



## District Council of Coober Pedy Council and Committee Meeting Procedures

Determined in accordance with Section 86(8) and 89(1) of the *Local Government Act 1999*, as modified by the *Local Government (Defaulting Council) Proclamation 2019*

### PART 1—PRELIMINARY

#### 1. INTERPRETATION

- 1.1 In these procedures, unless the contrary intention appears—
- 1.1.1 **Administrator** means the person appointed as administrator for the Council in accordance with clause 5 of the Proclamation;
  - 1.1.2 **Act** means the *Local Government Act 1999*;
  - 1.1.3 **clear days**—see subclauses 1.2 and 1.3;
  - 1.1.4 **deputation** means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;
  - 1.1.5 **member** means a member of a council committee;
  - 1.1.6 **point of order** means a point raised to draw attention to an alleged breach of the Act or these procedures in relation to the proceedings of a meeting of a council committee;
  - 1.1.7 **presiding member** means the person who is the presiding member of a council committee and includes any person who is presiding at a particular meeting;
  - 1.1.8 **Proclamation** means the *Local Government (Defaulting Council) Proclamation 2019*;
  - 1.1.9 **written notice** includes a notice given in a manner or form determined by the council.
- 1.2 In the calculation of **clear days** in relation to the giving of notice before a meeting—
- 1.2.1 the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
  - 1.2.2 Saturdays, Sundays and public holidays will be taken into account.
- 1.3 For the purposes of the calculation of **clear days** under subclause 1.2, if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.

## **2. GUIDING PRINCIPLES**

- 2.1 The following principles should be applied with respect to the procedures to be observed at a meeting of a council or a council committee:
- 2.1.1 procedures should be fair and contribute to open, transparent and informed decision-making;
  - 2.1.2 procedures should encourage appropriate community participation in the affairs of the council;
  - 2.1.3 procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
  - 2.1.4 procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

## **PART 2—MEETINGS OF COUNCIL**

### **3. APPLICATION OF PART**

The provisions of this Part apply to the meetings of the council.

### **4. COMMENCEMENT OF MEETINGS**

- 4.1 A meeting will commence as soon after the time specified in the notice of meeting as the Administrator is present.
- 4.2 If the Administrator indicates to the chief executive officer he will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- 4.3 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement the Administrator is not present, the chief executive officer will adjourn the meeting to a specified day and time.
- 4.4 If a meeting is adjourned because the Administrator is not present, the chief executive officer will record in the minute book the reason for the adjournment and the date and time to which the meeting is adjourned.
- 4.5 If a meeting is adjourned to another day, the chief executive officer must—
- 4.5.1 give notice of the adjourned meeting the Administrator setting out the date, time and place of the meeting; and
  - 4.5.2 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.

### **5. MINUTES**

- 5.1 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- 5.2 On the confirmation of the minutes, the Administrator will—

- 5.2.1 initial each page of the minutes, which pages are to be consecutively numbered; and
  - 5.2.2 place his signature and the date of confirmation at the foot of the last page of the minutes.
- 5.3 The minutes of the proceedings of a meeting must include—
- 5.3.1 a record that the Administrator was present at the meeting; and
  - 5.3.2 each determination of the Administrator; and
  - 5.3.3 any disclosure of interest made by the Administrator; and
  - 5.3.4 an account of any personal explanation given by the Administrator; and
  - 5.3.5 details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - 5.3.6 a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
  - 5.3.7 details of any adjournment of business; and
  - 5.3.8 a record of any documents tabled at the meeting; and
  - 5.3.9 if so determined by the Administrator, a description of any oral briefing given to the meeting on a matter of council business; and
  - 5.3.10 any other matter required to be included in the minutes by or under the Act or any applicable regulation.

## 6. **PETITIONS**

- 6.1 A petition to the council must—
- 6.1.1 be legibly written or typed or printed; and
  - 6.1.2 clearly set out the request or submission of the petitioners; and
  - 6.1.3 include the name and address of each person who signed or endorsed the petition; and
  - 6.1.4 be addressed to the council and delivered to the principal office of the council.
- 6.2 If a petition is received under subclause 6.1, 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.

## 7. DEPUTATIONS

- 7.1 A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- 7.2 The chief executive officer must transmit a request received under subclause 7.1 to the Administrator.
- 7.3 The Administrator may refuse to allow the deputation to appear at a meeting.
- 7.4 The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 7.5 If the Administrator refuses to allow a deputation to appear at a meeting, the Administrator must report the decision to the next meeting of the council or council committee (as the case may be).
- 7.6 The Administrator may refer the hearing of a deputation to a council committee.

## 8. DETERMINATIONS

- 8.1 In accordance with Section 86(4) of the Act as varied by the Proclamation, questions for decision at a meeting of the council are determined by the Administrator.
- 8.2 The Administrator may bring forward any business in the form of a written notice of proposed determination.
- 8.3 The notice of proposed determination must be given to the chief executive officer at least 5 clear days before the date of the meeting at which the determination is to be made.
- 8.4 A determination the effect of which, if carried, would be to revoke or amend [a determination of the Administrator made since the appointment of the Administrator] [or] [a decision of council made since the 2018 general election of the council] must be brought by written notice of proposed determination.
- 8.5 Subject to the Act and these procedures, the Administrator may also bring forward any business by way of a proposed determination without notice.
- 8.6 The Administrator may speak to a proposed determination or vary a proposed determination before making the determination.
- 8.7 The Administrator is not required to make a determination in respect of each matter arising for decision on an agenda of a meeting of the council.

## 9. ADDRESSES, QUESTIONS, ETC

- 9.1 The Administrator may ask a question of the chief executive officer with or without notice.
- 9.2 The chief executive officer must be given written notice of a question on notice at least 5 clear days before the date of the meeting at which the question is to be asked.

- 9.3 The Administrator may raise a matter of urgency.
- 9.4 The Administrator may make a personal explanation.
- 9.5 The Administrator may determine that a matter for consideration at a meeting of council be adjourned to another time or place.
- 9.6 In accordance with Section 86(9) of the Act, the Administrator may adjourn a meeting of council from time to time and place to place.

**10. CHIEF EXECUTIVE OFFICER MAY SUBMIT REPORT RECOMMENDING REVOCATION OR AMENDMENT OF COUNCIL DECISION**

- 10.1 Without limiting the chief executive officer's powers under the Act or any regulation, the chief executive officer may submit a report to the council recommending the revocation or amendment of a decision of council.
- 10.2 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.

**PART 3—MEETINGS OF COMMITTEES**

**11. APPLICATION OF PART**

The provisions of this Part apply to or in relation to the meetings of any council committee.

**12. MINUTES OF COMMITTEE MEETINGS**

- 12.1 The minutes of the proceedings of a meeting of a council committee must include—
  - 12.1.1 the names of any Administrator and any other members present at the meeting; and
  - 12.1.2 each motion carried at the meeting; and
  - 12.1.3 any disclosure of interest made by the Administrator or any other member; and
  - 12.1.4 details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
  - 12.1.5 a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- 12.2 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

**13. COMMENCEMENT OF MEETINGS AND QUORUM FOR COMMITTEES**

- 13.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

- 13.2 The prescribed number of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- 13.3 The Administrator is an *ex-officio* member of all council committees and will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee.
- 13.4 If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting of a committee, or if the chief executive officer receives a request from the Administrator, the chief executive officer may adjourn the meeting to a specified day and time.
- 13.5 If a committee meeting is adjourned under this clause, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- 13.6 If a meeting is adjourned to another day, the chief executive officer must—
- 13.6.1 give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
  - 13.6.2 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.
- 13.7 For the purposes of this clause, the **prescribed number** of members of a council committee is—
- 13.7.1 unless clause 13.7.2 applies—a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
  - 13.7.2 a number determined by the council.

#### 14. **VOTING AT COMMITTEE MEETINGS**

- 14.1 Subject to the Act and these procedures, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the Administrator and members present at the meeting and entitled to vote on the question.
- 14.2 The Administrator and each member of a council committee who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- 14.3 The Administrator has a deliberative vote on a question arising for decision at the meeting and, in the event of an equality of votes, has a casting vote.

#### 15. **POINTS OF ORDER AT COMMITTEE MEETINGS**

- 15.1 The presiding member may call to order a member who is in breach of the Act or these procedures.

- 15.2 A member may draw to the attention of the presiding member a breach of the Act or these procedures, and must state briefly the nature of the alleged breach.
- 15.3 A point of order takes precedence over all other business until determined.
- 15.4 The presiding member will rule on a point of order.
- 15.5 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.
- 15.6 The presiding member is entitled to make a statement in support of the ruling before a motion under subclause 15.5 is put
- 15.7 A resolution under subclause 15.5 binds the meeting and, if a ruling is not agreed with—
  - 15.7.1 the ruling has no effect; and
  - 15.7.2 the point of order is annulled.

**16. INTERRUPTION OF MEETINGS BY MEMBERS AT COMMITTEE MEETINGS**

- 16.1 A member of a council committee must not, while at a meeting—
  - 16.1.1 behave in an improper or disorderly manner; or
  - 16.1.2 cause an interruption or interrupt another member who is speaking.
- 16.2 Subclause 16.1.2 does not apply to a member who is—
  - 16.2.1 objecting to words used by a member who is speaking; or
  - 16.2.2 calling attention to a point of order; or
  - 16.2.3 calling attention to want of a quorum.