

South Australia

Local Government (Procedures at Meetings) (Presiding Member) Amendment Regulations 2022

under the *Local Government Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Local Government (Procedures at Meetings) Regulations 2013*

- 3 Amendment of regulation 8—Minutes
 - 4 Insertion of regulation 28A
 - 28A Exclusion of member from meeting by presiding member
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Procedures at Meetings) (Presiding Member) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on the day on which section 48 of the *Statutes Amendment (Local Government Review) Act 2021* comes into operation.

Part 2—Amendment of *Local Government (Procedures at Meetings) Regulations 2013*

3—Amendment of regulation 8—Minutes

- (1) Regulation 8(4)—after paragraph (a) insert:
 - (ab) the name of any member who is not present because the member is suspended or taken to have been granted leave of absence from the office of member of the council; and
- (2) Regulation 8(4)(b)—after subparagraph (ii) insert:
 - (iii) if, during the meeting, the member is excluded under section 86(6b) of the Act, a statement that the member was excluded and the period for which the member was excluded; and

4—Insertion of regulation 28A

After regulation 28 insert:

28A—Exclusion of member from meeting by presiding member

- (1) For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.
- (2) If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.
- (3) A member will not be taken to contravene section 86(6a) of the Act merely because the member 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.
- (4) For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

after consultation with the Local Government Association and with the advice and consent of the Executive Council
on 17 November 2022

No 97 of 2022