative of the Council area, or other member presiding in the absence of the Mayor, does not have a deliberative vote but has a casting vote¹⁴ in the event of an equality of votes -s86(6); or

¹⁴ See Interpretation section for definitions of 'deliberative vote' and 'casting vote'.

- the principal member (the Chairperson or other title), if chosen by the Council, or other member presiding in the absence of the Chairperson, has a deliberative vote but no casting vote in the event of an equality of votes - s86(7).

At a Council committee meeting the presiding member, or other member presiding in the absence of the presiding member, has a deliberative vote but does not, in the event of an equality of votes, have a casting vote - r27.

The role and responsibilities of a presiding member

The role of the presiding member of a Council or a Council committee is to ensure that:

- the provisions of the Act and Regulations are adhered to;
- the business of the meeting is conducted in a fair, proper and orderly manner; and
- the Guiding Principles in r4 are observed and the process of decision-making is in accordance with the provisions of the Act and Regulations.

The presiding member must be impartial and keep order according to the provisions of the Act and the Regulations. The presiding member should provide leadership, and make sure that the opinion of the meeting is properly resolved. In order to do this the presiding member must understand his or her authority, know the rules and give clear directions to the meeting. The presiding member must know and understand the application of the provisions of the Act, the Regulations and any Council meeting procedure code of practice.

The presiding member may also need to:

- encourage new or inexperienced members to contribute their views to the debate;
- discourage any members from monopolising or dominating discussions;
- assist members to express their intentions clearly;
- make sure that the discussions are centred on issues and not personalities;
- stop any aside discussions or interruptions while a member is speaking; and
- refer to the Act or Regulations or take advice from the CEO in relation to the correct meeting procedure.

When the principal member of a Council is present at a Council meeting he or she must preside at a meeting. The principal member cannot vacate the chair to join in the debate. In the event of the principal member being a late apology for a meeting when he or she enters the meeting he or she would take the Chair from the member presiding in the absence of the principal member.

There is no provision in the Regulations to address the issue of the contribution of the principal member in a debate. Throughout the Regulations the term member is used in respect to who can move motions, amendments etc.

The Local Government Act interpretation is '*a member of a Council means the principal member or a Councillor of the Council*'. Does this therefore argue that the principal member may participate in the Meeting Procedures as prescribed in the Regulations?

One question Mayors should ask of themselves is whether, by participating in the debate by either moving, seconding or speaking to a motion, and then using their casting vote, they are giving themselves an advantage not shared by the other members.

The Regulations give specific powers and responsibilities to the presiding member to make decisions in relation to the conduct of the meeting and in some cases a member's contribution to the meeting. In some instances this power is absolute and cannot be

disagreed with. The question could be asked how then could a presiding member reconcile giving his or herself opportunities in the meeting that no other member has.

Convention is that any presiding member should remain impartial during the debate; however, in the Local Government context when the presiding member is an elected representative this may not always be appropriate. He or she, as an elected representative, may wish to present his or her electors views to the meeting. It can be a difficult balance for the principal member between the separate powers of the leader of the governing body and the exercise of a political role on behalf of the electors.

The best advice for a presiding member is if he or she feels that they must contribute to the debate is to follow the rules and not give themselves any privileges i.e. they should speak only once, for no longer than five minutes, clearly state their position on the matter and then be quiet.

Specific powers of the presiding member

The Regulations give specific powers and responsibilities to the presiding member in the following circumstances -

- Minutes - r8
Signing the minutes once a motion of confirmation has been carried.
- Questions - r9
The presiding member may allow the answer to a question without notice to be given at the next meeting.

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.

It is good practice for the presiding member to provide reasons for rejecting a question on the basis that it is vague, irrelevant, insulting or improper, but there is no need to minute those reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).

- Deputations – r11
A request for a deputation must be in writing to the CEO who passes it to the presiding member.

The presiding member may refuse to allow a deputation to appear at a meeting. If the presiding member refuses to allow a deputation he/she must report the decision to the next meeting of the Council or committee. The Council or committee may resolve to allow the deputation to appear despite a contrary ruling by the presiding member

- Motions - r12
The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of written notice of motion.

The presiding member may refuse to accept a motion if the subject matter is, in his/her opinion, beyond the power of the Council or committee.

It is good practice for the presiding member to provide reasons for refusing to accept a motion without notice under r12(6) and r12(7), but there is no need to minute those

reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).

- **Short-term suspension - r20**

The presiding member, with the consent of two thirds of the members present, may suspend the operation of all or part of Division 2 of the Regulations for a short time if he/she considers that the conduct of the meeting would benefit from such a suspension. The presiding member may in his/her discretion determine that a short term suspension be brought to an end.

- **Point of order - r28**

A point of order is a breach of the provisions of the Act or Regulation. The presiding member may call to order a member who is in breach of the Act or Regulations.

The presiding member will rule on a point of order. 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. The presiding member is entitled to make a statement in support of his/her ruling before putting the motion to not agree with the ruling.

If a member calls a point of order that is not a point of order as defined by the Regulations the presiding member must reject it as a point of order. This is not a ruling on a point of order by the presiding member and the meeting cannot disagree with that determination

Managing the meeting

In a Council or Committee meeting it is the responsibility of the presiding member to ensure that:

- the provisions of the Act and Regulations and any Council determined meeting procedures are adhered to;
- the business of the meeting is conducted in a proper and orderly manner;
- the views of the meeting on the business before it are determined;
- all members who wish to contribute to the debate have an opportunity to do so;
- all motions moved are legal, clear and able to be implemented; and
- the discussions are kept to the subject being discussed and irrelevant and repetitious discussions are prevented.

Keeping control of a Council or committee meeting is the responsibility of the presiding member. Regulation 29 gives some power to the presiding member to control members' behaviour.

Regulation 29 states that a member must not:

- (a) behave in an improper or disorderly manner; or
- (b) cause an interruption or interrupt another member who is speaking.

This 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
- (c) calling attention to want of a quorum.

If the presiding member considers a member may be behaving in an improper or disorderly manner or causing an interruption to the meeting he or she must allow the member to make a personal explanation. The member must then leave the meeting while the matter is considered by the meeting.

Leave of the Meeting

Throughout the Regulations leave of the meeting is required for certain actions. To gain leave of the meeting the presiding member asks the meeting - 'is leave granted?' If the majority of members indicate in the affirmative, leave is granted for the action to occur.¹⁵

Speaking in the debate

There is no set order for speaking in the debate once the motion has been moved and seconded. It is the responsibility of the presiding member to make sure that all speakers whether for or against the motion have the opportunity to speak. All speakers must address the presiding member and in a Council meeting should refer to each other as Councillor. The Act and the Regulations provide that:

- a member moving or seconding a motion will speak to the motion at the time of moving or seconding - r12(9);
- a member may only speak once to a motion except -
 - to provide an explanation in regard to a material part of his or her speech, but not introduce any new matter; or
 - with the leave of the meeting; or
 - as the mover in reply R12(10).
- 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 - r12(11);
- a member 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 - r13(3);
- a member who has not spoken in the debate may move a formal motion - r12(12)-(18);
- a member must not speak for longer than five minutes without leave of the meeting - r15;
- a member may, with leave of the meeting, make a personal explanation - r15; and
- the contribution of a member must be relevant to the subject matter of the debate - r15.

Voting

At the end of the debate the presiding member must take the vote. In order to make sure that all members are clear about what they are being asked to vote on the presiding member may ask the CEO to read out the motion before taking the vote - r16.

In taking the vote the presiding member must ask for votes of the members in favour of the motion and those against the motion and then declare the outcome. The same process applies to amendments.

¹⁵ See Interpretation section for definition of 'leave of the meeting'.

When a division is called for the presiding member must count the number of votes and declare the outcome. The outcome of the vote and names of those voting for and against are recorded in the minutes - r17.

The Chairperson of a Council must exercise his or her deliberative vote at the same time as the other Councillors.

8.0 Minutes of Council and Council Committee Meetings

The requirements for the recording of minutes of Council meetings are provided in s91 and r8.

8.1 Minutes and release of documents - s91

The CEO must ensure that minutes are kept of the proceedings at every meeting of Council and Council committees.

If the CEO is excluded from a meeting the person presiding at the meeting must ensure the minutes are kept.

Each member of the Council must, within five days after a meeting of a Council or Council committee, be supplied with a copy of all minutes of the proceedings of the meeting. Similarly, a member of a Council committee who is not a member of the Council will be supplied with a copy of the minutes of a committee meeting within five days after a meeting of the committee.

Public access to minutes and documents - s91(4) and (6)

A copy of the minutes must be placed on public display at the principal office of the Council within five days after a meeting and kept on display for one month.

A person is entitled to inspect at the principal office (without payment of a fee):

- all minutes;
- reports to the Council or committee received at the meeting;
- recommendations presented to the Council in writing and adopted by resolution of the Council; and
- budgetary or other financial statements adopted by the Council.

A person is entitled, on payment of a fee set by the Council, to a copy of any of those documents.

The requirement for public access to documents as set out in s91(4) and (6) do not apply to a document or part thereof:

- that has been considered by a Council or committee on a confidential basis under s90(2) and (3); and
- the Council or committee has ordered the document be kept confidential.¹⁶

The Content of the Minutes - r8

- (1) The minutes of 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.

¹⁶ Refer LGA *Confidentiality Guidelines How to Apply Section 90 of the Local Government Act 1999*.

(3) On confirmation of the minutes, the presiding member will—

- initial each page of the minutes, the pages are to be numbered consecutively; and
- place his or her signature and the date of confirmation at the foot of the last page of the minutes.

Regulation 8 lists the items that must be recorded in the minutes of Council meetings, regulatory committees and those committees the Council has resolved Part 2 of the Regulations will apply.

- a) the names of the members present at the meeting;
- b) in relation to each member present -
 - the time at which each person entered or left the meeting;
 - unless the person was present for the whole meeting, the point at which in the proceedings at which the person entered or left the meeting;
- c) each motion or amendment, and the names of the mover and seconder;
- d) any variation, alteration or withdrawal of a motion or amendment;
- e) whether a motion or amendment is carried or lost;
- f) any disclosure of interest made by a member;
- g) an account of any personal explanation given by a member;
- h) details of the making of an order under s90(2);
- i) details of the making of an order under s91(7);
- j) details of any adjournment of business;
- k) a record of any request for documents to be tabled at the meeting;
- l) a record of any documents tabled at the meeting;
- m) a description of any oral briefing given to the meeting on a matter of Council business; and
- n) any other material required to be included in the minutes by or under the Act or Regulation.

Other items that the Regulations require a minute to be recorded are:

- questions on notice and the answer - r9;
- the names of the members who voted in the affirmative and negative when a division has been conducted - r17; and
- a note of any short term suspension of proceedings in accordance with r20 and the reasons for and period of the suspension.

Confirmation of the minutes

The minutes of the proceedings at a meeting of a Council or committee must be submitted for confirmation at the next or subsequent meeting - r8 and r25(2).

If a member believes that the minutes are incorrect the change, if any, is made by way of a motion. The member would move a motion to the effect that "the minutes of [meeting details] be confirmed with the exception of item X which is corrected to read....." If that motion is seconded and carried the correction is made. If that motion is lost another member would likely move a motion that the minutes be confirmed.

No discussion may occur before confirmation except as to the accuracy of the minutes as a record of proceedings.

Once the minutes have been confirmed, by resolution, the presiding member must initial each page of the minutes and sign and date the foot of the last page.

The Council does not confirm the minutes of a committee meeting; the Council may receive the committee minutes or just the recommendations from the committee. A committee confirms the minutes of the committee meeting. If the Council changes a committee recommendation that resolution would then form part of the minutes of the Council meeting (not the committee) as it is a decision of the Council. In this instance the committee minutes remain unchanged and if an accurate record of the committee meeting are confirmed by the committee.

A Councillor who was not at the meeting may move and/or vote to confirm the minutes of a meeting. The action is to confirm the minutes as an accurate record of proceedings. Any member who believes the minutes to be an accurate record can move the motion. All Council members present and entitled to vote must vote on that motion.

If a member of the Council or committee believes that the minutes are incorrect the process is to bring the matter to the attention of the presiding member when he/she calls for a motion to confirm the minutes. The appropriate process would then be for the member would to move a motion that 'the minutes of the meeting of (date) be confirmed with the exception of resolution (details item & page number etc) which is corrected to read (the correct words)'. If that motion is carried an annotation is made on the original minutes cross-referencing to the resolution containing the correction.

A decision cannot be changed when confirming the minutes. The minutes must be a true and accurate record of what actually occurred. Any decision to revoke or alter a resolution of the Council must be made at the meeting by placing a motion on notice with five clear days notice.

Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record a motion to disagree with a ruling by the presiding member.

9.0 Tips for Presiding Members

Before the meeting	Go through the agenda, make sure you are familiar with what is on the agenda and follow up with appropriate officer if necessary.	
What to have with you at the meeting	In addition to the agenda and business papers for the meeting, relevant minutes etc - <ul style="list-style-type: none"> the Local Government Act 1999 the Local Government (Procedures at Meetings) Regulations 2013 a copy of any Council Meeting Procedures Code of Practice and the Policy Manual 	
Before you declare the meeting open	Check quorum (50%+1). You must start the meeting as soon after the advertised starting time as there is a quorum. If there is not a quorum within 30 mins of the advertised starting time you must adjourn the meeting.	LG Act s85 and r7
Declare the meeting open	The Council may have formalities at the beginning of the meeting.	s86(8) Meeting Procedure
Other Council procedures	There may be other Council specific procedures such as your report, public forum/question time etc at this stage of the agenda.	s86 (8) Meeting Procedure
Confirm the minutes of previous meeting	<ul style="list-style-type: none"> Ask for a motion to confirm the minutes. Any correction would be included in a motion to confirm the minutes. Once confirmed you must initial every page and sign and date the foot of the last page. 	r8
Questions	<p>You may rule that a question with or without notice not be answered if you consider the question to be vague, irrelevant, insulting or improper. It is good practice to provide reasons for rejecting a question on the basis that it is vague, irrelevant, insulting or improper, but there is no need to minute those reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).</p> <p>Questions on notice Read out the question and answer.</p> <p>Questions without notice Ask – “are there any questions without notice?” You may allow the reply to be given at the next meeting.</p>	r9 (1,2,6)
Petitions	The details of the petition will be on the agenda.	r10
Deputations	At the meeting welcome the deputation and explain any requirements of Council. If you have refused a request for a deputation you must report that decision to the meeting.	r11

<p>Motions On notice</p>	<p>A motion on notice require five clear days written notice and will be in the agenda.</p>	<p>r12 (1-19)</p>
<p>Without notice</p>	<p>A motion to amend or revoke a resolution of the Council requires written notice of motion to the CEO five clear days before the meeting.</p>	
	<p>A member may bring forward any business by way of a motion without notice.</p> <p>You may refuse to accept a motion without notice if,</p> <ul style="list-style-type: none"> • after taking into account the Guiding Principles, you consider that the motion should be dealt with by way of written notice of motion. • If the subject matter is, in your opinion, beyond the power of the Council or committee. <p>It is good practice to provide reasons for refusing to accept a motion without notice under either of these two grounds, but there is no need to minute those reasons. If the Council wished the decision of the presiding member and the reasons for it to be included in the minutes it would be best practice for the Council to determine a meeting procedure in accordance with s86(8).</p>	
<p>Moving and seconding</p>	<p>The member speaks to the motion when he or she moves it^{*17} and you then ask for a seconder, who also speaks at that time* A motion will lapse if not seconded.</p>	
<p>Once a motion had been moved</p>	<p>Once the motion is seconded ask if there are speakers for or against the motion</p>	
<p>What to do once a motion had been moved</p>	<ul style="list-style-type: none"> • a member may only speak once to a motion^{*18} • a member must not speak for longer than five minutes at any one time without the leave of the meeting* • 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*. 	
	<p>During the course of the debate a member who has not spoken in the debate may move a formal motion:</p>	
<p>Formal motions</p>	<ul style="list-style-type: none"> • that the meeting proceed to the next business; • that the question be put; • that the question lie on the table; • that the question be adjourned; or • that the meeting be adjourned. 	<p>r12 (12-17)</p>
	<p>When a formal motion has been moved ask for a seconder and then put the formal motion without any discussion.</p>	

¹⁷ * Clauses marked with an asterisk may be varied at the discretion of the Council in accordance with the provisions of r6, check if your Council has a Code of Practice.

¹⁸ Except to provide an explanation in regard to his or her speech or with leave of the meeting or as the mover in reply.

Amendment to a motion	<p>A member who has not spoken in the debate on a motion may move or second an amendment*.</p> <p>Ask for a seconder, the amendment will lapse if not seconded. If an amendment is lost, only one further amendment may be moved to the original motion.*</p> <p>If an amendment is carried only one further amendment may be moved to the original motion.*</p> <p>If there has been successful amendment(s) of a motion don't forget to give the mover of the motion the right of reply and then put the motion.</p>	r13
Leave of the meeting	<p>When a member requests leave of the meeting, you put the question 'is leave granted' to the meeting, if the majority vote in favour, leave is granted.</p> <p>A vote on whether leave of the meeting is granted may be conducted by a show of hands. Nothing in r3(4) prevents a division from being called in relation to the vote.</p>	
Variation or withdrawal of a motion	<p>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 the amendment. If a motion is altered in this way, it is good practice to read out to the meeting the altered motion so everyone is clear about the wording.</p>	r14
Addresses by members	<ul style="list-style-type: none"> • A member may, with leave of the meeting, raise a matter of urgency. • A member may, with leave of the meeting, make a personal explanation. • A member can only speak for 5 minutes without leave of the meeting. 	r15
Voting	<p>Each member of Council present must vote on a question arising for decision, subject to any provision of the Act.</p> <p>If you are a Mayor elected at large you do not have a deliberative vote. If there is an equality of votes you have a casting vote.</p> <p>If you are the principal member chosen by the Council you have a deliberative vote only.</p> <p>The presiding member of a committee has a deliberative vote. If there is an equality of votes at a committee meeting there is no casting vote.</p> <p>When the debate is concluded take the vote by -</p> <ul style="list-style-type: none"> • asking for votes in favour and against, (as often as is necessary for you to determine the outcome) and • then declare the outcome. <p>It is good practice to read out a motion before the vote is taken. If you have a deliberative vote, you must vote for or against at the same time as the Council or committee members.</p> <p>The provision that a person who is not in his or her seat is not permitted to vote does not apply to a Council committee meeting being conducted by telephone or electronic means.</p>	s86 (4) r16

<p>Division</p>	<p>A member may request a division after a vote has been taken. If a division is requested, it must be taken immediately and the previous decision of carried or lost is set aside.</p> <p>You then:</p> <ul style="list-style-type: none"> • ask the members voting in the affirmative to stand (and stay standing until the vote is recorded); • the members voting in the negative to remain seated (until the vote is recorded); and • count the votes and declare the outcome. <p>The CEO will record in the minutes the names of those voting in the affirmative, those in the negative and the outcome of the vote.</p>	<p>r17</p>
<p>Tabling of information</p>	<p>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 those documents within a reasonable time, or at a time you determine by after taking into account the wishes of the meeting. 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.</p> <p>A record of any request for documents tabled at the meeting, and a record of any documents tabled at the meeting must be made in the minutes of the meeting.</p> <p>If the member who has required documents to be table indicates that he or she is unwilling to vote on the motion until the documents are table the appropriate action would be for a formal motion to adjourn the question to a specific time or date to be moved by a member who has not spoken in the debate.</p>	<p>r18</p>

<p>Short-term suspension of proceedings</p>	<p>If you consider that the conduct of the meeting would benefit from suspending the operation of all or some of the provisions of Part 2 of the Regulations for a short time to facilitate informal discussion you may, with the approval of two-thirds of the members present, suspend Part 2 or part of them for a period determined by you.</p> <p>The Guiding Principles must be taken into account when considering such a suspension. Details of the suspension are recorded in the minutes.</p> <p>During a suspension:</p> <ul style="list-style-type: none"> • a quorum must be maintained; • the provisions of the Act must be observed; • no act or discussion will have any status or significance under the provisions which have been suspended; and • no motion may be moved, seconded, amended or voted on (other than a motion that the period of suspension be brought to an end). <p>The period of suspension will come to an end at the time it has been determined when the suspension period ends or at least two thirds of the members present at the meeting resolve that the suspension period end.</p>	<p>r20</p>
<p>Point of order</p>	<p>You may call to order a member who is in breach of the Regulations or the Act; or a member may draw your attention to a breach of the Regulations or the Act.</p> <p>Points of order take precedence over all other business.</p> <p>You must make a ruling on the point of order, you must either call the member to order and explain the breach or not accept the point of order.</p> <p>A member can object to your ruling and move a motion disagreeing with your ruling immediately.</p> <p>If this occurs, before you put the motion you are entitled to make a statement in defence of your position.</p> <p>If that motion is carried it binds the meeting and your ruling has no effect.</p>	<p>R28</p>

<p>Interruption of meeting by members</p>	<p>Keeping control of the meeting is your responsibility. Regulation 29 gives you some power to control members' behaviour.</p> <p>Regulation 29 states that a member must not: behave in an improper or disorderly manner; or cause an interruption or interrupt another member who is speaking.</p> <p>If you consider a member has behaved in an improper or disorderly manner or caused an interruption you: must allow the member to make a personal explanation; then the member must leave the meeting while the matter is considered by the meeting.</p> <p>If the remaining members resolve that a contravention has occurred, they may resolve to:</p> <ul style="list-style-type: none"> • censure the member; or • suspend the member for part or remainder of the meeting. <p>If the member refuses to leave the meeting, or enters the meeting in contravention of a suspension, he or she is guilty of an offence.</p> <p>R30 gives you power to control members of the public who interrupt meetings. It states that a member of the public at a meeting of a Council or committee meeting must not:</p> <ul style="list-style-type: none"> • behave in a disorderly manner; or • cause an interruption. 	<p>r29 & r30</p>
<p>The meeting cannot overrule your decision</p>	<p>Questions</p> <ul style="list-style-type: none"> • When you rule that a question with or without notice not be answered because you consider that the question is vague, irrelevant, insulting or improper. • Motions <p>You may refuse to accept a motion without notice if, after taking into account the Guiding Principles you consider that the motion should be dealt with by way of written notice of motion r12(6).</p> <p>You may refuse to accept a motion if the subject matter is, in your opinion, beyond the power of the Council or committee.</p>	<p>r9</p>
<p>The meeting may overrule your decision</p>	<p>In the absence of an express power conferred on the meeting, decisions made as the principal member and within the powers conferred upon you will bind the meeting except that:</p> <ul style="list-style-type: none"> • a decision by presiding member to refuse a deputation may be overturned; • a ruling on a point of order may be disagreed with by way of a motion. 	<p>r11 & r28 & r29</p>

10.0 The Decision-Making Process - Quick Tips

Before the meeting	<ul style="list-style-type: none"> Read the agenda follow up any questions with the CEO if necessary. 	
Confirmation of minutes	<ul style="list-style-type: none"> Minutes confirmed by resolution. Any correction included in a motion. 	r8
Question on notice	<ul style="list-style-type: none"> Requires written notice to the CEO five clear days before the meeting at which the question is to be asked. Question on notice and reply entered into the minutes of the meeting. 	r9 (1-6)
Question without notice	<ul style="list-style-type: none"> A member may ask a question without notice. The presiding member may allow the reply to be given at the next meeting. A question and the answer will not be entered into the minutes unless the members present resolve that an entry should be made 	r9 (1-6)
Motion on notice	<ul style="list-style-type: none"> A member may place a motion on notice in writing to the CEO five clear days before meeting. 	r12(1)
Motion to revoke or amend resolution	<ul style="list-style-type: none"> A motion to amend or revoke a resolution of the Council requires written notice of motion to the CEO five clear days before the meeting. 	r12 (3 –4)
Motion without notice	<ul style="list-style-type: none"> A member may bring forward any business by way of a motion without notice. The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he/she considers that the motion should be dealt with by way of written notice of motion. And if in his or her opinion the matter is beyond the power of the Council or committee. 	r12 (5-8)
Moving, seconding and speaking to a motion	<ul style="list-style-type: none"> A member will speak to a motion at the time of moving or seconding it;^{*19} A motion will lapse if not seconded. A member may only speak once to a motion (without leave of the meeting) except to provide an explanation in regard to his or her speech, or with leave of the meeting, or as the mover in reply.* 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*. A member who has spoken to a motion may not at a later stage of the debate move a formal motion. 	r12 (8-11)

¹⁹ *Clauses marked with an asterisk may be varied by a resolution of a Council in accordance with the provisions of Regulation 6 Discretionary Procedures.

Addresses by members	<ul style="list-style-type: none"> • A member must not speak for longer than five minutes at anyone time without leave of the meeting*. • A member may, with leave of the meeting, raise a matter of urgency*. • A member may, with leave of the meeting, make a personal explanation, however the subject matter of a personal statement may not be debated. • The subject matter of a member's address must be relevant to the subject matter of the debate. 	r15
Formal motions	<ul style="list-style-type: none"> • A member who has not spoken in the debate may move a formal motion: • If moved and seconded a formal motion is put without any discussion. 	r12 (12-17)
Amendment to a motion	<ul style="list-style-type: none"> • A member who has not spoken in the debate on a motion may move or second an amendment*. • An amendment will lapse if not seconded. • If an amendment is lost, only one further amendment may be moved to the original motion*. • If an amendment is carried only one further amendment may be moved to the original motion* 	r13
Variation, alteration or withdrawal	The mover may, with the consent of the seconder request leave of the meeting to vary, alter or withdraw a motion or amendment.	r14
Voting	<ul style="list-style-type: none"> • Each Councillor present at a Council meeting must vote on a question arising for decision. • A member of Council who is a member of a committee must vote at a committee meeting. • An elected Mayor does not have a deliberative vote. If there is an equality of votes the Mayor has a casting vote. • The principal member of a Council chosen by the Council has a deliberative vote only. • The presiding member of a committee has a deliberative vote. • A person who is not in his or her seat is not permitted to vote*. 	s86 (4) r27(2) r16
Division	A member may request a division after a vote has been taken on a motion. The division must be taken immediately, the previous decision of carried, lost or tied is set aside.	r17
Tabling of information	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 those documents within a reasonable time, or at a time you determine by after taking into account the wishes of the meeting. 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.	r18

<p>Point of order (an alleged breach of the requirements of the Act or Regulations)</p>	<ul style="list-style-type: none"> • A member may draw to the attention of the Presiding member a breach of the Act or Regulations and state briefly the nature of the breach. • Points of order take precedence over all other business. • The Presiding member must make a ruling on the point of order. • A member may move a motion disagreeing with the ruling. • Before that motion is put the Presiding member is entitled to make a statement to explain the position. • If that motion is carried it binds the meeting, your ruling has no effect and the point of order is annulled. 	<p>r28</p>
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Resources

- ❖ Minute Keepers Handbook 2013
- ❖ LGA Confidentiality Guidelines – Applying Section 90
- ❖ LGA Conflict of Interest Guidelines
- ❖ LGA Guidelines for Choosing a Chairperson (or Deputy Mayor or Deputy Chairperson)
- ❖ LGA's Model Code of Practice for Access to Council and Committee meetings and documents



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