

(Reprint No. 1)

SOUTH AUSTRALIA

**LOCAL GOVERNMENT (PROCEEDINGS OF COUNCILS)  
REGULATIONS, 1984**

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.*

*It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.*

**SUMMARY OF PROVISIONS**

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# REGULATIONS UNDER THE LOCAL GOVERNMENT ACT, 1934

## LOCAL GOVERNMENT (PROCEEDINGS OF COUNCILS) REGULATIONS, 1984

being

No. 146 of 1984: *Gaz.* 2 August 1984, p. 457<sup>1</sup>

as varied by

No. 233 of 1984: *Gaz.* 22 November 1984, p. 1628

No. 239 of 1984: *Gaz.* 13 December 1984, p. 1844

<sup>1</sup> Came into operation 16 August 1984: reg. 54.

**NOTE:**

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.*

**PART I  
PRELIMINARY**

1. These regulations may be cited as the *Local Government (Proceedings of Councils) Regulations, 1984*.

2. These regulations are divided into parts as follows:

PART I—PRELIMINARY (Regulations 1-4)

PART II—CONDUCT OF PROCEEDINGS (Regulations 5-17).

PART III—MOTIONS, DEBATING AND VOTING (Regulations 18-43).

PART IV—COMMITTEES (Regulations 44-52).

PART V—MISCELLANEOUS (Regulations 53-54).

3. The provisions of these regulations shall unless otherwise provided apply to every meeting of a council and council committee.

4. In these Regulations:

"**Chairman**" means any member presiding at a meeting of a council or council committee.

"**Formal Motion**" means a motion that

"the question lie on the table"

"the meeting proceed to the next business"

"the question be put"

"the question be adjourned"

"the meeting be adjourned"

**PART II**  
**CONDUCT OF PROCEEDINGS**

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

(2) 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 chairman, or in his absence the members present, or in the absence of all members, the chief executive officer, shall adjourn the meeting to another time and date.

**6.** Where any meeting is adjourned for want of a quorum the chief executive officer shall record in the minute book such reason for the adjournment together with the names of any members present.

**7.** Where any meeting is adjourned to another day the chief executive officer shall serve forthwith notice by post or telegram on every member setting out the time, date and place to which the meeting has been adjourned.

**8.** (1) The minutes of every meeting shall be submitted for confirmation at the next meeting but if that is omitted, at a subsequent meeting.

(2) No discussion on the minutes shall be allowed before their confirmation, except as to the accuracy of the minutes as a record of proceedings.

(3) On the confirmation of the minutes, the chairman shall—

(a) initial every page of the minutes, which pages shall be consecutively numbered; and

(b) place his signature and the date of confirmation at the foot of the last page of the minutes.

(4) The minutes of every meeting shall include—

(a) the names of all members present and the time at which they entered or left the meeting;

(b) every motion or amendment and the names of the mover and seconder.

(c) whether the motion or amendment is carried or lost;

(d) any disclosure of interest made by a member;

(e) any personal explanation given by a member.

**9.** (1) After the confirmation of the minutes the chairman may make any report to the meeting which he believes to be necessary or expedient, or he may introduce for consideration any other business as he thinks fit.

(2) Following the report, if any, of the chairman any member being a delegate or representative of the council on any other organisation may make a report to the meeting on any matter affecting that organisation which he considers should be brought to the attention of the meeting.

(3) At the conclusion of the reports, if any, under subregulations (1) and (2) of this regulation a member may ask any question which relates to any matter whether arising from the reports or not but shall confine himself to the question.

(4) No debate shall be allowed on any question or the reply to any question.

**10.** At any time during the course of the meeting a member may, with the leave of the meeting, raise any matter of urgency, and if the meeting so resolves, the business of the meeting shall be suspended so as to allow the matter to be dealt with.

**11.** (1) Any member may ask any question on notice by giving to the chief executive officer at least six clear days prior to the meeting at which the question is to be asked, a notice in writing expressing his intention to ask such question at that meeting.

(2) All questions on notice which have been given under subregulation (1) of this regulation shall be placed by the chief executive officer on the agenda for the meeting at which the questions are proposed to be asked.

(3) Questions on notice shall, as far as is practicable, be answered by the chairman at the meeting at which they are asked.

(4) If the member who has given notice pursuant to subregulation (1) of this regulation or any other member authorised by him in writing to ask any question on his behalf, is not present to ask the question, the chairman shall read the question and the reply aloud.

(5) All questions on notice and the replies thereto shall be entered in the minute book.

**12.** (1) Any questions asked without notice pursuant to subregulation (3) of regulation 9 shall, if required by the chairman, be put in writing (except a question arising from a previous question) and be so submitted to the chairman before being asked.

(2) The chairman may direct that a reply to any question without notice be given at the next meeting.

(3) Questions without notice and the replies to such questions shall not be entered in the minute book unless a resolution to that effect is passed at the time the question is answered.

**13.** The chairman may decline to answer a question if, in his opinion, the question is vague, irrelevant, insulting or improper.

**14.** Subject to the provisions of these regulations, a council or council committee may by resolution fix a time prior to which items for inclusion in the agenda for a meeting must be received by the chief executive officer.

**15.** (1) A member may at any time during a meeting with the leave of the chairman, although there be no question before the meeting, make an explanation of any matter affecting the member personally.

(2) An explanation made under subregulation (1) of this regulation shall not be debated.

**Local Government (Proceedings of Councils) Regulations, 1984**

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**16.** (1) Every petition to the council shall—

- (a) be legibly written or printed;
- (b) be respectful and temperate in its language and clearly set out the request or submission of the petitioners;
- (c) be addressed to the council and be posted or delivered to any member or the chief executive officer;

(2) Where a petition is received by a member he shall forthwith transmit or cause such petition to be transmitted to the chief executive officer;

(3) The chief executive officer shall place any petition received by him pursuant to this regulation on the agenda for the next ordinary meeting of the council together with a brief statement as to the nature of the request or submission and the number of signatures.

**17.** (1) A person or persons wishing to appear as a deputation at a meeting shall deliver a written request to the chief executive officer.

(2) A request under subregulation (1) of this regulation shall include a statement of the reasons why the deputation wishes to appear.

(3) The chief executive officer shall transmit the request to the chairman, and if the chairman decides that the deputation may appear he shall by notice in writing direct that the chief executive officer notify in writing the person or persons requesting the deputation of the date and hour of the meeting at which the deputation will be heard.

(4)(a) When the chairman determines that a deputation may not appear he shall report his decision to the next meeting, whereupon that meeting may resolve to disagree with the chairman's decision and to receive the deputation.

(b) Where a resolution to receive a deputation is carried under paragraph (a) of subregulation (4) of this regulation the meeting shall specify the time and date when the deputation may appear and the chief executive officer shall accordingly notify in writing the person or persons who requested the deputation.

(5) When a deputation appears at a meeting, not more than two members of the deputation shall be allowed to speak, except in reply to questions from members.

(6) A deputation may be composed of one person.

**PART III**  
**MOTIONS, DEBATING AND VOTING**

**18.** Where debate on a motion before the meeting is adjourned to a subsequent meeting it shall be set down on the agenda for that subsequent meeting and have precedence over any notices of motion set down for that meeting.

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

(2) The notice of motion shall be given to the chief executive officer at least six clear days before the meeting at which the motion is to be moved and shall be included on the agenda for that meeting.

(3) The chairman shall refuse to accept a motion when the subject matter of such motion in his opinion is *ultra vires*.

(4) A notice of motion shall, unless seconded, lapse.

(5) A notice of motion shall not be proceeded with when called upon unless the member who gave notice, or some member authorised by him in writing to proceed is present.

**20.** (1) A member may bring forward any business by way of a motion without notice.

(2) A member proposing a motion without notice shall, if required by the chairman, put it in writing.

(3) A motion shall, unless seconded, lapse.

(4) A member proposing a motion without notice shall state the purpose of the motion before addressing the meeting on the subject of the motion.

**21.** Subject to regulation 22, a member shall not, without leave of the meeting, move more than one motion without notice on the same subject at any meeting.

**22.** The chairman, or the meeting by resolution, may order that a complicated motion or question be divided into parts.

**23.** (1) A council may by resolution determine that a member other than a member who is ill or infirm who intends to speak at a meeting of the council shall in every case rise in his place.

(2) A member shall always address the chairman.

**24.** No member may speak twice to a motion before a meeting of council except:

(a) to explain himself in regard to some material part of his speech, but shall not introduce any new matter;

(b) with the leave of the meeting;

or

(c) as the mover in reply,

and no member who has spoken to a motion may move or second an amendment thereto.

**25.** A member moving or seconding a motion in terms "I move, etc." or "I second, etc.", as the case may be, shall be held to have spoken on that question.

**26.** (1) A member proposing an amendment to a motion shall, if required by the chairman, put it in writing.

(2) When an amendment is moved to an original motion, a second amendment shall not be taken into consideration until the first amendment has been disposed of.

(3) If the first amendment is negatived, then only one other amendment may be moved to the original motion under consideration.

(4) If the second amendment is also negatived the original motion shall immediately be put to the meeting.

(5) If either of the amendments is carried it shall displace the original motion and become itself the motion, whereupon only one further amendment may be moved.

(6) A proposed amendment shall unless seconded lapse.

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

(2) The chairman shall forthwith put the question that leave to withdraw, alter or vary a motion or amendment be granted and no debate shall be allowed on the motion.

**28.** If two or more members rise to speak at the same time, the chairman shall decide who is to have precedence.

**29.** A member shall not speak for longer than ten minutes at any one time without leave of the meeting determined by the majority of the votes of the members present at the meeting.

**30.** Members in speaking shall address each other by their respective titles.

**31.** (1) Subject to subregulation (2) of this regulation while a meeting is in progress, a member shall not walk out of or across the chamber so as to cause an interruption or interrupt another member whilst speaking.

(2) Notwithstanding subregulation (1) of this regulation a member may rise in order to—

(a) object to words used by the member speaking;

(b) to call attention to a point of order;

or

(c) to call attention to want of a quorum.

**32.** A member shall not digress from the subject matter of the debate.

**33.** (1) A member who—

(a) refuses to satisfactorily explain or withdraw words which have been determined by a majority vote of the members present at the meeting to be objectionable;

(b) imputes improper motives to any other member or makes improper personal reflections upon the character of a member or officer;

(c) is, in the opinion of the chairman, guilty of disorderly conduct;

(d) disobeys any call to order by the chairman;

(e) wilfully or vexatiously interrupts the meeting;

or

(f) after being cautioned by the chairman to refrain from so doing converses aloud or makes any noise or disturbance whilst a member is speaking or a matter is being considered,

shall upon being permitted by the chairman to make any personal explanation, forthwith leave the meeting whereupon the meeting shall consider the matter and may pass a resolution censuring the member and suspending him for the remainder of the meeting on that day.

(2) A member who refuses to leave the meeting or enters the meeting contrary to any resolution suspending him shall be guilty of an offence and liable to a penalty not exceeding \$200.

**34.** (1) The chairman may call to order a member who is in breach of any provision of these regulations or the Act.

(2) A member may draw to the attention of the chairman a breach of the regulations or the provisions of the Act, and shall state briefly the nature of the alleged breach.

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

(4) The chairman when called upon to decide a point of order shall give his decision.

(5) If any objection is taken to the decision of the chairman, a motion that the decision of the chairman be not agreed with, shall be moved forthwith provided that prior to the motion being put, the chairman shall be entitled to make a statement in defence of his decision.

(6) A resolution under sub-regulation (5) of this regulation shall bind the meeting.

(7) If a motion under sub-regulation (5) of this regulation is not seconded, the business of the meeting shall be proceeded with at the point where it was interrupted.

**35.** A member may require the chief executive officer to table any documents of the council relating to a matter under discussion.

**36.** The chairman may, before putting any motion or amendment, require the chief executive officer to read the motion or amendment, and shall then ask for the votes of those members in favour of the question and then for the votes of the members against the question, and may do so as often as is necessary to enable him to determine the result of the voting.

**37.** A member who is not in his seat shall not be permitted to vote on any question.

**38.** A member shall not speak to any motion after it has been put, except to call for a division on the motion.

**39.** (1) A division shall be taken at the request of any member.

(2) If a division is called for it shall be taken forthwith by the chairman and the previous decision of the chairman as to whether the motion was carried or lost shall be set aside.

(3) The division shall be taken as follows—

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

(b) the members voting in the negative shall remain in their seats; and

(c) the chairman shall count the number of votes and declare whether the motion is carried or lost;

(4) The chief executive officer shall as soon as practicable enter in the minutes a record of the count of the voting made by the chairman, including the names of the members who voted in the affirmative and the names of the members who voted in the negative.

**40.** (1) A member may, subject to sub-regulations (3) and (4) of this regulation, move a formal motion and if the motion is seconded, it shall take precedence over all other business, and shall be put by the chairman without discussion except in the case of a motion that "the meeting be adjourned", as to the date, time and place to which the meeting is to be adjourned.

(2) A formal motion shall be submitted only by a member who has not spoken in the debate and shall not be made so as to interrupt a member while speaking.

(3) If a formal motion is lost, the debate on the substantive motion shall be resumed where it was interrupted and no similar formal motion shall be entertained until at least one member has addressed the chair upon the substantive motion.

(4) Any formal motion for an adjournment of the debate on a substantive motion shall include the reason for the adjournment.

**41.** If a motion for the substantive motion to be adjourned is carried—

(a) the member upon whose motion any debate has been adjourned shall be entitled to speak first on the resumption of the debate;

- (b) the adjournment may either be to a later hour of the same day to another day or to another place.

**42.** If debate on a motion moved and seconded is interrupted for want of a quorum, and the meeting is adjourned pursuant to these regulations, the debate shall be resumed upon resumption of the meeting at the point at which it was interrupted.

**43.** (1) Subject to subregulation (4) of this regulation, a motion, the effect of which, if carried, would be to revoke or amend any resolution passed at any time since the last periodical election shall not be accepted by the chairman, unless the member intending to move the motion gives notice in the form of a written notice of motion to the chief executive officer at least six clear days prior to the meeting at which the motion is to be moved.

(2) The chief executive officer shall include any notice of motion under subregulation (1) of this regulation on the agenda for the meeting at which it is to be moved.

(3) If a motion to revoke or amend a resolution is negatived, a motion to the same effect, shall not be entertained before the next periodical election.

(4) Notwithstanding subregulation (1) of this regulation, this regulation shall not apply to any resolution revoking or amending any resolution passed pursuant to Part XXIIA of the *Local Government Act, 1934*, or the *Parking Regulations, 1981*, as varied.

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**PART IV**  
**MEETINGS OF COUNCIL COMMITTEE**

**44.** (1) The first meeting of a council committee shall be held at a time and place appointed by the chief executive officer.

(2) At least three clear days before the date of an ordinary meeting of a council committee the chief executive officer shall—

- (a) give notice of the meeting; and
- (b) supply a copy of the agenda for that meeting and any written reports to all members of the council committee.

(3) Meetings of a council committee may not be held on a Sunday, or a public holiday.

(4) The chief executive officer shall, at the request of the chairman, or any three members of the council committee, call a special meeting of that committee.

(5) Notice of a special meeting of a council committee together with an agenda for that meeting, shall be given to all members of the committee at least four hours before the commencement of the meeting.

**45.** The quorum of a committee shall be ascertained by dividing the total number of committee members by two, ignoring any fraction resulting from the division, and adding one.

**46.** A council committee may establish sub-committees of its members.

**47.** A resolution establishing a sub-committee shall:

- (a) specify the purpose for which the sub-committee is established and, where appropriate, specify a time by which a final report or recommendation must be made by that sub-committee; and
- (b) give any direction that the council committee considers necessary in relation to the convening and conduct of a meeting of the sub-committee.

**48.** (1) The members of a council committee shall at their first meeting after the conclusion of a periodical election appoint from their number a chairman.

(2) Where the office of chairman of a council committee becomes vacant for any reason, the members of that committee shall appoint a new chairman at the first meeting following the occurrence of the vacancy.

**49.** The chairman of the council committee shall preside at all meetings of the committee or in his absence some other member appointed by a majority of the members present at the meeting.

**50.** A motion arising for decision at a meeting of a council committee shall be decided by a majority of the votes of the members present at the meeting.

**51.** Each member of a council committee present at a meeting of that committee shall, subject to any provisions of the Act to the contrary, vote on a question arising for decision at that meeting.

**52.** The chairman of a council committee or in his absence any other member appointed by that committee to preside at that meeting shall have a deliberative vote on any question arising for decision at that meeting but shall not in the event of an equality of votes have a casting vote.

**PART V  
MISCELLANEOUS**

**53.** Any person in or about the public gallery who during the course of any meeting of a council or a council committee interrupts or causes an interruption to such meeting or otherwise misconducts himself or causes a disturbance to such meeting shall be guilty of an offence and liable to a penalty not exceeding \$200.

**54.** These Regulations shall take effect on 16 August 1984.

**APPENDIX**

**LEGISLATIVE HISTORY**

Regulation 24:	varied by 233, 1984, reg. 2; substituted by 239, 1984, reg. 2
Regulation 40(1):	varied by 233, 1984, reg. 3
Regulation 43(1):	varied by 233, 1984, reg. 4
Regulation 43(4):	inserted by 233, 1984, reg. 5