



Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Local Government Model By-law (Standing Orders) No. 4

Superseded by Local Laws made under the *Local Government Act 1995*.

Ceased on 17 Oct 2005

Version 00-e0-05

Extract from www.slp.wa.gov.au, see that website for further information

Local Government Model By-law (Standing Orders) No. 4

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Local Government Model By-law (Standing Orders) No. 4

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Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Local Government Model By-law (Standing Orders) No. 4

Local Government Department
Perth, 7th November, 1961

L.G. 644/61.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to make the draft Model By-law set out in the schedule hereto.

2. Councils adopting the draft Model By-law are required to stipulate, by the adopting resolution, the number of members required to constitute a Standing Committee under clause 88 and a quorum under clause 93 of the by-law.

3. Councils of Shires adopting the draft Model By-law are required to stipulate, by the adopting resolution, that the word "President" be substituted for the word "Mayor," wherever appearing in the by-law.

GEO. S. LINDSAY,
Secretary for Local Government

1. Citation

- (1) This by-law may be cited as the *Local Government Model By-law (Standing Orders) No. 4*.
- (2) The proceedings and business of the Council shall be conducted according to this by-law, the clauses of which shall be referred to as "the Standing Orders."

Interpretation

2. Interpretation

In this by-law, unless the context otherwise requires —

“**Act**” means the *Local Government Act 1960*;

“**clause**” means a clause of this by-law.

Mayor to Preside

3. Mayor to Preside

The Mayor, if present, shall preside at all meetings of the Council, and, in his absence, or if, after being present, he retires the Deputy Mayor shall preside, but if he is not present, or after being present, retires, then one of the Councillors chosen by the Councillors then present shall preside.

[By-law 3 amended by Gazette 25 January 1962 p.208.]

Quorum

4. Quorum

- (1) At any meeting of the Council a quorum shall consist of such number as conforms to the provisions of section 173 of the Act.
- (2) Subject to clause 5, every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted.

Absence of Quorum

5. Absence of Quorum

If at any meeting a quorum be not present within half an hour after the time appointed for that meeting, the Mayor, or in his absence the majority of the councillors present, or any one Councillor, if only one be present, or the Clerk if no Councillor be present, may adjourn the meeting to any date not later than seven days from the date of the adjournment.

6. Failure to obtain quorum

If at any time during any meeting of the Council a quorum is not present the Mayor shall thereupon suspend the proceedings of the meeting for a period of two minutes, and if a quorum be not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future date.

7. Names of members to be recorded in Minute Book

At any meeting at which there is not a quorum of members present, or at which the council is counted out for want of a quorum, the names of the members then present shall be recorded in the Minute Book.

Open Doors — Except as Provided

8. Open Doors — Except as Provided

- (1) The business of the Council shall be conducted with open doors except upon such occasions as the Council may by resolution otherwise decide.
- (2) Upon the carrying of such a resolution as is mentioned in subclause (1) of this clause, the Mayor shall direct all persons other than Councillors and servants of the Council to leave the Council Chambers and every person shall forthwith comply with such direction.
- (3) Any person failing to comply with a direction made pursuant to subclause (2) of this clause may, by order of the Mayor, be removed from the Council Chambers.
- (4) After the carrying of a resolution made under subclause (1) of this clause the business at that meeting of the Council shall proceed behind closed doors until the Council, by resolution, decides to proceed with open doors.

- (5) While a resolution made under subclause (1) of this clause is in force the operation of clause 26 shall be suspended unless the Council, by resolution, otherwise decides.
- (6) Any resolution mentioned in this clause may be moved without notice.

[By-law 8 amended by Gazette 8 May 1962 p.1127.]

Disturbance by Strangers

9. Disturbance by Strangers

- (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council.
- (2) Any person interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chambers.
- (3) Any person who, being ordered to leave the Council Chambers, fails to do so may, by order of the Mayor, be removed from the Council Chambers.

Order of Business at Ordinary Meeting

10. Order of Business at Ordinary Meeting

The order of business at an ordinary meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to that effect, be as nearly as practicable as follows, that is to say —

- (i) Confirmation of minutes.
- (ii) Announcements by the Mayor without discussion.
- (iii) Questions of which due notice has been given without discussion.
- (iv) Correspondence.
- (v) Petitions and memorials.

- (vi) Notices of intention to move the suspension of Standing Orders at the close of the meeting.
- (vii) Report of committees.
- (viii) Reports of officers.
- (ix) Orders of the day, including considering and ordering upon any business left over from the previous meeting and any business the Mayor may think desirable to bring under the notice of the Council and may have directed to be entered as an order of the day.
- (x) Motions of which previous notice has been given.
- (xi) Notice of motions for consideration at the following meeting, if given during the meeting.
- (xii) Motions without notice by permission of the Council.

Order of Business at Special Meeting

11. Order of Business at Special Meeting

The order of business at any special meeting of the Council shall be the order in which that business stands in the notice of the meeting.

Minutes

12. Minutes

The pasting or otherwise permanent affixing of the minutes to the leaves of a book shall be sufficient recording of the minutes in the Minute Book and the reading of the minutes of the previous meeting at the next ordinary meeting may be dispensed with when members have been supplied with copies of those minutes at least 3 days before that next meeting.

[By-law 12 inserted by Gazette 24 July 1981 p.3098.]

12A. Minutes of previous meeting to be first item of business

The minutes of any preceding meeting, whether of an ordinary or a special meeting, not previously confirmed, shall be

submitted as the first business at a meeting of the Council in order to proceed to their confirmation, and discussion, other than discussion as to the accuracy as a record of the proceedings shall not be permitted, and when confirmed, the minutes shall thereupon be signed by the Mayor in accordance with section 188 of the Act.

[By-law 12A inserted by Gazette 24 July 1981 p.3098.]

Questions

13. Questions

Any Councillor desiring to ask a question at any meeting of the Council shall give notice thereof in writing to the Clerk at least four hours before the hour fixed for the commencement of the meeting.

14. Form of questions and answers

Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

Reception of Correspondence

15. Reception of correspondence

Discussion shall not be permitted on any motion that any correspondence be received or not received, or that any correspondence or any part thereof be referred to any Occasional Committee of the Council.

Notices of Motion

16. Notices of Motion

- (1) A Councillor may bring forward at a meeting such business as he considers advisable, in the form of a motion, of which notice has been given in writing to the Clerk, either at the last previous meeting or at any time thereafter, being not less than three clear days before the meeting at which it is brought forward.

- (2) Every notice of motion shall relate to some question affecting the constitution, administration, or condition of the municipality or the Council.
- (3) The Mayor shall rule out of order any motion which does not comply with subclause (2) of this clause.

17. Motions lapse if not moved or deferred

Every such motion as is mentioned in clause 16 shall lapse, unless —

- (a) the Councillor who gave notice thereof, or some other Councillor authorised by him in writing, is present to move the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

Deputations

18. Deputations

- (1) Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the Clerk a memorial, setting out in concise terms the subject matter to be raised by the deputation.
- (2) Where the Clerk receives a memorial in terms of this clause, he shall lay the memorial —
 - (a) before the Committee concerned; or
 - (b) where there is no Committee concerned, before the Mayor.
- (3) A Committee or the Mayor receiving a memorial in terms of this clause may either receive the deputation or lay the memorial before the Council.
- (4) Where a memorial is laid before the Council under subclause (3) of this clause, the Council may, if it so resolves, receive the deputation.

19. Size of deputation and addressing the Council

A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council or Committee and the matter shall not be further considered by the Council or the Committee, until the deputation has withdrawn.

Councillors to Address Mayor

20. Councillors to Address Mayor

- (1) Any Councillor moving a motion or amendment or taking part in the discussion thereon, shall rise and address the Mayor.

Point of Order

- (2) A Councillor who is addressing the Mayor shall not be interrupted except upon a point of order, in which event he shall resume his seat until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.
- (3) A Councillor rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.
- (4) A violation of any provision of these Standing Orders is a breach of order.

Substance of Motion to be Stated

21. Substance of Motion to be Stated

Any Councillor desirous of proposing an original motion or amendment shall state its substance before he addresses the Council thereon and, if so required by the Mayor, shall put the motion or amendment in writing.

22. Motions and Amendments to be Seconded

- (1) A motion or amendment shall not be discussed or put to the vote of the Council unless seconded, but a Councillor may require the enforcement of any Standing Order of the Council by directing the Mayor's attention to the infraction thereof.
- (2) A nomination to the position of Mayor or Deputy Mayor is not required to be seconded.

Titles to be Used

23. Titles to be Used

A speaker, in referring to any other present, shall designate him by the title of Mayor or Councillor, as the case may be.

Priority of Speaking

24. Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Mayor shall decide who of them is entitled to priority.

Mayor to be Heard

25. Mayor to be Heard

Whenever the Mayor rises during a debate any Councillor then speaking or offering to speak shall sit down and the Council shall be silent so that the Mayor may be heard without interruption.

Speaking Twice

26. Speaking Twice

Except where this clause is suspended under clause 27, a Councillor shall not speak twice on the same question except —

- (a) in reply, upon an original motion of which he was the mover;

- (b) in reply, upon an amendment last debated of which he was the mover; or
- (c) by way of personal explanation.

27. Council may suspend by-law 26

The Council may, by resolution moved without notice, suspend the operation of clause 26 hereof and thereupon such clause shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

Personal Explanation

28. Personal Explanation

A Councillor making a personal explanation shall confine it to a succinct explanation of a material part of his former speech which may have been misunderstood, and to the explanation itself, and shall not advert to matters not strictly necessary for that purpose nor seek to strengthen his former argument by new matter or by replying to other Councillors.

29. Mayor to call Councillors to order

The Mayor shall forthwith call to order any Councillor committing a breach of clause 26.

No Speech After Certain Events

30. No Speech After Certain Events

No Councillor shall speak on any motion or amendment —

- (a) after the mover has replied; or
- (b) after the question has been put.

Mover and Seconder Have Spoken

31. Mover and Seconder Have Spoken

A Councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

Limit of Speeches

32. Limit of Speeches

- (1) A Councillor shall not speak upon any motion or amendment or in reply for a longer period than ten minutes without the consent of the Council, which shall be signified without debate.
- (2) An extension shall not be permitted under this clause beyond a total of twenty minutes.

Speaking in Reply

33. Speaking in Reply

A Councillor speaking in reply shall not introduce any new matter but shall strictly confine himself to answering previous speakers.

Division of Motions

34. Division of Motions

The Mayor may, at his discretion, or the Council may, by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motions

35. Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate; and it shall not be competent for any Councillor to speak upon the motion or amendment after the mover has asked permission for its withdrawal unless that permission is refused.

Production of Documents

36. Production of Documents

- (1) Any member may of right require the production of any of the documents of the Council relating to the question or matter under discussion.
- (2) On giving to the Clerk not less than four hours' notice, a member of the Council shall be entitled to have laid on the Council table, for the duration of a meeting, any document or record of the Council, and the Clerk, on receiving that notice, shall lay the document on the Council table at the commencement of the meeting.

No Digression

37. No Digression

A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council

38. No Adverse Reflection on Council

A Councillor shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor

39. No Adverse Reflection on Councillor

A Councillor shall not reflect adversely upon the character or actions of another member nor impute any motive to a member, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

40. Particular words may be required

Any member may require the Clerk to take down any particular words used by a member immediately upon their being used.

Demand for Withdrawal

41. Demand for Withdrawal

If any Councillor commits a breach of clause 38 or 39, the Mayor may require him unreservedly to withdraw any offending comment and to make a satisfactory apology; and, if the Councillor declines or neglects to do so, the Mayor may direct such Councillor to cease speaking and resume his seat and may call on the next speaker.

Disturbance by Councillors

42. Disturbance by Councillors

A Councillor shall not make any noise or disturbance or, except to raise a point of order, converse aloud, while any other person is addressing the Council.

Continued Irrelevance, etc.

43. Continued Irrelevance, etc

The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue his speech, and thereupon the Councillor shall cease speaking and shall resume his seat.

44. Movement of councillors within chamber

When the Mayor is putting any question, a Councillor shall not walk out of or across the Chamber; and shall not, whilst any other Councillor is speaking, pass between the speaker and the chair.

45. Mayor to preserve order

The Mayor shall preserve order, and may call any Councillor to order, whenever, in his opinion, there is cause for so doing.

46. Mayors attention may be drawn to infraction

Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor; or to draw the attention of the Mayor to any matter of which the latter may take notice under clause 43.

Rulings by Mayor

47. Rulings by Mayor

The Mayor, when deciding a point of order or practice, shall give his decision and argument or comment shall not be permitted thereon and his decision shall be final, in that particular case, unless a majority of the Councillors then present shall, upon motion made forthwith, without discussion, dissent therefrom.

48. Matters ruled out of order

Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected; and whenever anything said or done in the Council, by any Councillor, is similarly decided to be out of order, that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

Continued Breach of Order

49. Continued Breach of Order

Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under clause 48, the Mayor may direct that Councillor to refrain from taking any further part in the then meeting of the Council, other than by

recording his vote; and the Councillor shall comply with such direction.

Serious Disorder

50. Serious Disorder

- (1) If at a meeting of the Council the Mayor is of opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, he may adjourn the meeting for a period of fifteen minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.
- (2) Where after any proceeding under subclause (1) of this clause, the Mayor is again of opinion that the business of the Council cannot effectually be continued, he may close the meeting.

All Councillors to Vote

51. All Councillors to Vote

- (1) At every meeting of the Council, save where the Act otherwise provides, every Councillor present shall vote, and if any Councillor who is entitled to vote fails to vote, the Mayor shall call upon him to vote.
- (2) Where there is any equal division of votes upon any question, the Mayor has and may exercise a casting vote.

Permissible Motions During Debate

52. Permissible Motions During Debate

- (1) Subject to subclause (2) of this clause, when a motion is under debate, no further motion shall be moved except a motion —
 - (a) that the motion be amended;
 - (b) that the Council do adjourn;
 - (c) that the debate be adjourned;

- (d) that the question be now put;
 - (e) that the Council do proceed with the next business;
 - (f) that the Council do sit behind closed doors; or
 - (g) that the meeting be now closed.
- (2) Where the question before the Council is a recommendation from a Committee of the Council, a Councillor may, at the conclusion of the speech of any other Councillor, move without notice that the question be referred back to the Committee; and on any such motion, the mover may speak for not more than five minutes, the seconder shall not speak, other than formally to second and the Chairman of the Committee concerned, or in his absence a member thereof, may speak for not more than five minutes, but no other debate shall be allowed.

Amendment to Relate to Motion

53. Amendment to Relate to Motion

Every amendment shall be relevant to the motion on which it is moved.

54. Amendments to be read

Every amendment shall be read before being moved.

One Amendment at a Time

55. One Amendment at a Time

- (1) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion, as amended, and no more, may be moved.
- (2) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

56. Original motion to be amended

Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to clause 55, be treated as an original motion.

“That Council Adjourn”

57. “That Council Adjourn”

- (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.
- (2) On a motion to adjourn, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

58. Similar motions not permitted

Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until after the question then under discussion or the next on the notice paper or any other which may be allowed precedence shall have been disposed of.

59. Motion to adjourn Council

- (1) A Councillor who has spoken on the question then before the Council shall not move the adjournment of the Council.
- (2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the Council.

60. Debate to resume after adjournment

On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when that motion was moved shall be continued immediately upon the Council resuming after the adjournment.

61. Speakers on matter being debated when Council adjourned

On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive a mover of the right of reply.

62. Mayor may adjourn Council

The Mayor may at any time adjourn the Council to such time and date as the motion specifies, or where no time and date is specified to such time and date as he shall then declare.

“That Debate be Adjourned”

63. “That Debate be Adjourned.”

- (1) A Councillor may at the conclusion of the speech of any other Councillor move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.
- (2) On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed; but if the question then before the Council is a recommendation from a Committee, the chairman of the Committee concerned, or, in his absence, a member thereof may speak for not more than five minutes.

64. Motion to adjourn debate

- (1) A Councillor who has spoken on the question then under debate shall not move the adjournment of the debate.
- (2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.

65. Councillor moving adjournment may speak first on resumption

On resuming an adjourned debate the Councillor who moved its adjournment shall be entitled to speak first.

66. Speakers on adjourned debate

On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right of reply.

67. Debate to resume at next meeting

Where the debate on any motion, moved and seconded, is interrupted by the Council being counted out, that debate may, on motion with notice, be resumed at the next meeting, at the point where it was so interrupted.

“That Question be Put”

68. “That Question be Put.”

A Councillor may, at the conclusion of the speech of any other Councillor, move, without notice and without comment, that the question under consideration be now put, and upon that motion being formally seconded, the same shall immediately be put, without debate.

69. Motion that question be put

A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and that motion shall not be carried without the consent of a two-thirds majority of the Councillors then present.

70. Limit on right to speak in reply

When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put, but subject thereto, the question shall at once be put.

71. Question to be put includes amendments

Whenever it is decided by the Council that the question be put, the question to be so put includes the main question as well as any amendment thereto.

“That Council Proceed with Next Business”

72. “That Council Proceed with Next Business.”

A Councillor may at the conclusion of the speech of any other Councillor move, without notice and without comment, that the Council do proceed with the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.

73. Effect on question under debate

Where the Council decides to proceed with the next business, the question which was then under discussion shall be considered as dropped.

74. Limit on number of motions to proceed

During the same debate on any question, a motion that the Council do proceed with the next business shall not be moved within one hour after a similar motion has been negatived.

“That Meeting be Closed”

75. “That Meeting be Closed.”

- (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.
- (2) On a motion that the Council be closed, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than five minutes; but no other debate shall be allowed.

76. If motion negatived, current debate to be concluded

If a motion that the meeting of the Council be closed is negatived, a similar motion shall not be moved until after the question then under discussion or the next on the motion paper or any other which may be allowed precedence has been disposed of.

77. Motion that meeting be closed

- (1) A Councillor who has spoken on the question then before the Council shall not move that the meeting be closed.
- (2) A Councillor shall not at the same meeting of the Council, move or second more than one motion that the meeting be closed.

78. If meeting closed, debate adjourned

On a motion that the meeting be closed being carried, the debate on the question (if any) under debate when that motion was

moved shall stand adjourned to its place on the notice paper for the next meeting of the Council.

79. Speakers on adjourned debate

On a motion that the meeting be closed being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same subject; but this clause does not deprive a mover of the right of reply.

Confidential Business

80. Confidential Business

Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, or any Committee of the Council, shall be treated as strictly confidential, and shall not without the authority of the Council or of the Committee (as the case may be) be disclosed to any person other than the Mayor, Councillors or servants of the Council (and in the case of servants only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

Motions Affecting Expenditure

81. Motions Affecting Expenditure

Where a motion or amendment would have the effect of incurring expenditure not provided for in the estimates, that motion or amendment shall not be moved other than in the form of a reference of the question to the Finance Committee.

Rescission of Resolution

82. Rescission of Resolution

A resolution of any meeting of the Council shall not be revoked, rescinded, or altered at the same or any subsequent meeting, except in the manner provided by section 177 of the Act.

Negatived Motions

83. Negatived Motions

A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of three months, except with the consent of an absolute majority of the Council.

Suspension of Standing Orders

84. Suspension of Standing Orders

In cases of urgent necessity, any Standing Order of the Council may be suspended on motion duly made and seconded, but that motion shall not be declared carried, unless an absolute majority of the Council, or a two-thirds majority of those present and voting on the question, whichever is the lesser number, have voted in favour of the motion.

85. Object of motion to be stated

Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place thereon.

Method of Taking Vote

86. Method of Taking Vote

The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the

affirmative or the negative has the majority on the voices or by a show of hands.

87. Counting of votes

- (1) The Council shall vote on the voices, or by a show of hands as may, in each case, be directed by the Mayor, but any Councillor may call for a division on any question.
- (2) Upon a division being called for, the Mayor may, if he thinks fit, order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor shall not be permitted to enter or leave the chamber, until after the division has been taken.
- (3) Where a division is taken, the procedure laid down in subsections (11) and (12) of section 173 of the Act shall be observed.

COMMITTEES

COMMITTEES

Standing Committees

88. Standing Committees

- (1) In addition to such Occasional Committees as may from time to time be appointed, there shall be Standing Committees of the Council, namely, for —
 - (a) Finance; and
 - (b) Works.
- (2) Each Standing Committee shall comprise the Mayor and Councillors.
- (3) Subject to subclause (4) of this clause, the members of each Standing Committee shall be appointed for each year, at the first meeting of the Council held after the annual election and shall hold office until the commencement of the first meeting after the annual election then next ensuing.

- (4) The Council may, by resolution carried pursuant to a notice of motion, by a simple majority, or on a motion moved without notice, by an absolute majority, change the membership of any committee or appoint substitutes for Councillors absent pursuant to leave granted by the Council.
- (5) In the event of an equality of votes for two or more Councillors in an election for member of a committee, the Mayor shall have a casting vote.

89. Duties of Standing Committees

- (1) Subject to any resolution of the Council, passed after the coming into operation of the Standing Orders, the duties of Standing Committees shall be —
 - (a) Finance Committee, the oversight of —
 - (i) the finances of the Council;
 - (ii) items of expenditure recommended by any committee;
 - (iii) estimates of receipts and expenditure for each financial year;
 - (iv) loans; and
 - (v) the Council's official staff.
 - (b) Works Committee, the oversight of —
 - (i) construction and maintenance of streets, ways, drains, bridges and other public places;
 - (ii) sweeping and watering of streets;
 - (iii) fencing vacant lands;
 - (iv) construction of street shelters and street signs;
 - (v) construction of crossings over footpaths, and any constructional matters in connection with streets; and
 - (vi) siting of all works buildings.

- (2) Any Standing Committee may make a recommendation to the Finance Committee concerning an appointment to the official staff of an applicant whose principal duties pertain to matters, the oversight of which has been entrusted by the Council to the former Standing Committee, and where the Finance Committee does not accept that recommendation, it may be made to the council.

Occasional Committees

90. Occasional Committees

- (1) The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a committee.
- (2) An Occasional Committee may comprise any number of members not exceeding the largest minority of the total number of members.
- (3) A Standing Committee shall not interfere in any matter which has for the time being been entrusted to an Occasional Committee.
- (4) An Occasional Committee shall not be appointed except on a motion setting out —
 - (a) the duties proposed to be entrusted to such Committee; and
 - (b) either —
 - (i) the names of the Councillors of whom, with the Mayor, it is intended to constitute the Committee; or
 - (ii) the number of Councillors intended to constitute the Committee and a provision that they be elected by a separate motion.
- (5) Where the members of an Occasional Committee are elected by a motion, then, in the event of an equality of votes, the Mayor shall have a casting vote.

Calling Committee Meetings

91. Calling Committee Meetings

The Clerk shall call a meeting of any committee when requested so to do by the Mayor or the Chairman or any two members of that committee.

92. Application of Standing Orders to committees

Except in so far as they limit the number of times a member may speak or require meetings to be conducted with open doors, these Standing Orders shall be observed at meetings of committees; but the chairman of a committee may have and exercise both a deliberative and, in the case of equality of votes, a casting vote.

Quorum of committees

93. Quorum of committees

- (1) At any meeting of a committee, a quorum shall consist of not less than members and the chairman.
- (2) Every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking fifteen minutes after the appointed time of the meeting, the meeting shall lapse.

Minutes of Committees

94. Minutes of Committees

- (1) Each Standing Committee shall cause to be kept a minute book in which shall be entered minutes of all its proceedings and transactions.
- (2) The minutes of each meeting shall be confirmed at the next meeting of the committee and shall be signed by the chairman thereof.

Representation on Public Bodies

95. Representation on Public Bodies

Whenever it becomes necessary to appoint a Councillor to represent the Council on a public body or a State instrumentality, notice of the necessity to make that appointment shall be given at the meeting of the Council immediately preceding the meeting at which it is intended to make the appointment.

Meetings of Electors

96. Meetings of Electors

- (1) The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevails.
- (2) A person who is not an elector is not entitled to vote at a meeting of electors, and he may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him to do so.

Meetings of Ratepayers

97. Meetings of Ratepayers

- (1) The Standing Orders apply, so far as is practicable to any meeting of ratepayers, but where there is inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevails.
- (2) A person who is not a ratepayer is not entitled to vote at a meeting of ratepayers and he may not take any part in any discussion at that meeting unless the meeting, by a motion, requests him to do so.

Penalty

98. Penalty

Any person committing a breach of these Standing Orders is liable to a penalty not exceeding twenty pounds.

Enforcement

99. Enforcement

The Mayor is authorised and required to enforce the Standing Orders and to prosecute for any breach thereof.

Notes

- ^{1.} This is a compilation of the *Local Government Model By-law (Standing Orders) No. 4* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government Model By-law (Standing Orders) No. 4</i>	12 Dec 1961 p. 3639-49	12 Dec 1961
	25 Jan 1962 p. 208	25 Jan 1962
	8 May 1962 p. 1127	8 May 1962
Model By-law (Standing Orders) Amendment By-law 1981	24 Jul 1981 p. 3098	24 Jul 1981

Superseded by Local Laws made under the *Local Government Act 1995*
