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LOCAL GOVERNMENT ACT 1995

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**CITY OF BELMONT**

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**STANDING ORDERS  
LOCAL LAW 2012**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF BELMONT

**STANDING ORDERS LOCAL LAW 2012**

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## LOCAL GOVERNMENT ACT 1995

## CITY OF BELMONT

## STANDING ORDERS LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Belmont resolved on 27 November 2012 to make this local law.

## PART 1—PRELIMINARY

**1.1 Citation**

- (1) This local law may be cited as the *City of Belmont Standing Orders Local Law 2012*.
- (2) In the sections that follow, this local law is referred to as “these Standing Orders”.

**1.2 Commencement**

These Standing Orders come into operation on the 14th day after the date of their publication in the *Government Gazette*.

**1.3 Purpose and effect**

- (1) The purpose of these Standing Orders is to provide the rules for the conduct of meetings of the Council, the trustee, committees and electors.
- (2) The effect of these Standing Orders is intended to result in—
  - (a) better decision-making at meetings;
  - (b) the orderly and efficient conduct of meetings; and
  - (c) greater community understanding of the business of the Council.

**1.4 Interpretation**

- (1) In these Standing Orders—

**75% majority** in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the council;

**absolute majority** means—

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

**Act** means the *Local Government Act 1995*;

**CEO** means the Chief Executive Officer of the local government;

**Code of Conduct** means the *City of Belmont Code of Conduct* as adopted from time to time;

**committee** means a committee of the Council established under section 5.8 of the Act;

**Council** means the Council of the local government;

**deputation** means a presentation by a person or group to the Council in accordance with section 6.6;

**local government** means the City of Belmont;

**Mayor** means the Mayor of the local government;

**meeting** means a meeting of the Council or the trustee or a committee or electors in accordance with the Act, as the context requires;

**Member** means a member of Council or a committee, as the case may be;

**Presiding Member** means—

- (a) in respect of the Council, the person presiding under section 5.6 of the Act;
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act; and
- (c) in respect of an electors' meeting, the person presiding under section 5.30 of the Act.

**Regulations** means the *Local Government (Administration) Regulations 1996*;

**simple majority** means more than 50% of the members present and voting;

**submission** means a submission made to the Council in accordance with section 6.7;

**substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion;

**trustee** means the Council, when acting as trustee of the trust land; and

**trust land** means the land referred to in the *Belmont Park Road Board Declaration of Trust* dated 25th day of May 1954 and situated at 160 Stoneham Street and 154 Great Eastern Highway, Ascot and managed under the powers of the *Trustees Act 1962*.

(2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and Regulations.

### 1.5 Repeal

The *City of Belmont Standing Orders Local Law 2006*, published in the *Government Gazette* on 25 October 2006, is repealed.

## PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

### 2.1 Establishment of committees

- (1) These Standing Orders are to apply to the conduct of committee meetings.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include—
  - (a) the terms of reference of the committee;
  - (b) the number of Council Members, employees and other persons to be appointed to the committee;
  - (c) the names or titles of the Council Members and employees to be appointed to the committee;
  - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### 2.2 Committees to report

A committee—

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

## PART 3—CALLING AND CONVENING MEETINGS

### 3.1 Ordinary and special Council meetings

- (1) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (2) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

### 3.2 Convening Council meetings

- (1) Subject to subsection (2), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (2) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

### 3.3 Calling committee meetings

The CEO is to call a committee meeting when requested by the Mayor, the Presiding Member of a committee or any 2 Members of that committee.

### 3.4 Failure to receive notice not to invalidate proceedings

The validity of a meeting shall not be affected by—

- (a) the failure of any Member to receive a notice convening the meeting; or
- (b) an error contained in the notice of the meeting;

provided that all reasonable steps have been taken to prepare the notice accurately and give the notice to all Members.

**PART 4—PRESIDING MEMBER AND QUORUM****4.1 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the Presiding Member is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

**4.2 Names to be recorded**

At any meeting—

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

the names of the Members then present are to be recorded in the minutes.

**PART 5—BUSINESS OF A MEETING****5.1 Business to be specified**

(1) No business is to be transacted at any meeting other than that specified in the agenda, without the approval of the Presiding Member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.

(4) Subject to subsection (5), no business is to be transacted at an adjourned meeting of the Council other than that—

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.

(5) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering reports at that ordinary meeting.

**5.2 Order of business**

(1) Unless otherwise decided by the Presiding Member, the order of business at any ordinary meeting of the Council is to be as set out in the agenda of the meeting.

(2) Unless otherwise decided by the Presiding Member, the order of business at any special meeting of the Council is to be as set out in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

**5.3 Motions of which previous notice has been given**

(1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subsection (1) is to be given at least 2 clear working days before the meeting at which the motion is moved.

(3) A motion of which notice is given is to relate to the good governance of the district.

(4) The CEO—

- (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Standing Orders or any other written law; or,
- (b) may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (c) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves 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.

(6) If a notice of motion is given and lapses under subsection (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

**5.4 New business of an urgent nature**

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subsection (1), “cases of extreme urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

### **5.5 Adoption by exception resolution**

(1) In this section “adoption by exception resolution” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the employee recommendation as the Council resolution, and adoption “en bloc” has a corresponding meaning.

(2) Subject to subsection (3), the local government may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—

- (a) that requires a 75% majority or a special majority;
- (b) in which a financial interest has been disclosed;
- (c) that has been the subject of a petition or of a deputation at that meeting;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

### **5.6 Announcements by the Presiding Member**

At any meeting of the Council or a committee the Presiding Member may announce or raise any matter of interest or relevance to the business of the Council or committee.

## **PART 6—PUBLIC PARTICIPATION**

### **6.1 Meetings not open to the public**

(1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

(2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subsection (2) is carried—

- (a) the Presiding Member is to direct everyone to leave the meeting except—
  - (i) the Members;
  - (ii) the CEO; and
  - (iii) any employee specified by the Presiding Member; and
- (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subsection (3) may, by order of the Presiding Member, be removed from the meeting.

(5) A resolution under this section may be made without notice.

(6) Unless the Council resolves otherwise, once the meeting is reopened to members of the public the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be made available to the public including a vote of a Member to be included in the minutes.

(7) Where a matter before a meeting deals with a question arising out of mediation at the State Administrative Tribunal or in any other jurisdiction or in any other circumstances where there is an obligation for the Council to deal with a matter confidentially, the matter is not to be dealt with at that meeting or otherwise until the Council has resolved under section 5.23(2) of the Act to close the relevant part of the meeting to the public.

### **6.2 Other procedures for question time for the public**

(1) A member of the public who wishes to ask a question during question time is to—

- (a) first state his or her name and address;
- (b) direct the question to the Presiding Member;
- (c) ask the question as briefly and concisely as possible;
- (d) limit any preamble to matters directly relevant to the question; and
- (e) ensure that the question is not accompanied by any argument, expression of opinion, statement of fact or other comment, except insofar as it may be necessary to explain the question.

(2) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(3) A member of the public is to have up to 2 minutes to ask his or her question or questions.

(4) A member of the public may give written prior notice to the CEO of the text or substance of the question that he or she wishes to ask at a meeting.

(5) Unless the Presiding Member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.

- (6) Where a member of the public gives written notice of a question, the Presiding Member may determine that the question is to be responded to as normal business correspondence.
- (7) A question may be taken on notice by the Council for later response.
- (8) When a question is taken on notice, the CEO is to ensure that—
- a written response is given to the person who asked the question; and
  - a summary of the response is included in the agenda of the next meeting of the Council.
- (9) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to—
- declare that he or she has an interest in the matter; and
  - allow another person to respond to the question.
- (10) The Presiding Member may decide that a question is not to be responded to where—
- the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - it is in the form of a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to rephrase the statement as a question; or
  - the question is offensive or defamatory in nature, or is one, which, if asked by a Member, would be in breach of these Standing Orders or any other law.
- (11) The Council, by resolution, may agree to extend public question time.
- (12) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

### **6.3 Prevention of disturbance by the public**

- (1) A reference in this section to a “person” is to a person other than a Member.
- (2) A person addressing the Council or committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the Presiding Member.
- (3) A person observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing aloud or by any other means.
- (4) A person must ensure that his or her mobile telephone or other electronic device is switched off and not used during any meeting.
- (5) A person must not behave in a manner that is contrary to section 75 of *The Criminal Code*.
- (6) If a Member or the CEO specifically requests, immediately after their use, that any particular words used by a person be recorded, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in a file note of the meeting, unless the Presiding Member in any case decides otherwise.
- (7) The Presiding Member may direct a person to refrain from conduct that is creating a disturbance and that person must comply with the direction.
- (8) If a person fails to comply with a direction of the Presiding Member the Presiding Member may direct that person to immediately leave the meeting room. If a person fails immediately to leave the meeting room after being directed to do so by the Presiding Member or continues to create a disturbance outside the meeting room, the Presiding Member may order the person to be removed from the premises.
- (9) If a person ordered by the Presiding Member to be removed from the premises cannot be removed without the application of physical force—
- a member of the Police Force may be called to the meeting to effect the removal of the person, the meeting may be adjourned until the person has been removed and the person removed is prohibited from joining the reconvened meeting; or
  - the Presiding Member may adjourn the meeting for a period of up to one hour.

### **6.4 Withdrawal of offensive language by the public**

- (1) A reference in this section to a “person” is to a person other than a Member.
- (2) A person who, in the opinion of the Presiding Member, uses an expression which—
- reflects adversely on the character or actions of a Member or employee; or
  - imputes any motive to a Member or employee; or
  - is offensive or objectionable,

must, when directed by the Presiding Member, withdraw the expression and make an apology that, in the opinion of the Presiding Member, is satisfactory.

- (3) If a person fails to comply with a direction of the Presiding Member under subsection (2), the Presiding Member may refuse to hear the person further on the matter then under discussion and call on the next speaker.

### **6.5 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

**6.6 Deputations**

- (1) A person or group wishing to be received as a deputation by the Council is to either—
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may—
  - (a) approve the request and invite the deputation to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members; and
  - (b) is not to address the Council for a period exceeding 15 minutes with discussion and questions included.
- (4) Unless the Council resolves otherwise, for the purpose of determining who may address the Council on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (5) A matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.
- (6) Interaction between the Members and the deputation is permitted with the permission of the Presiding Member.

**6.7 Submissions**

- (1) A person wishing to make a submission to the Council is to—
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may—
  - (a) approve the request and invite the person wishing to make a submission to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the submission.
- (3) Unless the Council resolves otherwise, a person invited to make a submission must not address the Council for a period exceeding 3 minutes without the agreement of the Council.
- (4) A matter which is the subject of a submission to the Council is not to be decided by the Council until all submissions relating to that matter have been completed.
- (5) With the exception of the Presiding Member, there is to be no interaction between a Member and the person making the submission.

**6.8 Petitions**

- (1) A petition is to—
  - (a) be addressed to the Mayor;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subsection (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

**6.9 Presentations**

- (1) In this section, reference to a “presentation” means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the Chief Executive Officer.

**6.10 Participation at committee meetings**

- (1) In this section a reference to a “person” is to a person who—
  - (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a Member of that committee.

- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes, and that time is not to be exceeded without the permission of the committee.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subsection (4) may, by order of the Presiding Member, be removed from the committee room.

#### **6.11 Recording of proceedings**

- (1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member or by a decision of the Council.
- (2) If the Presiding Member or Council gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

### **PART 7—QUESTIONS**

#### **7.1 Questions on notice by Members**

- (1) A question on notice is to be given by a Member in writing to the CEO at least 24 hours before the meeting at which it is to be asked.
- (2) If the CEO determines that a question referred to in subsection (1) is in order, the answer is to be included in the minutes of the meeting.
- (3) Except with the consent of the Presiding Member or by a decision of the meeting, there is to be no discussion about a question on notice or its answer.

#### **7.2 Questions without notice**

- (1) A Member who wishes to seek general information from an employee present at a Council meeting may, without notice and with the consent of the Presiding Member—
  - (a) ask a question of that employee; and
  - (b) with the consent of the Presiding Member, ask one or more further questions of that employee or another employee present at the meeting.
- (2) Where possible, the appropriate employee is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research of investigation, the employee may ask—
  - (a) that the question be placed on notice for the next meeting of the Council; or
  - (b) for leave for the answer to the question be given to the Member who asked it, within 7 days.

#### **7.3 Questions during debate**

At any time during the debate on a motion before the motion is put, a Member may ask a question and, with the consent of the Presiding Member, may ask one or more further questions.

#### **7.4 Restrictions on questions and answers**

- (1) Any questions asked by a Member, and any answer is—
  - (a) to be submitted as briefly and concisely as possible;
  - (b) to be phrased courteously and temperately;
  - (c) to relate to the good government of the local government; and
  - (d) is not to be accompanied by—
    - (i) any argument, expression of opinion or statement of fact, except so far as may be necessary to explain the question or answer; or
    - (ii) any discussion or further question, except with the consent of the Presiding Member.
- (2) In answering any question, a Member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

### **PART 8—CONDUCT OF MEMBERS**

#### **8.1 Members to be in their proper places**

- (1) At the first meeting held after each election day, the CEO, in consultation with the Mayor, is to allot a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

#### **8.2 Titles to be used**

A speaker, when referring to the Mayor, deputy Mayor or Presiding Member, or a Member or employee, is to use the title of that person's office.

### **8.3 Advice of entry or departure**

During the course of a meeting, a Member is not to enter or leave the meeting without first indicating to the person responsible for taking minutes, in order to facilitate the recording in the minutes of the time of entry or departure.

### **8.4 Members to indicate their intention to speak**

- (1) A Member who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.
- (2) Unless otherwise directed by the Presiding Member, all persons at meetings are to address their comments to the Presiding Member.

### **8.5 Priority of speaking**

- (1) Where 2 or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subsection (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

### **8.6 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the meeting, subject to compliance with these Standing Orders.

### **8.7 Relevance**

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may call the attention of the meeting to—
  - (a) any irrelevant, repetitious, offensive or insulting language by a Member; or
  - (b) any breach of order or decorum by a Member.
- (3) If a Member who is the subject of a call to attention under subsection (2) on three occasions while the Member is speaking, on the third occasion the Presiding Member may direct the Member to discontinue his or her speech.
- (4) A Member is to comply with the direction of the Presiding Member under subsection (3) by immediately ceasing to speak.
- (5) A Member directed by the Presiding Member under subsection (3) to cease speaking is not to speak again on the matter then under consideration without the leave of the Presiding Member, and then only to the extent permitted by the Presiding Member.

### **8.8 Speaking twice**

A Member is not to address the meeting more than once on any motion or amendment except—

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order;
- (c) to make a personal explanation; or
- (d) to speak to an amendment having already spoken to the substantive motion.

### **8.9 Duration of speeches**

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without debate.
- (2) An extension under this section cannot be given to allow a Member's total speaking time to exceed 10 minutes.

### **8.10 No speaking after conclusion of debate**

A Member is not to speak on any motion or amendment—

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

### **8.11 No interruption**

- (1) A Member is not to create a disturbance, converse aloud or interrupt another Member who is speaking unless—
  - (a) to raise a point of order;
  - (b) to call attention to the absence of a quorum;
  - (c) to make a personal explanation under section 8.12; or
  - (d) to move a procedural motion that the Member be no longer heard (see section 11(1)(e)).
- (2) The Presiding Member may direct a Member to refrain from creating a disturbance, conversing aloud or interrupting another Member who is speaking.
- (3) If a Member fails to comply with a direction from the Presiding Member, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (4) If a meeting is adjourned under this section, the provisions of section 15.2 apply.

**8.12 Personal explanations**

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.
- (4) When making a personal explanation, a Member is not—
  - (a) to refer to matters unnecessary for that purpose;
  - (b) to seek to strengthen their former argument by introducing a new matter; or
  - (c) to reply to another Member.

**8.13 No re-opening of discussion**

A Member is not to re-open discussion on any decision at a meeting, except to move that the decision be revoked or changed (see Part 16).

**8.14 Adverse reflection**

- (1) A Member is not to reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 16).
- (2) A Member is not—
  - (a) to reflect adversely on the character or actions of another Member or employee; or
  - (b) to impute any motive to a Member or employee,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, employee or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes—
  - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
  - (b) the meeting may, by resolution, decide to record those words in the minutes.

**8.15 Withdrawal of offensive language**

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which—
  - (a) in the absence of a resolution under section 8.14—
    - (i) reflects adversely on the character or actions of another Member or employee; or
    - (ii) imputes any motive to a Member or employee; or
  - (b) is offensive or objectionable,must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subsection (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.
- (3) If the Presiding Member under subsection (2) refuses to hear a Member further on a matter, the Member shall not speak further on that matter without the leave of the Presiding Member, and then only to the extent permitted by the Presiding Member, and then only consistently with the provisions of these Standing Orders.

**8.16 Recording of proceedings**

- (1) A Member is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
- (2) If the Presiding Member gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

**8.17 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—
  - (a) identified in the agenda of a Council meeting under the item “Matters for which meeting may be closed”;
  - (b) marked “*Confidential*” in the agenda; and
  - (c) kept confidential by employees and Members until the Council resolves otherwise.
- (2) A Member or an employee who has—
  - (a) confidential information under subsection (1); or
  - (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public, must not disclose any of that information to any person

other than another Member or employee to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subsection (2) does not prevent a Member or employee from disclosing information—
- (a) at a closed meeting;
  - (b) to the extent specified by the meeting and subject to such other conditions as the meeting determines;
  - (c) that is already in the public domain;
  - (d) to an officer of the Department;
  - (e) to the Minister;
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## **PART 9—PRESERVING ORDER**

### **9.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subsection (2) is not to be used by the Presiding Member to exercise the right provided in section 8.6, but to preserve order.
- (4) When the Presiding Member rises during the course of a meeting, a Member or any other person who is then speaking or indicating an intention to speak, is immediately to cease speaking.
- (5) When the Presiding Member rises during a meeting, each Member and each other person present is to preserve strict silence so that the Presiding Member may be heard without interruption.

### **9.2 Point of order**

- (1) A Member may object, by way of a point of order, only to a breach of—
- (a) any of these Standing Orders; or
  - (b) any other written law.
- (2) Examples of valid points of order are—
- (a) a speaker's remarks not being relevant to the motion or amendment being debated (see section 8.7);
  - (b) a speaker's use of offence of objectionable expressions or adverse reflection on a decision of the Council (see section 8.14);
  - (c) the discussion is of a matter not before the meeting.
- (3) Despite anything in these Standing Orders to the contrary, a point of order—
- (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.

### **9.3 Procedures on a point of order**

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to cease speaking until—
- (a) the Member raising the point of order has been heard; and
  - (b) the Presiding Member has ruled on the point of order,
- and, if permitted, the Member who has been interrupted may then proceed.

### **9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Standing Orders.

### **9.5 Ruling by the Presiding Member**

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order—
- (a) is not to be the subject of debate or comment; and
  - (b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subsection (2), if the Presiding Member rules that—
- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and

- (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology and the Member shall thereupon comply with that requirement.

#### **9.6 Continued breach of order**

If a Member—

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or  
(b) refuses to make an explanation, retraction or apology required by the Presiding Member under section 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the debate of the item, other than by voting, and the Member is to comply with that direction and is not to speak further without the leave of the Presiding Member, and then only to the extent permitted by the Presiding Member.

#### **9.7 Right of Presiding Member to adjourn**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.  
(2) On resumption, the debate is to continue at the point at which the meeting was adjourned.  
(3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

### **PART 10—DEBATE OF SUBSTANTIVE MOTIONS**

#### **10.1 Motions to be stated and in writing**

A Member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance and reason of the motion before speaking to it; and  
(b) if required by the Presiding Member, is to put the motion or amendment in writing.

#### **10.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.  
(2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

#### **10.3 Unopposed business**

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.  
(2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.  
(3) A motion declared carried under this section is to be recorded in the minutes as a unanimous decision of the meeting.  
(4) If a Member opposes a motion, the motion is to be dealt with under Part 10.  
(5) This section does not apply to a motion to revoke or change a decision which has been made at a meeting (see Part 16).

#### **10.4 Only one substantive motion at a time**

When a substantive motion is under debate at a meeting, no further substantive motion is to be accepted. The meeting is not to consider more than one substantive motion at any time.

#### **10.5 Order of call in debate**

The Presiding Member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;  
(b) a seconder to second the motion;  
(c) the mover to speak to the motion;  
(d) the seconder to speak to the motion;  
(e) a speaker against the motion;  
(f) a speaker for the motion;  
(g) other speakers against and for the motion, alternating where possible; and  
(h) the mover takes right of reply which closes debate.

#### **10.6 Limit of debate**

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

#### **10.7 Member may require question to be read**

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

**10.8 Consent of seconder required for alteration**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

**10.9 Order of amendments**

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

**10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

**10.11 Amendment must not negate original motion**

An amendment to a substantive motion must be relevant to and cannot negate the original motion or the intent of the original motion.

**10.12 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.13 Effect of an amendment**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

**10.14 Withdrawal of motion or amendment**

(1) Subject to subsection (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn, carried or lost.

**10.15 Right of reply**

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion does not have a right of reply.

(3) The right of the reply may only be exercised—

(a) where no amendment is moved to the substantive motion, at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion, after any amendment has been withdrawn, carried or lost, and at the conclusion of the discussion on the substantive motion or the substantive motion as amended.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other Member is to speak on the question;

(b) there is to be no further discussion on, or any further amendment to, the motion.

(5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

**PART 11—PROCEDURAL MOTIONS****11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions—

(a) that the meeting proceed to the next item of business;

(b) that the debate be adjourned;

(c) that the meeting be now adjourned;

(d) that the question be now put;

(e) that the Member be no longer heard;

(f) that the ruling of the Presiding Member be disagreed with;

(g) that the meeting be closed to the public (see section 6.1).

**11.2 No debate**

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of section 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (d) or (e) of section 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(3) There is to be no amendment to a procedural motion.

**11.3 Who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

**11.4 Procedural motions—right of reply on substantive motion**

The carrying of a procedural motion which closes debate on a substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

**11.5 Meeting to proceed to the next item of business**

The motion “that the meeting proceed to the next item of business”, if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**11.6 Debate to be adjourned**

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

**11.7 Meeting be now adjourned**

(1) A Member is not to move or second more than one motion for adjournment of the meeting during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the meeting, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see section 5.5).

(3) A motion “that the meeting be now adjourned”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subsection (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question be now put**

(1) If the motion “that the question be now put”, is carried during debate on a substantive motion, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

**11.9 Member be no longer heard**

If the motion “that the Member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

**11.10 Ruling of dissent against the Presiding Member**

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

**PART 12—DISCLOSURE OF INTERESTS****12.1 Disclosure of interests**

Members and employees must deal with all interests and potential conflicts of interest in accordance with the requirements of the Act, the *Local Government (Rules of Conduct) Regulations 2007*, the Code of Conduct and all other legal obligations.

**12.2 Disclosure by members who are observers at committee meetings**

The obligation under section 12.1 to disclose an interest is to apply to all Members present at a committee meeting, including an elected member attending a committee meeting in the capacity of an observer.

**PART 13—VOTING****13.1 Question—when put**

(1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—

- (a) is to put the question to the meeting; and
- (b) if requested by any Member, is to again state the terms of the question.

(2) A Member is not to leave the meeting when the Presiding Member is putting any question.

**13.2 Method of taking vote**

(1) In taking the vote on any motion or amendment, the Presiding Member—

- (a) is to put the question, taking votes first in the affirmative, and then in the negative;
- (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of Members in any way (such as electronically or by a show of hands) that enables a record to be taken of each Member's vote; and
- (d) subject to this section, is to declare the result.

(2) The CEO is to ensure that the minutes record—

- (a) the name of each Member who voted; and
- (b) whether he or she voted in the affirmative or negative.

**PART 14—MINUTES OF MEETINGS****14.1 Content of minutes**

In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

**14.2 Confirmation of minutes**

(1) When minutes of an ordinary meeting of the Council are distributed to the Council for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, he or she should where possible provide to the local government a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

(2) At the next ordinary meeting of the Council the Member who provided the alternative wording, at the time for confirmation of minutes is—

- (a) to state the item or items with which he or she is dissatisfied; and
- (b) to propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Council Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

**PART 15—ADJOURNMENT OF MEETING****15.1 Meeting may be adjourned**

The Council may adjourn any meeting—

- (a) to a later time on the same day; or
- (b) to any other time on any other day.

**15.2 Effect of adjournment**

Where any matter, motion, debate or meeting is adjourned under these Standing Orders—

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted unless the Presiding Member or the Council determines otherwise; and
- (c) the provisions of section 8.8 apply when the debate is resumed.

**PART 16—MAKING, REVOKING OR CHANGING DECISIONS****16.1 Limitations on powers to revoke or change decisions**

The Council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under section 16.2 to implement the decision; or
- (b) where the decision is procedural in its form or effect.

## 16.2 Implementing a decision

(1) In this section—

**authorisation** means a licence, permit, approval or other means of authorising a person to do anything;

**implement**, in relation to a decision, includes—

(i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and

(ii) take any other action to give effect to the decision; and

**valid notice of revocation motion** means a notice of a motion to revoke or change a decision that complies with the requirements of the Act, Regulations and these Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Applicants and the public should be made aware that a decision made at a Council meeting regarding any application for authorisation should not be relied upon as effective until formal notification in writing has been received by the applicant.

(3) Subject to subsection (5), and unless a resolution is made under subsection (4), a decision made at a meeting is not to be implemented by the CEO or any employee until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(4) The Council or a committee exercising a relevant delegated power may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(5) A decision made at a meeting is not to be implemented by the CEO or any employee—

(a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and

(b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(6) The CEO is to ensure that members of the public attending the meeting are informed, by an appropriate notice, that a decision to grant an authorisation—

(a) is to take effect only in accordance with this section; and

(b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this section.

## 16.3 Motions—Method of Putting

If a decision of the Council or a committee is unclear or in doubt, the Presiding Member is to put the motion or amendment as often as necessary to determine the votes of Members in any way (such as electronically or by a show of hands).

## PART 17—SUSPENSION OF STANDING ORDERS

### 17.1 Suspension of Standing Orders

(1) A Member may, at any time, move that the operation of one or more of the provisions of these Standing Orders be suspended.

(2) A Member moving a motion under subsection (1) is to state the reasons for the motion, but no other discussion is to take place.

(3) A motion under subsection (1) which is—

(a) seconded; and

(b) carried by an absolute majority,

is to suspend the operation of the section or sections to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### 17.2 Where Standing Orders do not apply

(1) In situations where—

(a) these Standing Orders have been suspended; or

(b) a matter is not regulated by the Act, the Regulations or these Standing Orders,

the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subsection (1) is final, except where a motion of dissent is moved and carried under section 11.10.

## PART 18—MEETINGS OF ELECTORS

### 18.1 Procedure for electors' meetings

In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Standing Orders.

### 18.2 Participation of non- electors

A person who is not an elector of the local government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

**PART 19—BRIEFINGS AND OTHER INFORMAL MEETINGS****19.1 Briefings and other informal meetings**

- (1) The Council may conduct briefings, workshops and other informal meetings.
- (2) Where the Council proposes to conduct a briefing, workshop or any other informal meeting, the CEO is to—
  - (a) advise all Members of the time and date of the meeting; and
  - (b) ensure that notes of the meeting are kept.
- (3) A Member or an employee who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 12 of these Standing Orders.
- (4) A formal resolution is not to be made at any meeting other than an ordinary or special meeting of the Council or a committee or an electors' meeting.
- (5) The Council is not to meet, except at;
  - (a) a Council or committee meeting; or
  - (b) a briefing, workshop or informal meeting under this section.

**PART 20—ENFORCEMENT****20.1 Penalty for breach**

A person who breaches a provision of these Standing Orders commits an offence.

**Penalty—\$1,000, and a daily penalty of \$500**

**PART 21—COMMON SEAL****21.1 Custody of the common seal**

The CEO is to have charge of the common seal of the local government, and is responsible for the safe custody and proper use of it.

**21.2 Register**

The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—

- (a) the date that the common seal was affixed;
- (b) the nature of the document; and
- (c) the parties described in the document.

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The common seal of the City of Belmont was affixed by the authority of a resolution of the Council in the presence of—

STUART COLE, Chief Executive Officer.  
PHIL MARKS, Mayor.

Dated: 11 December 2012.

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