

CODE OF PRACTICE

Procedures at Council Meetings

2017/18

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CODE OF PRACTICE – PROCEDURES AT COUNCIL MEETINGS

TABLE OF CONTENTS

Part 1 – Preliminary

CODE OF PRACTICE	1
Introduction	3
Guiding Principles.....	3
Legislative Requirements and Policy Context.....	3
Definitions	3
1. City of Marion General Procedures.....	5
1.1 Council Meeting Close Time	5
1.2 Publication of Council Agenda	5
1.3 Late Items (Reports).....	5
1.4 Elected Member Verbal Communications.....	5
1.5 Council Committee Reporting Obligations.....	5
1.6 Moving Items “En Bloc”	5
2. Commencement of Meetings and Quorums	6
3. Minutes	7
4. Questions.....	10
5. Petitions	11
6. Deputations.....	12
7. Motions	13
8. Amendments to Motions.....	17
9. Variations etc	17
10. Addresses by Members etc.....	18
11. Voting.....	18
12. Divisions.....	19
13. Tabling of Information	20
14. Adjourned Business.....	20
15. Short-term Suspension of Proceedings	21
16. Chief Executive Officer may submit report recommending revocation or amendment of council decision	22
17. Points of Order.....	22
18. Interruption of Meetings by Members.....	23
19. Interruption of Meetings by Others.....	24

PART 1 – PRELIMINARY

Introduction

The role of a council is to manage its local area by acting as an informed representative and responsible decision-maker in the best interests of its community. Council can only make decisions and act through a majority vote of the Council (or Committee). The effectiveness of Council Meetings directly contributes towards accountability to the community.

Council meeting procedures are largely determined by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations). In addition to the requirements of the Regulations, this Code of Practice identifies a number of discretionary procedures adopted by Council for Council meetings.

Guiding Principles

Council's approach to the conduct of its meetings adopts the **Guiding Principles** contained within the Local Government (Procedures at Meetings) Regulations 2013 which state:

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

Legislative Requirements and Policy Context

Procedures at Council meetings are regulated by the Local Government (Procedures at Meetings) Regulations 2013. In accordance with these Regulations, Council is able to set discretionary procedures pursuant to Regulation 6. This Code of Practice is made pursuant to this Regulation and has been passed by a two thirds majority of Elected Members.

The provisions set out in this Code of Practice reflect the provisions of the Regulations (including numbering) except where Council has utilised its discretionary powers. Regulations that have been varied by Council under these powers are highlighted in **bold** in this document.

Definitions

In these procedures, unless the contrary intention appears-

"**Act**" means the *Local Government Act 1999*;

"**clear days**" means days, inclusive of Saturdays, Sundays and public holidays, which do not include:

- the day on which the notice is given
- the day on which the meeting occurs

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

"formal motion" means a motion-

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

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

"point of order" means a point raised to draw attention to an alleged breach of the Act, Regulations or this Code of Practice in relation to the proceedings of a meeting;

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

"written notice" means legibly hand written or typed in either hard copy or email form.

¹ See clause 13 for specific provisions about formal motions

PART 2 – PROCEDURES AT COUNCIL MEETINGS

1. City of Marion General Procedures

1.1 Council Meeting Close Time

Where Council meetings continue to 9.30pm, unless there is a specific motion adopted at the meeting to continue beyond this time, the meeting will be adjourned to a date and time specified as part of the motion.

1.2 Publication of Council Agenda

Council meeting Agendas will be uploaded to Council's website at least three clear days before the meeting and available for inspection upon request.

1.3 Late Items (Reports)

Late items (reports) listed on a circulated Agenda will be emailed and/or delivered to members prior to the scheduled meeting. Late reports will only occur where information has not been provided in time for the delivery of the Agenda and where an urgent Council decision is required.

1.4 Elected Member Verbal Communications

Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

1.5 Council Committee Reporting Obligations

Council Committees will report to Council in the form of the minutes from each committee meeting. The minutes will be received and noted. Any matters discussed by the Committee where a Council resolution is required is to be considered as separate resolutions to the receiving and noting of the Committee minutes.

1.6 Moving Items "En Bloc"

Items listed on the Agenda for Council consideration may be "moved en bloc".

2. Commencement of Meetings and Quorums

Regulation 7

- 2.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 2.2 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- 2.3 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 a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- 2.4 If a meeting is adjourned for want of a quorum, 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.
- 2.5 If a meeting is adjourned to another day, the Chief Executive Officer 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.

3. Minutes

Regulation 8

- 3.1 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.
- 3.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 3.3 On the confirmation of the minutes, the presiding member will-
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- 3.4 The minutes of the proceedings of a meeting must include-
 - (a) The names of the members present at the meeting; and
 - (b) in relation to each member present-
 - i. the time at which the person entered or left the meeting; and
 - ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

- (i) 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
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation including:
 - i. a question on notice asked by an Elected Member of which five clear days notice has been given together with the reply provided (refer also to Clause 4.2(b) of this Code of Practice).
 - ii. if resolved by Elected Members present at the meeting at which the question is asked, details of a question without notice together with the reply provided (refer also to Clause 4.5 of this Code of Practice).
 - iii. In the event that a division is called by a member, the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) (refer also to Clause 12.4 of this Code of Practice)

3.5 The minutes of relevant Council meetings will also include:

- (a) **Elected Member communication reports to the following extent:**
 - i. **The Mayor's, Deputy Mayor's and Elected Member reports (only the subject matter) where those reports have been provided in writing to the minute taker by 12 noon on the Wednesday next following the meeting.**
 - ii. **Types of activities to be included in reports are those attended by Elected Members in their**

Representative or Civic capacity only. Examples include:

- **Civic activities (e.g. citizenship ceremonies)**
- **Meetings with external bodies attended as Council Liaison**
- **Meetings with residents**
- **Training sessions attended**

Attendance at Council meetings will not be recorded. Attendance at Development Assessment Panel or Committee meetings will be recorded.

- (b) **The name of a person or persons (representor) making a deputation. However, the details of the content of the deputation will not be included (refer also to Clause 6.9 of this Code of Practice).**
- (c) **The time at which each item commences**

3.6 Minutes will be forwarded by email to Elected Members to confirm accuracy and then placed on Council's website by 5.00pm on the Friday next following the meeting, or at the latest, within five days after the meeting.

3.7 The minutes of the meetings will not include:

- (a) **Apologies received from Elected Members**
- (b) **Leave of Absences (except with the leave of the meeting)**
- (c) **Voting Patterns other than Divisions or as required by legislation**

4. Questions

- 4.1 A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.
- 4.2 If notice of a question is given under Clause 4.1:
- (a) the Chief Executive Officer must ensure that the question and answer is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting (refer also to Clause 3.4(n)(i) of this Code of Practice).
- 4.3 A member may ask a question without notice at a meeting.
- 4.4 The presiding member may allow the reply to a question without notice to be given at the next meeting.
- 4.5 A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made (refer also to Clause 3.4(n)(ii) of this Code of Practice).
- 4.6 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.
- 4.7 **Members are able to ask a maximum of three Questions without Notice at a Council meeting except with the consent of the meeting.**
- 4.8 **Questions may be asked prior to the moving of a motion or during a debate on a motion for clarification purposes only. Such questions are not considered “questions without notice” as described in Clauses 4.3, 4.4, 4.5, and 4.7 of this Code of Practice.**
- 4.9 **In asking a clarification question a member will not be considered to be speaking to the motion.**

- 4.10 **A maximum of two clarification points may be asked by individual members in relation to each motion except with the consent of the presiding member.**
- 4.11 **Members are encouraged to seek answers to questions prior to the Council meeting.**
- 4.12 **In relation to Questions with Notice, all questions and answers will be included in the agenda papers and the minutes therefore will not be read out at the relevant meeting.**

5. Petitions

Regulation 10

- 5.1 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.
 - (d) be addressed to the council and delivered to the principal office of the council.
- 5.2 If a petition is received as detailed in 5.1, the Chief Executive Officer must ensure that the petition or a statement as to the nature of the request or submission and the number of signatures is placed on the agenda for the next ordinary meeting of the council.
- 5.3 **Where further investigation is required on issues raised in a petition, the petition will be provided to the next meeting of Council from receipt of the petition to note the petition and a report providing further detail will be provided to Council once investigations have been completed.**
- 5.4 **On initial receipt of the petition, a summary and the first page only will be provided to Council. When the matter is considered the entire petition will be attached to the report.**

6. Deputations

Regulation 11

- 6.1 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.
- 6.2 The chief executive officer must transmit a request received as detailed in Section 6.1 to the presiding member.
- 6.3 The presiding member may refuse to allow the deputation to appear at a meeting.
- 6.4 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.
- 6.5 If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council.
- 6.6 The council may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- 6.7 A council may refer the hearing of a deputation to a council committee.
- 6.8 **A deputation must not exceed five minutes except with the consent of the meeting.**
- 6.9 **The name of the representor will be recorded in the minutes of a Council meeting however, the details of the content of the deputation will not be included (refer also to Clause 3.5(b) of this Code of Practice).**

7. Motions

- 7.1 A member may bring forward any business in the form of a written notice of motion.
- 7.2 The notice of motion must be given to the chief executive officer at least five clear days before the date of the meeting at which the motion is to be moved.
- 7.3 A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- 7.4 If a motion as detailed in Clause 7.3 is lost, a motion to the same effect cannot be brought-
- (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election,
- whichever is the sooner.
- 7.5 **Where a notice of motion has been given by a member who is not present at the meeting the notice of motion may be moved by any other member present at the meeting.**
- 7.6 **Notice of motions cannot be added to on the night of the meeting where the notice of motion is presented. Additions to notices of motions will be dealt with separately as a motion without notice.**
- 7.7 Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- 7.8 The presiding member may 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.
- 7.9 The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council.
- 7.10 **A motion without notice will not be accepted, where in the opinion of the presiding member, the motion relates to a significant issue or substantive information is required in order to make an informed decision on the motion (Refer Clause 7.8**

above). Such issues should be provided as written notices of motion.

7.11 A motion will lapse if it is not seconded at the appropriate time.

7.12 **A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion for no longer than three minutes (clause 10.1). If further time is required, it will be considered by the presiding member and granted at their discretion to a total maximum of five minutes.**

7.13 **If the motion is seconded, the common practice of the meeting will be to put the motion without further debate/discussion unless there is a speaker against the motion.**

7.14 **The common practice of the meeting will be to alternate speakers for and against the motion until the debate is complete.**

7.15 **At the conclusion of the debate, if a member who has not already spoken wishes to raise a new matter that has not been covered in previous debate/discussion or a matter considered of high importance, they will be permitted to speak for a maximum of three minutes.**

7.16 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.

(d) for the mover who may exercise a right to speak in closing the debate.

for no longer than three minutes (Clause 10.1). The period of speaking may be extended with the consent of the presiding member.

7.17 **In exercising the right of reply (Clause 7.16) the mover must confine the remarks to responding to the issues raised in the debate and not introduce new material.**

- 7.18 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.
- 7.19 A member who has not spoken in the debate on a question may move a formal motion.
- 7.20 A formal motion must be in the form of a motion set out in 7.17 (and no other formal motion to a different effect will be recognised).
- 7.21 If the formal motion is-
- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, 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; or
 - (b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
 - (c) that the question lie on the table, then 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); or
 - (d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- 7.22 If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- 7.23 A formal motion does not constitute an amendment to a substantive motion.

7.24 If a formal motion is lost-

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

7.25 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

7.26 Any question that lies on the table as a result of a successful formal motion under 7.20 lapses at the next general election.

7.27 The chief executive officer must report on each question that lapses under 7.25 to the council at the first ordinary meeting of the council after the general election.

8. Amendments to Motions

Regulation 13

- 8.1 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.
- 8.2 An amendment must be relevant to the motion and so framed that it forms a sensible alternative proposal. It must not be a direct negation of the original motion.
- 8.3 An amendment will lapse if it is not seconded at the appropriate time.
- 8.4 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.
- 8.5 If an amendment is lost, only one further amendment may be moved to the original motion.
- 8.6 If an amendment is carried, only one further amendment may be moved to the original motion.
- 8.7 **Amendments are to be provided to the minute taker in writing to ensure accuracy of recording.**
- 8.8 **Note a division can not be called on an amendment as an amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right.**

9. Variations etc

Regulation 14

- 9.1 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 amendment.
- 9.2 The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

10. Addresses by Members etc

Regulation 15

- 10.1 A member must not speak for longer than **three minutes** at any one time without leave of the meeting.
- 10.2 **Members are to speak through the Chair of the meeting when speaking to a motion.**
- 10.3 A member may, with leave of the meeting, raise a matter of urgency.
- 10.4 A member may, with leave of the meeting, make a personal explanation.
- 10.5 The subject matter of a personal explanation may not be debated.
- 10.6 The contribution of a member must be relevant to the subject matter of the debate.
- 10.7 **Members will address other members as Councillor during council meetings.**
- 10.8 **Members may choose to sit or stand when addressing the Council meeting.**

11. Voting

Regulation 16

- 11.1 The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- 11.2 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.
- 11.3 A person who is not in his or her seat is not permitted to vote **unless extenuating circumstances exist, in which case the Elected Member may be located elsewhere within the Chamber, but not in an area designated a public area.**
- 11.4 **For the purpose of clause 11.3 extenuating circumstances are;**
- infant or dependent care
 - injury
 - infirmity

12. Divisions

Regulation 17

12.1 A division will be taken at the request of a member.

12.2 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.

12.3 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.

12.4 The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

12.5 **Members wishing to vote in the affirmative but are unable (to stand) due to extenuating circumstances, may indicate their affirmative vote by raising a hand or by indicating in some other unambiguous manner.**

12.6 **Members voting in the negative, who are not currently in their seats due to extenuating circumstances may indicate their negative vote by raising a hand or by indicating in some other unambiguous manner**

13. Tabling of Information

Regulation 18

13.1 A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and 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).

13.2 The chief executive officer 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 section 90 or 91 of the Act.

14. Adjourned Business

Regulation 19

14.1 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 at which it was adjourned.

14.2 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.

14.3 The Presiding Member can allow for new business to be dealt with prior to business adjourned from a previous meeting

15. Short-term Suspension of Proceedings

Regulation 20

15.1 If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

15.2 The Guiding Principles must be taken into account when considering whether to act in accordance with Clause 15.1.

15.3 If a suspension occurs in accordance with Clause 15.1

- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
- (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension-
 - (i) the provisions of the Act must continue to be observed; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) 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
- (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
- (d) the period of suspension will come to an end if-
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

16. Chief Executive Officer may submit report recommending revocation or amendment of council decision

16.1 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.

16.2 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.

17. Points of Order

17.1 The presiding member may call to order a member who is in breach of the Act or these regulations.

17.2 A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

17.3 A point of order takes precedence over all other business until determined.

17.4 The presiding member will rule on a point of order.

17.5 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.

17.6 The presiding member is entitled to make a statement in support of the ruling before a motion under 17.5 is put.

17.7 A resolution under 17.5 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.

18. Interruption of Meetings by Members

Regulation 29

18.1 A member of a council 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.

18.2 Clause 18.1(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.

18.3 If the presiding member considers that a member may have acted in contravention of Clause 18.1, the member must be allowed to make a personal explanation.

18.4 Subject to complying with Clause 18.3, the relevant member must leave the meeting while the matter is considered by the meeting.

18.5 If the remaining members resolve that a contravention of Clause 18.1 has occurred, those members may, by resolution-

- (a) censure the member; or
- (b) suspend the member for a part, or for the remainder, of the meeting.

18.6 A member who-

- (a) refuses to leave a meeting in contravention of Clause 18.4; or
- (b) enters a meeting in contravention of a suspension under Clause 18.5,

is guilty of an offence and the Maximum penalty is \$1,250

19. Interruption of Meetings by Others

Regulation 30

19.1 A member of the public who is present at a meeting of a council must not-

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

Maximum penalty: \$500

Adopted by Council:	30 January 2018
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Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013