

A large, bold, black letter 'G' is the central element of the logo. To its left is a white silhouette of the Western Australian coastline, set against a background of horizontal lines.

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LOCAL GOVERNMENT ACT 1995

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**TOWN OF CAMBRIDGE  
LOCAL LAW No. 1  
STANDING ORDERS  
(MEETING PROCEDURE)**



**LOCAL GOVERNMENT ACT 1995**

## TOWN OF CAMBRIDGE

**LOCAL LAW NO. 1  
STANDING ORDERS (MEETING PROCEDURE)**

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Council of the district of the Town of Cambridge hereby records having resolved on the 26<sup>th</sup> day of August 1997 to revoke By-Law No. 1 published in the *Government Gazette* of 26 May 1995, and to make Local Law No. 1 as follows—

**PART I—PRELIMINARY****1.1 Standing Orders (Meeting Procedure)**

The proceedings and business of the Council shall be conducted in accordance with the Act and this Local Law the sections of which shall be referred to as “The Standing Orders”.

**1.2 Arrangement of Local Law**

The arrangement of this local law is as follows—

*Part I—Preliminary*

- Clause 1.1 Standing Orders (Meeting Procedure)
- Clause 1.2 Arrangement of Local Law
- Clause 1.3 Interpretation

*Part II—Meetings of the Council*

- Clause 2.1 Mayor to Preside
- Clause 2.2 Notice of Meetings
- Clause 2.3 Availability of Notice
- Clause 2.4 Quorum
- Clause 2.5 Kind of Meeting
- Clause 2.6 Calling of Special Meeting
- Clause 2.7 Business at Ordinary Meeting
- Clause 2.8 Order of Business
- Clause 2.9 Applications for Leave of Absence
- Clause 2.10 Receipt of Correspondence
- Clause 2.11 Urgent Business
- Clause 2.12 Order of Business at Special Meeting
- Clause 2.13 Business at Adjourned Meeting
- Clause 2.14 Open Doors Except as Provided
- Clause 2.15 Confidentiality
- Clause 2.16 Reporters
- Clause 2.17 Recording of Proceedings Prohibited
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- Clause 2.19 Disclosure of Members' Interests
- Clause 2.20 Disclosure of Officers' Interests
- Clause 2.21 Minutes
- Clause 2.22 Questions
- Clause 2.23 Reports by the CEO
- Clause 2.24 Presentation of Committee Reports
- Clause 2.25 Deputations
- Clause 2.26 Petitions
- Clause 2.27 Notices of Motion

*Part III—Meetings—Procedure and Conduct*

- Clause 3.1 General Procedure
- Clause 3.2 Preserving Order
- Clause 3.3 Rules of Debate
- Clause 3.4 Conduct of Members
- Clause 3.5 Voting
- Clause 3.6 Motions
- Clause 3.7 Amendments
- Clause 3.8 Adjournment
- Clause 3.9 Resumption After Counting Out
- Clause 3.10 Motion that the Question be Now Put
- Clause 3.11 Motion that Council Proceed to the Next Business

- Clause 3.12 Motion that the Meeting be now Closed
- Clause 3.13 Motion To Revoke or Change a Decision
- Clause 3.14 Motion to Alter Decision
- Clause 3.15 Negatived Motion not be Entertained with Three Months
- Clause 3.16 Suspension of Standing Orders

*Part IV—Committees*

- Clause 4.1 Appointment of Committees
- Clause 4.2 Specific Purpose Committees
- Clause 4.3 Advisory and Management Committees
- Clause 4.4 Meetings
- Clause 4.5 General

*Part V—General*

- Clause 5.1 Election of Deputy Mayor
- Clause 5.2 Representation on Statutory Authorities/Public Bodies
- Clause 5.3 Electors Meetings

*Part VI—Officers of the District*

- Clause 6.1 Complaints by Members
- Clause 6.2 Right of Reply

*Part VII—Miscellaneous*

- Clause 7.1 Breach of Standing Orders
- Clause 7.2 Presiding Member to Ensure Compliance
- Clause 7.3 Council May Take Action

### **1.3 Interpretation**

In this local law, unless the context otherwise requires—

“Act” means the Local Government Act 1995

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer of the Town of Cambridge

“Committee” means any Committee or Sub-Committee appointed in accordance with the Act

“Council” means the Council for the time being of the Town of Cambridge

“Councillor” means a Member of the Council other than the Mayor

“document” means a deed, book, report, paper, tape, disc or any other material whatsoever or any other recorded or stored information

“Mayor” means the Mayor or the Deputy Mayor in the Mayor’s absence

“Member” means the Mayor or a Councillor

“Minister” means the Minister for Local Government

“minor amendment” in relation to a motion to amend another motion (“the original motion”) means one which does not alter the primary or basic intent of the original motion as determined by the person presiding at the meeting.

“Notice Paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the Notice Paper for that meeting.

“Order of the day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the notice paper as an order of the day. In the case of unfinished business at Ordinary Meetings, the provisions of Section 2.13 apply.

“Presiding Member”

(a) in relation to a meeting of the Council means the person presiding at the meeting as provided by Section 5.6 of the Act;

(b) in relation to a Committee means the person presiding at the meeting as provided by Section 5.12 of the Act.

“substantive motion” means the original or amended motion which is the subject of a motion of alteration or amendment.

“Town” means the Town of Cambridge

“urgent business” means business dealt with in accordance with the provisions of Section 2.11

“without discussion” means without debate but does not preclude a member from asking such questions as the Presiding Member permits, there being no discussion debate or challenge on the ruling of the Presiding Member

“section” means a section of this local law or the Act as the case may be.

## **PART II—MEETINGS OF THE COUNCIL**

### **2.1 Mayor to Preside**

Subject to the Act, the Mayor, or in his absence the Deputy Mayor, or in his absence a Councillor chosen by the Councillors present is to preside at any meeting of the Council (Section 5 of the Act).

## **2.2 Notice of Meetings**

### **2.2.1 Notice of Ordinary Meetings**

Notice of ordinary meetings of the Council are to—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the CEO
- (iii) state the place, date and hour of holding the meeting;
- (iv) state the business to be transacted, and
- (v) be served on each of the Members at least 72 hours before the time of the commencement of the meeting (Section 5 of the Act).

### **2.2.2 Notice of Adjourned Meeting**

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be given in the manner provided by subsection 2.2.1 of this local law except that at least 24 hours notice is to be given before the time of commencement of the meeting.

### **2.2.3 Notice of Special Meetings**

Notice of each special meeting of the Council is to be given to all Members of the Council, in the manner provided by Section 5.5(2) of the Act.

## **2.3 Availability of Notice Paper**

The Notice Papers for Ordinary Meetings of the Council are to be made available for inspection by members of the public from the time they are made available to the Members, at the office of the Council.

## **2.4 Quorum**

### **2.4.1 Number of Members Required**

Except in cases where Section 5.7 of the Act applies, the number of Members necessary to form a quorum is to be at least 50% of the number of offices (whether vacant or not) of the Council.

### **2.4.2 Quorum must be Present**

The Council is not to transact business at a meeting unless a quorum is present.

### **2.4.3 Quorum not Present**

- (1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his or her absence, the Deputy Mayor, or in his or her absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the CEO may adjourn the meeting to some future time or date.
- (2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

### **2.4.4 Count Out**

- (1) If at any time during a meeting of the Council a quorum is not present, the Presiding Member upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of five minutes.
- (2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Presiding Member is to adjourn it to some future time or date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

### **2.4.5 Debate on Motion to be Resumed**

- (1) Where the debate on any motion is interrupted by the Council being counted out, that debate is to be resumed at the next meeting at the point where it was so interrupted.
- (2) Where the interruption in paragraph (1) occurs at an Ordinary Meeting the resumption is to be at the Next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.
- (3) Where the interruption in paragraph (1) is at a Special Meeting, the resumption is to be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

### **2.4.6 Names to be Recorded**

At any meeting at which—

- (i) there is not a quorum of Members present; or
- (ii) the meeting is counted out for want of a quorum;

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

## **2.5 Category of Meeting**

- (1) Meetings of the Council and Committees are to be of two categories, namely "Ordinary" and "Special".

- (2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the business of the Council, and any Committees.
- (3) Special Meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.
- (4) Subject to the provisions of the Act and these Standing Orders, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

## **2.6 Calling of Special Meeting**

2.6.1 A Special Meeting of the Council is to be convened by the CEO—

- (a) if called for by either—
  - (i) the Mayor, or
  - (ii) at least one third of the Councillors in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the Council.

2.6.2 The CEO is to convene such Special Meeting by giving each Member of the Council notice, before the meeting, of the date, time, place and purpose of the meeting in accordance with Subsection 2.2.3.

## **2.7 Business at Ordinary Meeting**

No business is to be transacted at any meeting of the Council other than specified in the notice relating thereto, except—

- (i) matters which the Act permits to be dealt with without notice; and
- (ii) matters which this local law expressly permits to be dealt with without notice

## **2.8 Order of Business**

Unless ordered by decision of the Council, the order of business at any Ordinary meeting of the Council is to be as follows—

- (i) Prayer;
- (ii) Apologies;
- (iii) Members on leave of absence and applications for leave of absence;
- (iv) Confirmation of minutes;
- (v) Announcements by the Mayor without discussion;
- (vi) Question Time: Reception of public statements or questions limited to a total of fifteen minutes except by consent of the Mayor. No person shall speak for more than three minutes except by consent of the Mayor;
- (vii) Declaration of Members' Interests;
- (viii) Questions of which due notice has been given without discussion;
- (ix) Deputations, petitions and memorials;
- (x) Orders of the day;
- (xi) Reports;
- (xii) Motions of which due notice has been given;
- (xiii) Representation on statutory authorities and public bodies;
- (xiv) Urgent business;
- (xv) Confidential reports;
- (xvi) Closure.

## **2.9 Applications for Leave of Absence**

- (1) Subject to Subsection (3), a Member seeking the Council's approval to take leave of absence is to give notice to the CEO at least four ordinary office hours before the hour fixed for the time of commencement of the meeting.
- (2) The notice referred to in paragraph (1) is to include the period of leave of absence required and the reasons for seeking the leave.
- (3) Despite Sections (1) and (2), the Council may approve a request for leave of absence by a Member who because of ill health or other reason is unable to comply with subsections (1) and (2).

## **2.10 Receipt of Correspondence**

Discussion is not to be permitted on any motion that—

- (i) any correspondence be received or not received; or
- (ii) any correspondence or any part thereof be referred to any Committee of the Council

## **2.11 Urgent Business**

A Member may move a motion involving urgent business that is not included in the Notice Paper for that meeting provided that—

- (i) the Presiding Member has first consented to the business being raised; and

- (ii) the Presiding Member considers that either—
  - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper for the next meeting of the Council; or
  - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the Town;
- (iii) If at an Ordinary Meeting a Member objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the Members of the Council.

### **2.12 Order of Business at Special Meeting**

The order of business at any Special Meeting of the Council is to be the order which that business stands in the notice of the meeting.

### **2.13 Business at Adjourned Meeting**

At an adjourned meeting of the Council no business is to be transacted other than that—

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting is to have the precedence over other business at the Ordinary Meeting.

### **2.14 Open Doors Except as Provided**

- (1) Subject to the provisions of paragraphs (2) and (3) the business of the Council is to be conducted with open doors.
- (2) The Council may by resolution decide to conduct any specified business behind closed doors, in accordance with Section 5.23 of the Act.
- (3) Where the Council resolves to proceed “behind closed doors”—
  - (i) the Presiding Member is to direct all persons other than the Councillors and relevant officers and advisers of the Town to leave the meeting room and every person is forthwith to comply with that direction; and
  - (ii) subject to paragraph (4), the business at that meeting is to be conducted behind closed doors until the Council resolves to proceed with open doors.
- (4) If the decision is to conduct specified business behind closed doors the meeting is to revert to open doors upon the completion of discussion of but prior to voting on the matter under consideration.
- (5) A person failing to comply with a direction made under paragraph (3) may, by order of the Presiding Member, be removed from the meeting room.

### **2.15 Confidential Business**

- (1) All business conducted by the Council behind closed doors is—
  - (i) to be treated as strictly confidential; and
  - (ii) not, without the authority of the Council, to be disclosed to any person other than—
    - (a) the Members, or
    - (b) officers of the Council but only to the extent necessary for the purpose of carrying out their duties,prior to the discussion of that matter at a meeting of the Council held with open doors.
- (2) Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the CEO of a confidential nature may at his discretion be marked as such and—
  - (i) then shall be treated as strictly confidential; and
  - (ii) is not without the authority of the Council to be disclosed to any person other than the Members or the officers of the Council referred to in paragraph (1)(i)(b).

### **2.16 Reporters**

Reporters of the press and other media—

- (i) are to be permitted to attend at meetings of the Council, in such part of the meeting room as may be set aside for their accommodation;
- (ii) must withdraw from the meeting room during any period when the Council is sitting behind closed doors.

### **2.17 Recording of Proceedings Prohibited**

Other than the CEO, no person is to use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given written permission by the Council to do so.

### **2.18 Prevention of Disturbance**

- (1) No person, other than a Member, is to interrupt or interfere with the proceedings of any meeting of the Council, whether by expressing approval or dissent, by conversing or by any other means.

- (2) A person who fails to comply with paragraph (1) is, when so directed by the Presiding Member, to forthwith leave the meeting room.
- (3) A person ordered to leave the meeting room and failing to do so may, by order of the Presiding Member, be removed from the meeting room.

## **2.19 Disclosure of Members' Interests**

### **2.19.1 Notification of Interest at Meeting**

- (1) A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been disclosed is to be notified at the meeting immediately before the matter is discussed. (Section 5.65).
- (2) The obligation to disclose an interest at a meeting does not apply to a Member who has disclosed the Member's interest by written notice given to the CEO prior to the meeting. Before the meeting, the CEO is to cause the notice to be given to the person who is to preside at the meeting and that person is to bring the notice to the attention of persons who attend the meeting. (Section 5.66)

### **2.19.2 Obligation to Disclose an Interest**

- (1) Any Member who has an interest within the meaning of Part 5 Division 6 of the Act in a matter proposed to be dealt with at any meeting is to disclose the nature of the interest at the time Declarations of Members Interests are called for in the Order of Business for that meeting. (Section 5.65)
- (2) Any Member who is not present at the time declarations are called for in the Order of Business is to disclose an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.
- (3) If a Member has an interest in a matter raised by way of an amendment to a motion or an interest in a matter raised otherwise without notice, the Member is to disclose that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.
- (4) The obligation to disclose an interest is to apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.
- (5) The obligation to disclose an interest applies in regard to each meeting at which the matter the subject of the interest arises.

### **2.19.3 Permission to Participate**

- (1) A Member who has disclosed an interest or who is liable to disclose an interest in a matter and who—
  - (a) desires to take part in the consideration or discussion of the matter; or
  - (b) desires to vote on the matter;is not to do either unless the meeting at which the matter arose determines by motion in accordance with Section 5.68 of the Act, which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be. (Section 5.68).
- (2) A meeting considering the question in sub-paragraph (b) of paragraph (1) of this subsection is to have regard only to the considerations in Part 5 Division 6 of the Act, but may consider those and other considerations of a like kind when considering the question in subparagraph (a).

### **2.19.4 Obligation to Withdraw**

- (1) A Member who has disclosed an interest, unless the Member has been granted permission to take part in the consideration or discussion of the matter or to vote on the matter under the provisions of Section 5.68 of the Act, shall depart from the meeting or room when the matter arises for consideration.
- (2) A Member who has disclosed an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the meeting or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter shall depart the meeting room until the vote on that matter is known.
- (3) If it is resolved at a meeting that a Member who has disclosed an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

### **2.19.5 Full Details of Interest to be Given**

- (1) If a Member discloses an interest in a matter, the question of whether—
  - (a) the Member should be permitted to take part in the consideration or discussion of the matter; or
  - (b) the Member should be permitted to vote on the matter;should not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.
- (2) A Member who has disclosed an interest or who is liable to disclose an interest in a matter may not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring Member should be permitted to do so.



- (3) The provisions of paragraph (2) shall continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

#### 2.19.6 Invitation to Return to Provide Information

- (1) Where a Member has disclosed an interest in a matter, and has departed from the meeting room in accordance with subsection 2.19.4, the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter, in such case the Member shall withdraw after providing the information.

#### 2.19.7 Substitution of Deputy at Committee

Where a Member withdraws from a meeting of a Committee during the consideration of a matter in accordance with Subsection 2.19.4, the meeting may resolve to invite another Member present at the meeting who is a deputy of the excluded Member for that Committee to participate as a Member of the Committee in place of the excluded Member during the consideration of that matter only.

#### 2.19.8 Disclosing Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Member who—

- (i) has an interest in that matter within the meaning of Part 5 Division 6 of the Act; and
- (ii) has not had an earlier opportunity to disclose an interest in the matter;

is to disclose the interest immediately before the matter is discussed when it comes forward for consideration by the meeting.

#### 2.19.9 Recording of Disclosure

Any disclosure of interest is to be recorded in the minutes of the meeting and the register of financial interests in accordance with the provisions of Sections 5.68(2) and 5.88 of the Act.

#### 2.19.10 Exemption by Minister

- (1) Where the Minister grants an exemption under the provisions of Section 5.69 of the Act, in the case of any inconsistency between the provisions of this section and the exemption the provisions of the exemption are to prevail.
- (2) The terms of any exemption granted by the Minister are to be recorded in the same manner of disclosure of interest pursuant to Section 5.65 of the Act.

### 2.20 Disclosure of Officers' Interests

- (1) An officer of the Council who is liable to disclose an interest in a matter under the provisions of Sections 5.70 and 5.71 of the Act when giving advice or a report to the meeting is to disclose the interest in the report or at the time of giving such advice.
- (2) An officer disclosing an interest in accordance with paragraph (1) is to provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the officer's interest and any effect that interest might be thought to have upon the advice or report given.
- (3) The details of the interest of an officer so disclosed are to be recorded in accordance with Section 5.88 of the Act, and the disclosure is to be recorded in the minutes of the meeting.

### 2.21 Minutes

#### 2.21.1 Confirmation of Minutes

- (1) The Minutes of Council meetings, whether of an Ordinary or a Special meeting, not previously confirmed, are to be submitted to the next Ordinary meeting of the Council for confirmation. (Section 5.22).
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings is not to be permitted.

#### 2.21.2 Minute Book

The pasting or otherwise permanently affixing of the minutes to or as the leaves of a book is to be sufficient recording of the minutes in the minute book.

#### 2.21.3 Reading of Minutes may be Dispensed With

The reading at the next Ordinary meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary meeting.

### 2.22 Questions

#### 2.22.1 Questions with Notice

- (1) A Member desiring to put a question as to the work or procedure of the Council is to give notice thereof in writing to the CEO at least eight ordinary office hours before the hour fixed for the commencement of the meeting.
- (2) If the question referred to in paragraph (1) is in order, the answer is to, as far as practicable, be given in written form at the next meeting of the Council.

#### 2.22.2 Question and Answers to be Brief

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

### 2.22.3 Question Without Notice

- (1) A question requesting general information from an officer present at the meeting may be asked without notice but the officer is to have the right to ask that—
  - (i) the question be placed on notice for the next meeting of the Council; or
  - (ii) the answer to the question be given to the Member who asked it, within seven days.

### 2.22.4 No Discussion on Questions

No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Presiding Member.

### 2.22.5 Questions by the Public

- (1) Subject to Sub-Section (vi) of Section 2.8 of this local law, any member of the public, other than a Member, may during Public Question Time ask a question at an Ordinary meeting of the Council.
- (2) The procedure for the asking of and responding to questions raised by members of the public is to be determined by the Mayor or by the person presiding at the meeting.
- (3) Questions may be answered by the Presiding Member or a Member or officer nominated by the Presiding Member.
- (4) The Presiding Member may determine that any complex question requiring research be answered in writing.
- (5) The Presiding Member may reject any question that reflects adversely upon the character and actions or may be deemed to be offensive towards any Member or officer of the Council.

## 2.23 Reports by the CEO

### 2.23.1 CEO May Prepare Reports

The CEO may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.

### 2.23.2 Distribution to the Members

Subject to Subsection 2.23.3 the CEO is to send to each Member a copy of any report which is to be presented to a meeting. The report is to be sent to each Member not less than 24 hours before the commencement of the meeting.

### 2.23.3 Late Report

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the Presiding Member, be read or otherwise given to Members at the meeting notwithstanding that it has not been sent to Members in accordance with the Subsection 2.23.2.

## 2.24 Presentation of Committee Reports

- (1) Every Committee is to cause—
  - (i) a report with recommendations and suitable preamble;
  - (ii) minutes of the Committee's proceedings and transactions;and, unless precluded from doing so by Section 5.67 of the Act, are to be presented to the Council by the Presiding Member of each Committee concerned, or in his absence, a Member of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".
- (2) No objection to the receipt of a report of any Committee, or any part thereof, is to be raised when such reports are presented to the Council, except for reasons arising out of such reports.
- (3) The Presiding Member is to—
  - (i) put the question that the report be received;
  - (ii) call for a motion to be moved by any Member pursuant to Subsection 3.6.2 with the exception of item (i) of that paragraph with respect to any recommendation contained in the report;
  - (iii) as to the recommendations contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
  - (iv) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to Subsection 3.6.2, the motion or motions are to be debated and dealt with in accordance with this local law.

## 2.25 Deputations

- (1) A deputation wishing to be received by the Council or a Committee is to apply in writing to the CEO who is to forward the written request to the Mayor or the Committee Presiding Member, as the case may be.
- (2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council, the deputation is to be invited to attend.
- (3) If the Presiding Member of a Committee is of the opinion that the request for a deputation is one which should be brought before the Committee, the deputation is to be invited to attend.

- (4) Deputations invited to attend a Council or Committee meeting—
  - (i) are not to exceed five persons, only two of whom may address the Council although others may respond to specific questions from the Members; and
  - (ii) are not to address the Council or Committee for a total period exceeding 15 minutes, except by consent of the Mayor or Presiding Member.
- (5) Any matter which is the subject of a deputation to the Council or a Committee is to be further considered by the Council or that Committee at an appropriate time or during the meeting as determined by the Presiding Member.

## 2.26 Petitions

- (1) A petition must—
  - (i) contain the name, address and signature of each petitioner; and
  - (ii) have the name, address and signature of the person who lodged the petition with the Council shown at the top of the first page thereof;
  - (iii) the word 'Petition' must appear at the top of the document to be presented; but need not otherwise be in any particular form.

All other documents received will be treated as a multi-signatory letter unless these items are present.

- (2) Every petition complying with Subsection 2.26(1)(i) and (ii), is to be presented to the Council by a Member or the CEO.
- (3) The presentation of a petition, is to be confined to the reading of the petition.
- (4) The only motions that are in order are that—
  - (i) the petition be received;
  - (ii) that a report be prepared; or
  - (iii) that it be referred to a Committee.

## 2.27 Notices of Motion

### 2.27.1 Giving Notice of Motion

- (1) Unless the Act or this local law otherwise provides, a Member may raise at an Ordinary meeting of the Council such business as he considers appropriate in the form of a motion of which notice has been given in writing to the CEO.
- (2) A notice of motion is to be given at least four clear days before the meeting at which it is raised.
- (3) Subject to Subsection 2.27.2(2), every notice of motion is to relate to some question affecting the constitution, administration or condition of the District or the Council.

### 2.27.2 Exclusion or Amendment of Notices

- (1) The CEO—
  - (i) with the concurrence of the Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or
  - (ii) may on his own initiative make such amendments to the notice of motion, but not the substance thereof as will bring the notice of motion into due form.
- (2) No notice of motion is to be deemed out of order by reason of—
  - (i) the policy involved being considered objectionable; or
  - (ii) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest, utility or importance.

### 2.27.3 Motion to Lapse

Subject to the provisions of Subsection 3.13.7 a motion of which notice has been given is to lapse unless—

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

### 2.27.4 Dealing with Lapsed Motion

- (1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subsection, notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.

### 2.27.5 Amendments to Notice of Motion

- (1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with Subsection 2.27.1 is not to be considered at a meeting unless notice in writing of the amendment is received by the CEO at least one clear day before the meeting at which the relevant motion is to be taken into consideration, excluding any day on which the Council's Administrative Office is not open for business.
- (2) Subject to paragraph (1), a Notice of Amendment of Motion received by the CEO is to be properly entered on the Notice Paper immediately after the notice of the relevant motion.
- (3) The Mayor is to decide whether any amendment moved without notice in accordance with the preceding paragraphs of this subsection is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of Subsection 3.2.6.

**PART III—MEETINGS—PROCEDURE AND CONDUCT****3.1 General Procedure****3.1.1 Meeting to Proceed to Business**

Subject to Section 2.4, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

**3.1.2 Members to Occupy own Seats**

- (1) At the first meeting attended by a Member after election, the CEO shall assign a place at the Council meeting table to that Member.
- (2) At meetings of the Council each Member is to occupy the place assigned to the Member within the meeting room, until such time as the Council or the CEO re-allocates places at the meeting table.

**3.1.3 Substance of Motion to be Stated**

Any Member wishing to propose an original motion or amendment is to state the substance of the motion before addressing the Council on that matter.

**3.1.4 Unopposed Business**

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no one signifies opposition to the motion the Presiding Member may declare the motion in paragraph (1) carried.
- (3) A motion carried under paragraph (2) is to be taken as a decision of the Council and all Members present at the meeting are deemed to have voted for the purposes of Section 5.21 of the Act.
- (4) If a Member signifies opposition to a motion the motion is to be dealt with according to this local law.

**3.1.5 Motion and Amendments to be Seconded**

- (1) Subject to Subsection 3.1.4 and 3.14, a motion or amendment is not to be discussed or put to the vote of the Council unless seconded.
- (2) A motion or amendment is not to be altered by the mover without the consent of the seconder.

**3.1.6 Titles to be Used**

In referring to any other person present in the capacity of a Member or officer of the Council, a speaker is to designate that other person by the title of Mayor or Councillor, or by the title of the particular officer, as the case may be.

**3.1.7 Councillors to Address Presiding Member**

- (1) A Member moving a motion or amendment, or taking part in the discussion thereon, is to rise and address the Presiding Member, except when prevented from doing so by sickness, infirmity or physical impairment.
- (2) The Presiding Member at any time may suspend the requirements of paragraph (1) for any meeting or part of a meeting.

**3.2 Preserving Order****3.2.1 Presiding Member to Preserve Order**

The Presiding Member is to preserve order, and may call any Member to order, whenever, in the Presiding Member's opinion, there is cause for so doing.

**3.2.2 Definition of Order**

Any Member who does anything or behaves in a manner which is forbidden by any of these Standing Orders is to be deemed to be out of order.

**3.2.3 Breaches of Order**

The following are to be recognised as breaches of order—

- (i) discussion of a question not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) the violation of any local law or standing order of the Council.

**3.2.4 Raising Point of Order**

- (1) Any Member may direct the attention of the Presiding Member to any breach of order by any other Member.
- (2) A Member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (3) A Member rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

**3.2.5 Precedence of Questions of Order**

Notwithstanding anything contained in this local law to the contrary, all questions of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

**3.2.6 Rulings by Presiding Member**

- (1) The Presiding Member, when deciding a point of order or practice, is to give his or her decision, and argument or comment is not to be permitted thereon.

- (2) The Presiding Member's decision in paragraph (1) is final in that particular case, unless a majority of the Councillors then present, upon motion made forthwith without discussion, dissent therefrom.
- (3) Notwithstanding the generality of paragraphs (1) and (2) there is to be no dissent from a ruling of the Presiding Member allowing or disallowing a question on a matter required to be dealt with without discussion.
- (4) Where any issue or procedure is not covered by the Act or these Standing Orders, the Presiding Member shall determine how to deal with such issue or procedure.

### 3.2.7 Ruling Out of Order

- (1) Subject to Subsection 3.2.6(2), whenever the Presiding Member has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.
- (2) Whenever anything said or done by any Member is similarly decided to be out of order, that Member is to be called upon by the Presiding Member to make such explanation, retraction or apology, as the case may require.

### 3.2.8 Continued Breach of Order

Where a Member—

- (i) persists in any conduct which the Presiding Member decides is out of order; or
- (ii) refuses to make any explanation, retraction or apology required by the Presiding Member under Subsection 3.4.5;

the Presiding Member may direct that Member to refrain from taking any further part in the meeting of the Council, other than by recording his or her vote. The Member is to comply with such a direction.

### 3.2.9 Serious Disorder

- (1) If at a meeting of the Council the Presiding Member is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting may be adjourned for a period of no more than fifteen minutes.
- (2) After the adjournment in paragraph (1), the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.
- (3) Where after any proceedings under paragraphs (1) and (2), the Presiding Member is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

### 3.2.10 Presiding Member may be Heard

Whenever the Presiding Member rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak is to be silent so that the Presiding Member may then be heard without interruption.

## 3.3 Rules of Debate

### 3.3.1 Presiding Member may Take Part in Debate

Subject to the provisions of this local law the Presiding Member may take part in the discussion upon any question before the Council.

### 3.3.2 Priority of Speaking

Where two or more Members rise to speak at the same time, the Presiding Member is to decide which of them is entitled to priority.

### 3.3.3 Speaking Without Interruption

- (1) A Member who is speaking on any question is not to be interrupted except on a point of order.
- (2) In the event of a point of order the Member speaking is to be seated until the Member raising the point of order has been heard thereon and the question of order has been decided whereupon the Member so interrupted may, if permitted, proceed.

### 3.3.4 Speaking Twice

- (1) Subject to Subsection 3.3.7 no Councillor is to speak twice on the same question, except—
  - (i) in reply upon an original motion of which he or she was the mover; or
  - (ii) as the mover of an amendment last moved.
- (2) The mover of any original motion may exercise a right of reply after any amendments thereto have been moved and decided.

### 3.3.5 Calling to Order for Speaking Twice

Subject to Subsection 3.3.7, the Presiding Member is to call to order any Member proceeding to speak a second time on the same question, without waiting for the intervention of the Council.

### 3.3.6 Mover or Seconder to be Held to Have Spoken

- (1) A Member moving a motion or amendment is to be held to have spoken thereon.
- (2) A Member seconding a motion or amendment is to be held to have spoken thereon unless at the time of seconding the motion or amendment the Member reserves the right to speak on the motion or amendment later in the debate.

### 3.3.7 Decision to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of Subsection 3.3.4 hereof in the following circumstances—

- (i) there may be a general suspension in which case Subsection 3.3.4 is to be suspended until such time as the Council by Decision resolves to lift the suspension; or
- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension is to be automatically lifted when all Members specified have spoken twice or waived the right to do so.

### 3.3.8 Questions During Debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

### 3.3.9 No Speaking After Motion Put

No Member is to speak on any motion or amendment—

- (i) after the mover has replied; or
- (ii) after the question has been put.

### 3.3.10 Limit of Speeches

(1) A Member is not to speak—

- (i) upon any motion or amendment for a longer period than five minutes; or
- (ii) in answer to any question with or without notice for a longer period than five minutes; or
- (iii) in reply for a longer period than five minutes;

without the consent of the Council to extend, which is to be signified without discussion.

(2) The Council is not to consent to the extension of a Member's time for speaking beyond ten minutes of total extensions.

### 3.3.11 Speaking in Reply

A Member speaking in reply is not to introduce any new matter but is to be strictly confined to answering previous speakers.

### 3.3.12 Division of Motions

The Presiding Member, or the Council by decision made without debate, may order a motion to be divided and put in the form of two or more motions.

### 3.3.13 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council, which is to be signified without debate.

## 3.4 Conduct of Members

### 3.4.1 No Digression

A Member is not to speak otherwise than upon, or digress from, the question then before the Council.

### 3.4.2 No Adverse Reflection on Council Decision

A Member is not to reflect adversely upon a decision of the Council except on a motion that the decision be revoked or changed.

### 3.4.3 No Adverse Reflection on Member or Officer

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

### 3.4.4 Recording of Statements

Any comments or statements made by any Member during consideration of any motion are not to be recorded in the minute book, but any Member may require the CEO to take down any particular words used by the or another Member immediately upon their being used and to read such words back to the meeting for verification.

### 3.4.5 Withdrawal of Offensive Language

- (1) Any Member who uses an expression which in the opinion of the Presiding Member reflects offensively on any Member or officer of the Council, is to when required by the Presiding Member, unreservedly withdraw the expression and make a satisfactory apology.
- (2) If the Member in paragraph (1) declines, or neglects to do so, the Presiding Member may refuse to hear the Member further upon the matter then under discussion and may call upon the next speaker.

### 3.4.6 Disturbance by Member

A Member is not to make any noise or disturbance or speak aloud while any other person is addressing the Council, except to—

- (i) raise a point of order; or
- (ii) call attention to the want of a quorum.

### 3.4.7 Continued Irrelevance

(1) The Presiding Member may—

- (i) 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 Member; and

(ii) direct that Member, if speaking, to stop speaking.

(2) Thereupon, the Member is to cease speaking and be seated.

#### 3.4.8 Crossing Meeting Room

(1) When the Presiding Member is putting any question, a Member is not to leave or cross the meeting room.

(2) A Member is not, whilst any other Member is speaking, to pass between the speaker and the Presiding Member.

### 3.5 Voting

#### 3.5.1 Voting by Presiding Member

(1) The Mayor or person presiding is entitled to vote and if there is an equal division of votes, he or she has, and may exercise a casting vote. (Section 5.21).

#### 3.5.2 Members must Vote

At meetings of the Council, except where he or she is prohibited from voting by the Act, a Member present in the meeting room when a question is put is to—

(i) vote on the question; and

(ii) except where the Act provides otherwise, vote openly and not by secret ballot.

#### 3.5.3 Method of Taking Vote

(1) The Presiding Member, in taking the vote on any motion or amendment, is to—

(i) put the question, first in the affirmative and then in the negative;

(ii) determine whether, the affirmative or the negative has the majority of votes; and

(iii) declare the result of the vote.

(2) The question put under paragraph (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Member calls for a show of hands, providing that any Member who is physically incapable of complying with the requirements of this section may vote openly in a manner as approved by the Presiding Member.

(4) If a Member of the Council or a Committee specifically requests that there be recorded—

(a) his or her vote;

(b) the vote of all Members present,

on a matter voted on at a meeting of the Council or the Committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

(5) If any motion for the approval of any matter is decided in the negative, then the matter is deemed to have been refused.

(6) If any motion for the refusal of any matter is decided in the negative, then a separate motion for approval is needed to authorise any action to be taken.

### 3.6 Motions

#### 3.6.1 Permissible Formal Motions during Debate

Subject to Subsection 3.6.2, when a motion is being debated no further motions are to be moved except the following—

(i) that the motion be amended;

(ii) that the motion be deferred;

(iii) that the Council adjourn;

(iv) that the debate be adjourned;

(v) that the question be put;

(vi) that the question lie on the table;

(vii) that the Council proceed with the next business;

(viii) that the Council sit behind closed doors; or

(ix) that the meeting be now closed.

#### 3.6.2 Permissible Motions on Recommendation From Committee

(1) A recommendation made by or contained in a report of a Committee may be—

(i) adopted by the Council without amendment or modification;

(ii) rejected by the Council in its entirety;

(iii) subject to Subsection 3.7.1 amended or modified and adopted with such amendments or modifications; or

(iv) referred back to the Committee for further consideration in accordance with paragraph (2) hereof.

(2) A Member may at the conclusion of the speech of any other Member move without notice that the question or part thereof be referred back to the Committee;

(3) On a motion referred to in paragraph (2)—

(i) the mover may speak for not more than five minutes;

- (ii) the seconder is not to speak other than to formally second; and
  - (iii) no other debate is to be allowed.
- (4) Where part of the recommendation is referred back to the Committee, the balance of the recommendation is to be dealt with otherwise in accordance with this subsection.
- (5) Where any matter is still under consideration by a Committee, that Committee may report to the Council for information purposes only and not for decision by the Council.

### 3.6.3 Recommendations may be Questioned

During the consideration of a recommendation or report of a Committee by the Council, a Member may, through the Presiding Member, question the Presiding Member of the Committee upon any matter arising directly out of or having relevance to the recommendation or report.

## 3.7 Amendments

### 3.7.1 Relevancy of Amendment

Every amendment is—

- (i) to be relevant to the motion to which it is moved; and
- (ii) not to have the effect of negating the motion.

### 3.7.2. Amendment to be Read

The Presiding Member may require any proposed amendment to be submitted in writing and read by the mover.

### 3.7.3 One Amendment at a Time

- (1) Only one amendment at a time is to be discussed.
- (2) Whenever an amendment is lost, another amendment may be moved before the original motion is put to the vote.
- (3) Where an amendment is carried, one further amendment to the original motion as amended, and no more may be moved.
- (4) In speaking to an amendment a Member may give notice of his intention to move a further amendment.

### 3.7.4 Amended Motion Treated as Original Motion

- (1) Where an amendment is carried, the original motion as amended is, for all purposes of subsequent debate, subject only to Subsection 3.7.3, to be treated as if it was the original motion.
- (2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

### 3.7.5 Recommendations become Decisions

Where the Council adopts a recommendation contained in a report, either with or without amendment or modification, the recommendation so adopted is to be deemed to be a decision of the Council.

## 3.8 Adjournment

### 3.8.1 Motion that Council Adjourn

- (1) A Member may—
  - (i) at the conclusion of the speech of any other Member; or
  - (ii) at the conclusion of any business;  
move without notice that the Council do now adjourn.
- (2) A motion seeking to adjourn the Council, is to state the time and date to which the adjournment is to be made.

### 3.8.2. Times for Speaking on Motion to Adjourn

- (1) On a motion to adjourn—
  - (i) the mover may speak for not more than five minutes;
  - (ii) the seconder is not to speak other than formally to second;
  - (iii) the mover of the motion (if any) which was then under debate may speak for not more than five minutes; and
  - (iv) no other debate is to be allowed;
- (2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

### 3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived, no similar motion is to be moved until—

- (i) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (ii) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

### 3.8.4 Restraint on Members Right to Move Adjournment

- (1) A Member who has spoken on the question then before the Council is not to move the adjournment of the Council.



- (2) A Member is not, at the same sitting of the Council, to move or second more than one motion for the adjournment of the Council.

### 3.8.5 Resumption of Debate after Adjournment of Meeting

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

### 3.8.6 Recording Speakers before Adjournment of Meeting

- (1) On a motion for the adjournment of the Council being carried, a record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.
- (2) Those Members to which paragraph (1) applies, are not to be permitted to speak on any subsequent consideration of the same subject.
- (3) This subsection does not deprive a mover of the right of reply.

### 3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried—

- (i) the Presiding Member is to adjourn the Council to the time and date specified in the motion; or
- (ii) where no time and date is specified, to a time and date determined by the Presiding Member.

### 3.8.8 Motion that Debate be Adjourned

A Member may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

### 3.8.9 Times for Speaking on Adjournment of Debate

- (1) On a motion that the debate be adjourned—
  - (i) the mover may speak for not more than five minutes;
  - (ii) the seconder is not to speak other than formally to second; and
  - (iii) the mover of the motion then under debate may speak for not more than five minutes.
- (2) If the question then before the Council is a recommendation from a Committee—
  - (i) the Presiding Member of the Committee concerned; or
  - (ii) in his or her absence, a Member thereof;may speak for not more than five minutes.

- (3) On a motion that the debate be adjourned, no debate is to be allowed other than that provided for in paragraphs (1) and (2).

- (4) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

### 3.8.10 Restraint on Member's right to move Adjournment of Debate

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

### 3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Member who moved its adjournment is entitled to speak first.

### 3.8.12 Recording Speakers Before Adjournment of Debate

- (1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.
- (2) Those Members to which paragraph (1) applies, are not to be permitted to speak on any resumption of the debate on that subject.
- (3) This sub-section does not deprive a mover of the right of reply.

## 3.9 Resumption After Counting Out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with Subsection 2.4.5.

## 3.10 Motion that the Question be Now Put

### 3.10.1 Moving Closure

- (1) A Member may, at the conclusion of the speech of any other Member move, without notice and without comment, that the question under consideration be now put.
- (2) Upon the motion referred to in paragraph (1) being formally seconded it is to immediately be put, without debate.

### 3.10.2 Restraint on Member's Right to Move Closure

- (1) A motion that the question under consideration be put is not to be moved by a Member who has already spoken on the question.
- (2) If any Member objects, the motion is not to be carried except by a majority of the Members present at the meeting.

### 3.10.3 Times for Speaking on Closure Motion

- (1) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration is, if the debate has occurred and if otherwise entitled to do so, to be permitted to speak in reply for not more than five minutes before the question is put.

(2) Thereafter the question is to immediately be put.

#### 3.10.4 The Question to be Put on a Closure

- (1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.
- (2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

### 3.11 Motion that Council Proceed to the Next Business

#### 3.11.1 Moving the "Next Business"

- (1) A Member may, at the conclusion of the speech of any other Member move, without notice and without comment, that the Council do proceed to the next business.
- (2) Upon the motion referred to in paragraph (1) being formally seconded, it is to be immediately put, without debate.

#### 3.11.2 Effect of a "Next Business" Decision

- (1) Where the Council decides to proceed to the next business, the question which was then under discussion is to be considered as lapsed.
- (2) The effect of a motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

#### 3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion is not to be moved within one hour after a similar motion has been negated.

### 3.12 Motion that the Meeting be now Closed

#### 3.12.1 Moving the Closure of the Meeting

A Member may, at the conclusion of the speech of any other Member or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

#### 3.12.2 Times for Speaking on Closure of Meeting

- (1) On a motion that the meeting of the Council be now closed—
  - (i) the mover may speak for not more than five minutes;
  - (ii) the seconder is not to speak other than formally to second;
  - (iii) the mover of the motion (if any) then under debate may speak for not more than five minutes; and
  - (iv) no debate other than that specified in this paragraph, is to be allowed.
- (2) The mover of a motion under debate speaking in opposition to the closure of the meeting is not thereby to lose the right of reply.

#### 3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negated, no similar motion is to be moved until—

- (i) after the conclusion of the question under discussion at the time the closure was moved; or
- (ii) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (iii) after the conclusion of any other business allowed precedence by the Council.

#### 3.12.4 Restraint on Member's Right to Move Closure of Meeting.

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

#### 3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the discussion on the question (if any) under debate when that motion was moved is to stand adjourned to its place on the Notice Paper for the next meeting of the Council.

#### 3.12.6 Recording Speakers Before Closure of Meeting

- (1) On a motion that the meeting be closed being carried:
  - (i) a record is to be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
  - (ii) those Members are not to be permitted to speak on any subsequent consideration of the same subject.
- (2) This subsection does not deprive a mover of the right of reply.

### 3.13 Motion to Revoke or Change a Decision

#### 3.13.1 At Same Meeting

The Council may at the same meeting at which it is passed, revoke or change a decision if all Members who were present in the meeting room at the time the decision was made are also present in the meeting room at the time the revocation or change is proposed.

**3.13.2 At Subsequent Meeting**

Subject to Regulation 10 of the Local Government (Administration) Regulations 1996, the Council may, at a meeting after that at which it was made, revoke or change a decision—

- (i) where notice of motion to revoke or change is not given, if a motion to that effect is carried by an absolute majority of the Members; or
- (ii) where the Member intending to propose the revocation or change has, through the CEO given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise.

**3.13.3 Terms of and Reasons for Revocation or Change to be Stated**

- (1) When making a motion to revoke or change a decision at the same meeting at which the decision was made or at a subsequent meeting without notice, the Member moving the motion is to state in clear terms—
  - (i) the terms of the motion to revoke or change a decision identifying the decision proposed to be revoked or changed; and
  - (ii) the reason or reasons for seeking the revocation or change.
- (2) The Presiding Member is not to accept a motion to revoke or change a decision which does not comply with the requirements in paragraph (1).

**3.13.4 Terms and Reasons to be Stated in Notice**

When giving notice of motion to revoke or change a decision the Member giving notice is to record in writing in clear terms—

- (i) the terms of the motion of identifying the decision proposed to be revoked or changed; and
- (ii) the reason or reasons for seeking the revocation or change.

**3.13.5 Notices Received During Same Meeting**

- (1) If the CEO receives a notice of motion to revoke or change a decision before the close of the meeting at which the decision was made—
  - (i) the CEO is to forthwith deliver the notice to the Presiding Member;
  - (ii) the Presiding Member is, at the earliest opportunity, to notify the meeting of the notice; and
  - (iii) thereafter, at the first available opportunity the Presiding Member is to bring on the motion before the close of the meeting.
- (2) If the CEO receives a notice of motion to revoke or change a decision after the closure of the meeting at which the decision was made, the CEO is to ensure that the motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the decision was made.

**3.13.6 Multiple Notices**

The CEO may receive more than one notice of motion to revoke or change the same decision.

**3.13.7 Absence of Mover or Seconder**

If a motion to revoke or change a decision fails to be considered by the Council by reason that at the time the motion is called on—

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council.

**3.13.8 No Revocation of Procedural Decision or a Decision to Revoke**

The Council or a Committee is not to entertain a motion to revoke or change a decision which is—

- (i) merely procedural in its form and effect; or
- (ii) is not supported in accordance with Section 10 of the Local Government (Administration) Regulations 1996.

**3.13.9 Repeated Revocations by the Same Member Prohibited**

If the Council, on a motion moved by any Member, decided not to revoke a decision, then the Council is not to subsequently entertain a motion moved by the same Member to revoke or change the same decision.

**3.14 Motion to Alter Decision****3.14.1 Revocation Provisions Apply to Alteration**

The provisions of this local law and the Local Government (Administration) Regulations 1996 relating to revoking and changing of decisions are to apply, so far as the context permits, to any motion to alter a decision.

**3.14.2 Motion to Alter Having Effect to Revoke**

If a motion to alter a decision in its form or effect would amount to a motion to revoke the decision, then it is to be treated as if it was a motion to revoke the decision.

### **3.15 Negatived Motion not to be Entertained within Three Months**

A motion to the same effect as any motion which has been decided in the negative by the Council is not again to be entertained within a period of three (3) months unless an absolute majority of the Members signify to the CEO in writing before a meeting their consent to the motion being entertained at that meeting.

### **3.16 Suspension of Standing Orders**

#### **3.16.1 Motion to Suspend**

- (1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made.
- (2) If a Member makes an objection to a motion to suspend a Standing Order, the motion is not to be declared carried unless it is agreed to by an absolute majority of the Members of the Council.

#### **3.16.2 No Discussion on Motion to Suspend**

A Member moving the suspension of Standing Orders is to state the object of the motion, but discussion is not otherwise to take place thereon.

#### **3.16.3 Only Specified Sections Suspended**

- (1) A Member moving the suspension of Standing Orders under this section is to state the specific section or sections of the Standing Orders sought to be suspended.
- (2) Only the sections nominated in paragraph (1) are to be affected by any decision to suspend Standing Orders under this section.

## **PART IV—COMMITTEES**

### **4.1 Appointment of Committees**

#### **4.1.1 Committees**

The Council may from time to time appoint Members to such Committees as it deems necessary.

#### **4.1.2 Duties of Committees**

- (1) The functions and duties of Committees are to be such as the Council from time to time defines.
- (2) Subject to the provisions of section 5.10(4) of the Act, the Mayor may elect to be a Member of any Committee.

#### **4.1.3 Term of Appointment**

Subject to the provisions of Subsection 4.5.4, the Members of each Committee are to hold office until the commencement of the first meeting after the Ordinary Elections then next ensuing or until the expiration of their terms of office as Councillor or by resignation, whichever first occurs.

### **4.2 Specific Purpose Committees**

#### **4.2.1 Appointment of Specific Purpose Committees**

The Council may appoint Specific Purpose Committees to perform any duty or duties which may be lawfully entrusted by it to a Committee.

#### **4.2.2 Committee Not to Interfere**

A Committee is not to interfere in any matter which has for the time being been entrusted to another Committee.

#### **4.2.3 Details of Appointment**

Any Specific Purpose Committee is not to be appointed except on a motion setting out—

- (i) the names of the Members, employees or other persons of whom it is intended to constitute the Committee; or
- (ii) the number of persons intended to constitute the Committee and a provision that they be elected by a separate motion;
- (iii) the purpose or purposes for which the Specific Purpose Committee is established.

#### **4.2.4 Review of Specific Purpose Committees**

The Council is to review the desirability of continuing any Specific Purpose Committee at the first meeting of the Council following each ordinary election day.

### **4.3 Advisory and Management Committees**

#### **4.3.1 Appointment of Advisory and Management Committees**

Whenever the Council thinks fit it may appoint persons whether Council Members or not, to an Advisory Committee, or as a Management Committee to perform any duty which may be lawfully entrusted to a Committee.

### **4.4 Meetings**

#### **4.4.1 Calling Meeting of Committee**

- (1) The CEO is to call a meeting of any Committee when requested so to do by—
  - (i) the Mayor; or
  - (ii) the Presiding Member of the Committee if the Mayor is not Presiding Member; or
  - (iii) any two Members whether Council Members or other persons appointed to that Committee;

- (2) The CEO is to give notice of the meeting referred to in paragraph (1) to every Member of the Council.

#### 4.4.2 Open Committee Meetings

Meetings of Standing and Specific Purpose Committees are to be open to the public except on such occasions as the Committee, by decision, decides otherwise.

#### 4.4.3 Councillor attending Committee as Observer

- (1) The Mayor or a Councillor may attend as an observer at meetings of a Standing or Specific Purpose Committee notwithstanding that that person is not a Member of that Committee.
- (2) The Mayor or a Councillor attending a Committee meeting as an observer may speak with the leave of the Committee, but is not to vote on any question before the Committee unless the person is a deputy of a Member excluded from a meeting due to a financial interest or absent for other reasons.
- (3) Subject to the preceding subsection the Mayor or Councillor attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

#### 4.4.4 Quorum of Committee

The quorum for a meeting of a Committee is at least 50% of the number of offices (whether vacant or not) of Member of the Committee. (Section 5.19).

#### 4.4.5 Failure of Quorum

- (1) Every meeting of a Committee is to proceed to business as soon after the time stated in the Agenda as a quorum is constituted.
- (2) If a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting is to take place.
- (3) Where a meeting lacks a quorum after 30 minutes, the meeting is to stand adjourned until the day and time fixed for the next Ordinary meeting of the Committee, unless the Presiding Member convenes a Special meeting of the Committee for the transaction of the business standing adjourned.

#### 4.4.6 Voting by Committees

The decision of a Committee on a question is that decided by a majority of the Members present, including the Presiding Member who has deliberative vote, and who in the case of an equal division of votes has a casting vote. (Section 5.21).

### 4.5 General

#### 4.5.1 Composition of Committees

- (1) The number of Members of a Committee is to be decided upon by the Council at the time of appointment of the Committee. The number of Members of a Standing or Specific Purpose Committee, is to be not less than three (3) Members. (Section 5.8).
- (2) The Council may appoint a Member or Members thereof to be the deputy or deputies, as the case may be, to act on behalf of a Member of any Committee whenever that Member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (3) Where a Member of a Standing or Specific Purpose Committee does not attend a meeting thereof any deputy of that Member is, subject to paragraph (4) hereof entitled to attend that meeting in place of the Member and act for the Member, and while so acting has all the powers of that Member.
- (4) A deputy who is one of two or more deputies of a Member of a Standing or Specific Purpose Committee is not entitled to attend a meeting of the Committee in place of that Member if the meeting is attended by another deputy of that Member who has precedence over that deputy in the order of seniority determined under paragraph (2).
- (5) A person who is a Member of a Standing or Specific Purpose Committee is not eligible to be appointed a deputy for a Member of that Standing or Special Purpose Committee.

#### 4.5.2 Presiding Member of Committees

- (1) Subject to the Act and these Standing Orders, at the first meeting of a Committee held after the appointment of the Committee, the Members of the Committee are to elect a Presiding Member in accordance with Section 5.12 of the Act;
- (2) Subject to the Act and these Standing Orders, a Committee may elect a deputy Presiding Member in accordance with Section 5.12(2) of the Act.

#### 4.5.3 Delegation of Powers to Committees

Subject to the provisions of Sections 5.16, 5.17 and 5.18 of the Act, the Council may delegate to a Committee any of its powers and duties, other than this power of delegation.

#### 4.5.4 Council may Change Membership

- (1) The Council may subject to the provisions of Section 5.11 of the Act—
  - (i) by decision carried pursuant to a notice of motion, by a simple majority; or
  - (ii) on a motion moved without notice by an absolute majority;change the membership of any Committee or appoint a substitute for a Member absent pursuant to leave granted by the Council, while that Member is absent.
- (2) The Council may resolve that a Committee be reconstituted and upon such reconstitution, the new Committee is to elect its Presiding Member.

#### 4.5.5 Standing Orders to Apply

- (1) These Standing Orders are to be observed at meetings of Committees except Section 3.3.4 which limits the number of times a Member may speak.
- (2) For the purpose of this subsection, reference to the Mayor in Parts II to V inclusive are, where the context permits, to be read as a reference to the Presiding Member of a Committee.

#### 4.5.6 Committees to Report

Committees are answerable to the Council and are to—

- (i) report regularly to Ordinary Meetings of the Council;
- (ii) report to the Council fully on their activities when required by the Council to do so.

#### 4.5.7 Unfinished Business of Former Committees

Committees may take up matters referred by the Council to the preceding Committee which may not have been fully discharged at the time such Committee went out of office or was disbanded.

#### 4.5.8 Appointment of Sub-Committees

A Committee may appoint a Sub-Committee of its Members for the purpose of providing advice and recommendations to that Committee on particular issues.

#### 4.5.9 Papers for Committee Meeting to be given to all Members of Council.

When a meeting of any Committee is called the agenda for the meeting together with copies of all officers' reports relating to matters on the agenda for that meeting are to be forwarded to all Members of the Council, except those on leave of absence.

#### 4.5.10 Minutes of Committees

- (1) The Presiding Member of each Committee is to ensure that a Minute Book is kept in which are to be entered minutes of all its proceedings and transactions (Section 5.22).
- (2) The CEO is to assist the Presiding Member in carrying out his or her responsibility in paragraph (1), together with providing administrative support in the preparation of meeting agendas and dealing with correspondence.

#### 4.5.11 Communications by Committees

No Committee is to communicate with any outside person or authority except through the CEO, as the officer of the Council duly authorised for the purpose.

#### 4.5.12 Resignation of Seat on Committee

- (1) Any Member of a Committee may resign his or her seat on the Committee by notice in writing signed by him or her and addressed to the CEO (Section 5.11).
- (2) When the notice referred to in paragraph (1) is delivered to the CEO, his or her seat on the Committee is to become vacant.
- (3) The Council may from time to time fill a vacancy on a Committee.

### PART V—GENERAL

#### 5.1 Election of Deputy Mayor

- (1) At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their number to the office of Deputy Mayor who is to hold that office until the day after polling day of the next ordinary Election.
- (2) An election for the office of Deputy Mayor shall be conducted in accordance with Section 2.15 of the Act and Schedule 2.3 of Division 2.

#### 5.2 Representation on Statutory Authorities/Public Bodies

##### 5.2.1 CEO to Refer Invitation

Correspondence inviting the Council to submit nominations for appointment to statutory authorities or public bodies is to be referred by the CEO to the Council, or if applicable, a Committee considered appropriate by the CEO.

##### 5.2.2 Committee to Make Recommendation

Where such correspondence is referred to a Committee, the Committee is to consider the matter and by decision refer the business with its recommendations to the Council.

##### 5.2.3 Obligations of Delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the decisions, policies and practices of the Council.

#### 5.3 Electors Meetings

##### 5.3.1 Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of ratepayers or electors, but where there is any inconsistency between the provisions of this local law and the provisions of Section 5.31 of the Act, the latter prevail.

##### 5.3.2 Restriction on Voting and Speaking

- (1) No person shall vote at a meeting of ratepayers or electors unless his or her name is on the current Electoral Roll.

- (2) Any person who is not a ratepayer or an elector may not take part in any discussion at that meeting unless the Mayor or the meeting, by a motion, requests him or her to do so.
- (3) The Mayor may require questions to be submitted in writing.
- (4) All questions if answered at the meeting shall be answered by the Mayor or with the permission of the Mayor by a Councillor or an Officer of the Council.
- (5) If any question cannot readily be answered at the meeting the answer shall be given in writing by the Council as soon as reasonably practicable thereafter.
- (6) If required by the Mayor the mover of a motion shall submit the motion in writing.
- (7) The Mayor may close a meeting when the Mayor decides to do so.
- (8) Subject to the Act and to this local law the conduct of a meeting of ratepayers or electors shall be at the sole discretion of the Mayor.

#### **PART VI—OFFICERS OF THE MUNICIPALITY**

##### **6.1 Complaints by Members**

If any Member has any complaint concerning the ability, character or integrity of any officer or employee of the Council, or of any act or omission of such officer or employee, and desires to bring such complaint to the notice of the Council, the Member is to notify the CEO of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the CEO.

##### **6.2 Right of Reply**

If a complaint or criticism is made concerning an officer or employee of the Council, whether by a Member or any other person, that officer or employee may reply to the complaint or criticism either in writing to the Mayor or, with the consent of the Council, to the Council itself.

#### **PART VII—MISCELLANEOUS**

##### **7.1 Breach of Standing Orders**

Any person committing a breach of these Standing Orders is liable upon conviction to a penalty not exceeding \$5000.

##### **7.2 Presiding Member to Ensure Compliance**

The Presiding Member is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

##### **7.3 Council May Take Action**

The Council may take proceedings under Part 9 of the Act against any person committing a breach of these Standing Orders.

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This local law was made by the Cambridge Town Council at an Ordinary Meeting held on the 26th day of August 1997 and the Common Seal was affixed in the presence of—

ROSS J. WILLCOCK JP,  
His Worship The Mayor,  
Town of Cambridge.

GRAHAM D. PARTRIDGE,  
Chief Executive Officer,  
Town of Cambridge.

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