



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

495



PERTH, THURSDAY, 29 JANUARY 1998 No. 17 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

LOCAL GOVERNMENT ACT 1995

**TOWN OF CLAREMONT
LOCAL LAW—
STANDING ORDERS**

LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

LOCAL LAW—STANDING ORDERS

ARRANGEMENT

1. INTERPRETATIONS AND STANDING ORDERS

- 1.1 Standing Orders
- 1.2 Interpretations

2. MEETINGS—NOTICE AND BUSINESS

- 2.1 Notice of Meetings—Members to Receive Notice
- 2.2 Special Meetings
- 2.3 Meetings to be Open—excepted as provided
- 2.4 Business to be Specified on Notice Paper
- 2.5 Specified Papers
- 2.6 Papers Relating to Matter Under Discussion
- 2.7 Objectionable Business

3. MEETINGS—QUORUM

- 3.1 Quorum at Meetings
- 3.2 Absence of Quorum

4. MEETINGS—MINUTES

- 4.1 Recording and Reading of Minutes
- 4.2 Confirmation of Minutes

5. MEETINGS—ORDER OF BUSINESS

- 5.1 Ordinary Meeting—Order of Business

6. MEETINGS—PUBLIC CONDUCT

- 6.1 Admission and Removal of the Public

7. ROLE OF THE MAYOR

- 7.1 Mayor to Preside at Meetings of Council
- 7.2 Directions by the Mayor
- 7.3 The Mayor to Take Part in Debates
- 7.4 Precedence of Mayor
- 7.5 Dissent With the Mayor's Ruling

8. QUESTIONS

- 8.1 Questions of Which Due Notice Has to be Given
- 8.2 Questions Not to Involve Argument or Opinion

9. PETITIONS

- 9.1 Petitions and Memorials—Petitions to be in Writing
- 9.2 Presentation of Petitions
- 9.3 Responsibility of Member Presenting Petition
- 9.4 Procedure of Petitions

10. NOTICES OF MOTION

- 10.1 Notices of Motion—Ordinary and Extraordinary Business
- 10.2 Motion to Lapse

11. CONDUCT OF MEMBERS

- 11.1 Official Titles to be Used
- 11.2 Members to Occupy Own Seats
- 11.3 Debate—Maintenance of Order, Imputations, Offensive Expressions
- 11.4 Confidentiality

12. CONDUCT OF MEMBERS DURING DEBATE

- 12.1 Members to rise
- 12.2 Priority
- 12.3 Relevance
- 12.4 Limitation of Number of Speeches
- 12.5 Limitation of Duration of Speeches
- 12.6 Members Not to Speak After Conclusion of Debates
- 12.7 Irrelevance, Repetition, Imputations, Offensive Expressions
- 12.8 Members Not to Interrupt
- 12.9 Members Repeatedly Called to Order
- 12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order
- 12.11 Withdrawal While a Member's Conduct is Under Consideration
- 12.12 Leaving Meetings
- 12.13 Alcohol

13. PROCEDURES FOR DEBATE OF MOTIONS

- 13.1 Motions To be Read
- 13.2 To be Seconded
- 13.3 Only One Substantive Motion Considered
- 13.4 Order of Call in Debate
- 13.5 Limit of Debate
- 13.6 Seconder Requesting Right to Speak

14. PROCEDURAL MOTIONS

- 14.1 Permissible Procedural Motion
- 14.2 Procedural Motions Not Required in Writing
- 14.3 Procedural Motions—Right of Reply
- 14.4 Procedural Motions—Right of Reply on Substantive Motion

15. EFFECT OF PROCEDURAL MOTIONS

- 15.1 That the Council Proceed to the Next Business—Effect of Motion
- 15.2 That the Question be Adjourned—Effect of Motion
- 15.3 That the Council do Now Adjourn—Effect of Motion
- 15.4 That the Question be Now Put—Effect of Motion
- 15.5 That the Question be Not Now Put—Effect of Motion
- 15.6 That the Ruling of the Mayor be Disagreed With—Effect of Motion
- 15.7 That the Motion Lie on the Table—Effect of Motion
- 15.8 That the Council Meet Behind Closed Doors—Effect of Motion
- 15.9 That the Question be Referred back to Committee—Effect of Motion

16. DECISION MAKING PROCEDURES

- 16.1 Voting and Decisions—Majority to Determine
- 16.2 Method of Taking Vote
- 16.3 All Members to Vote
- 16.4 Breaking Down of Complex Questions
- 16.5 Member May Require Questions to be Read
- 16.6 Order of Amendments
- 16.7 Substantive Motion
- 16.8 Repetition of Motions
- 16.9 Consent of Seconder Required to Accept Alteration of Wording
- 16.10 Withdrawal of Motion and Amendments
- 16.11 Right of Reply
- 16.12 Right of Reply Provisions
- 16.13 Motions and Amendments—to be in Writing
- 16.14 Amendments to be Relevant
- 16.15 Amendments Must Not Negate Original Motion
- 16.16 Mover of Motion May Speak on Amendment
- 16.17 Question—When Put
- 16.18 Question—Method of Putting
- 16.19 Recording of Votes
- 16.20 Revoking and Changing Decisions

17. POINTS OF ORDER

- 17.1 Points of Order—When to Raise—Procedure
- 17.2 Points of Order—Definitions
- 17.3 Points of Order—Ruling
- 17.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved
- 17.5 Points of Order—Motion Against Ruling Procedure
- 17.6 Points of Order Take Precedence

18. ADJOURNMENT OF MEETING

- 18.1 Meeting May be Adjourned
- 18.2 Notice of Adjourned Meeting
- 18.3 Business at Adjourned Meeting

- 18.4 Limit to Moving Adjournment of Council
- 18.5 Unopposed Business—Motion for Adjournment of Council
- 18.6 Withdrawal of Motion for Adjournment of Council

19. PERSONAL EXPLANATION

- 19.1 Personal Explanation

20. COMMITTEES OF COUNCIL

- 20.1 Committees
- 20.2 Unfinished Business of Former Committees
- 20.3 Duration of Committees
- 20.4 Powers and Duties of Committees
- 20.5 Election of Committee Presiding Member
- 20.6 Alteration of Reference
- 20.7 Resignation of Seat on Committee
- 20.8 Absence From Committee Meetings
- 20.9 Effect of Vacancy
- 20.10 Reporting Vacancies
- 20.11 Quorum
- 20.12 Decisions in Committees
- 20.13 Minutes of Committees—Numbered Items
- 20.14 Procedure of Report of Committees
- 20.15 Moving Adoption of Recommendations of Committees
- 20.16 Deputy Presiding Member to Present Report When Mayor is Presiding Member of Committee
- 20.17 Withdrawal, Correction and Amendments of Committees
- 20.18 Non—Related Resolutions on Reports of Committees
- 20.19 Recommendations of Committees—Questions
- 20.20 Recommendations of Committees—Inspection of Plans
- 20.21 Conference of Committees
- 20.22 Committee Procedure
- 20.23 Rights and Responsibilities of Councillors Who are Not Committee Members
- 20.24 Standing Orders To Apply To Committees

21. ADMINISTRATIVE MATTERS

- 21.1 Suspension of Standing Orders
- 21.2 Penalty for Breach of Standing Orders
- 21.3 Enforcement of Standing Orders
- 21.4 Duty of CEO

LOCAL GOVERNMENT ACT 1995

TOWN OF CLAREMONT

LOCAL LAW—STANDING ORDERS**1. INTERPRETATIONS AND STANDING ORDERS****1.1 Standing Orders**

The proceedings and business of the council shall be conducted according to this local law.

1.2 Interpretations

The following interpretations should be used in these standing orders, unless the context otherwise requires:

“Act” means the Local Government Act, 1995 and amendments and successors;

“Clause” means a clause of these standing orders;

“Committee” means any committee appointed in accordance with the provisions of the Act;

“Council” means the council of the Town of Claremont;

“Mayor” includes the Deputy Mayor in the absence of the Mayor, and any councillor chosen to preside at any meeting of the council in the manner prescribed by the Act;

“Meeting” includes any Ordinary or Special Meeting of the council or any other meeting held in accordance with the Act properly convened as the Act requires;

“Member” means the Mayor or a councillor, or in the case of a committee, a member of the committee;

“CEO” means the Chief Executive Officer or acting Chief Executive Officer of the Town;

Where no definition is given in this local law, the terminology is to be taken to be in accordance with the Act and Regulations.

2. MEETINGS—NOTICE AND BUSINESS**2.1 Notice of Meetings—Members to Receive Notice**

Before any ordinary of the council a notice signed by the CEO, stating the place, date and hour of holding the meeting and specifying the business to be transacted with supporting documentation, shall be transmitted by post, or otherwise left or delivered to each member of the council, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any member may request by notice in writing to the CEO.

2.2 Special Meetings

The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

2.3 Meetings to be Open—excepted as provided

2.3.1 All council meetings and meetings of any committee to which council has delegated a local government power or duty, are open to members of the public, except when dealing with confidential matters as provided by the Act (S5.23)

2.3.2 All matters considered or discussed behind closed doors shall be treated as strictly confidential and shall not, without the authority of the council or committee (as the case may be) be disclosed to any person other than the Mayor, councillors, or employees of the council (and in the case of employees only so far as may be necessary for the performance of their duties).

2.4 Business to be Specified on Notice Paper

No business shall be transacted at any meeting of the council or committee other than that specified in the notice without approval of the Mayor or the approval of an absolute majority of councillors present determined by vote.

2.5 Specified Papers

Any member may, in writing addressed to the CEO and delivered to the office of the CEO at least eight (8) hours before any meeting of the council, or of any committee of the council request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

2.6 Papers Relating to Matter Under Discussion

At any meeting of the council, or of any committee of the council, the Mayor or any member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clauses shall be given. In the event of notice not having been given, the proceedings of the council shall not be unreasonably delayed while documents are obtained.

2.7 Objectionable Business

If the Mayor at any meeting of the council is of the opinion that any motion or business proposed is of an objectionable nature, the Mayor may, either before or after the matter is brought forward, declare that it shall not be considered.

2.7.1 Any member of the council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the Mayor shall stand.

3. MEETINGS—QUORUM

3.1 Quorum at Meetings

The procedure if a quorum is not present is dealt with in the Regulations.

3.2 Absence of Quorum

3.2.1 The meeting which is to be adjourned is not to be more than fourteen days from the date of the adjournment.

3.2.2 At any time during any meeting any councillor or the CEO may call the attention of the Mayor to the fact that a quorum is not present. The presiding Member shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out and the Presiding Member shall adjourn it to some future time not more than seven (7) days from the date of adjournment.

4. MEETINGS—MINUTES

4.1 Recording and Reading of Minutes

4.1.1 Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.

4.1.2 Reading of the minutes of a previous meeting may be dispensed with provided that a copy of those minutes has been supplied to each member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

4.2 Confirmation of Minutes

The minutes of any preceding meeting or meetings as described in the Act, not previously confirmed, shall be submitted for confirmation as the first business at all meetings of the council or committee, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. Each page of the minutes shall then be initialled and dated by the Mayor or person presiding over the meeting as prescribed by the Act, except that the last page of the minutes must receive a full signature and date. The minutes, when confirmed, shall not be altered, except by resolution after notice given in accordance with the Act.

5. MEETINGS—ORDER OF BUSINESS

5.1 Ordinary Meeting—Order of Business

- (a) Confirmation of Minutes;
- (b) Apologies and leave of absence;
- (c) Declarations of interest;
- (d) Announcements by the Mayor without discussion;
- (e) Reception of questions and related statements limited to a total of fifteen (15) minutes of duration, except by consent of the Mayor. Each speaker will be limited to three minutes duration to speak except by consent of the Mayor;
- (f) Questions of which due notice has been given without discussion;
- (g) A report by the CEO to include items requiring attention of council not included in standing committee minutes;
- (h) The reception of petitions and memorials;
- (i) The reception of minutes or reports or recommendations of committees held since the previous meeting of council;
- (j) Motions of which previous notice has been given;
- (k) Any other business the reception of which has been approved according to Clause 2.4 of these standing orders.

6. MEETINGS—PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 The public are admitted to the council chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the council shall take place. In the event of any such interruption, the Mayor may use discretion and without a vote of the council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the council chamber. This direction by the Mayor may not be challenged by moving dissent with the ruling and the Mayor's ruling is final.

6.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of the business of the council who does not withdraw immediately upon being called by the Mayor to withdraw from the council chamber may, by order of the Mayor, be removed from the council chamber.

7. ROLE OF THE MAYOR

7.1 Mayor to Preside at Meetings of Council

The Mayor, if present, shall preside at all meetings of the council and in the Mayor's absence, the Deputy Mayor shall preside. If the Deputy Mayor is not present, then one of the councillors chosen by the councillors then present shall preside.

7.2 Directions by the Mayor

7.2.1 At any meeting of the council the Mayor shall have the right to direct attention to any matter of interest or relevance to the business of the council or propose a change to the order of business.

7.2.2 Any councillor may move that a change in order of business proposed by the Mayor not be accepted and if carried by a majority of councillors present, the proposed change in order will not take place.

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

7.3 The Mayor to Take Part in Debates

Subject to the provisions of these standing orders, the Mayor may take part in a discussion upon any question before the council, provided that in accordance with these standing orders, the Mayor may only speak once and provided that this is done before the right of reply is exercised.

7.4 Precedence of Mayor

When the Mayor speaks during the progress of a debate, any member of the council then speaking, or offering to speak, shall immediately sit down. This clause should not be used by the Mayor to exercise the right provided in Clause 7.3, but should be used to preserve order.

7.5 Dissent With the Mayor's Ruling

Except where expressly denied in these standing orders or the Act, a member of the council may move a procedural motion to disagree with a ruling given by the Mayor. The Mayor must immediately call for a seconder and put the motion without debate.

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

8.1.1 Any councillor seeking to ask a question at any meeting of the council shall give written notice of the specific question to the CEO at least four (4) hours before the hour fixed for the commencement of the meeting. The CEO may refer questions to the Mayor for determination by the Mayor under clause 7.2.3 when the CEO believes questions may be considered out of order.

8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

9. PETITIONS

9.1 Petitions and Memorials—Petitions to be in Writing

Any petition to be submitted to the council shall be in writing or typewritten, and be authenticated by the signature of the member of the council or the CEO presenting it.

9.2 Presentation of Petitions

Upon presentation of a petition the member or CEO presenting the petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

9.3 Responsibility of Member Presenting Petition

It shall be incumbent on the member of the council or the CEO when presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the council.

9.4 Procedure of Petitions

The only question which shall be considered by the council on the presentation of any petition shall be:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full council.

10. NOTICES OF MOTION

10.1 Notices of Motion—Ordinary and Extraordinary Business

Councillors may bring forward business in the form of written motion, of which notice shall be given in writing to the CEO, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter up to three (3) clear days before the publication of the business paper for the meeting at which the notice of motion is to be considered.

10.2 Motion to Lapse

A motion shall lapse unless the member who gave notice is present, unless another councillor is willing to move the motion when it is called.

11. CONDUCT OF MEMBERS

11.1 Official Titles to be Used

Members of the council shall speak of each other in the council during the transaction of business by their respective titles of Mayor or councillor. Members of the council, in speaking of or addressing officers, shall designate them by their respective official titles.

11.2 Members to Occupy Own Seats

Dispute over seating arrangements shall be settled by the CEO. When a seat has been allotted the councillor will occupy the seat allocated.

11.3 Debate—Maintenance of Order, Imputations, Offensive Expressions

11.3.1 No member of council may impute motives or use offensive or objectionable expressions in reference to any member, officer of the council, or any other person.

11.3.2 Any member of council may require the CEO to take down any particular words used by a member immediately upon their being used

11.4 Confidentiality

11.4.1 Any report which is classified as "Confidential" by the CEO under Regulation shall be treated as strictly confidential and shall not, without the authority of the council, be disclosed to any person other than the Mayor, Members, CEO or other Officers of the council as authorised by the CEO.

11.4.2 All discussions and proceedings and every matter dealt with by or brought before the council sitting otherwise than with open doors, shall be treated as strictly confidential and shall not, without the authority of the council, be disclosed to any person other than the Mayor, members, Chief Executive Officer prior to discussion of that matter at a meeting of the council held with open doors.

11.4.3 All discussions, proceeding and every matter dealt with by or brought or to be brought before any committee of the council sitting otherwise than with open doors shall be treated as strictly confidential and shall not without the authority of the council or a committee be disclosed to any person other than the Mayor, Members, CEO or other Officers of the council as authorised by the CEO.

12. CONDUCT OF MEMBERS DURING DEBATE

12.1 Members to rise

Every member of the council wishing to speak shall indicate by standing. When invited by the Mayor to speak, members shall address the council through the Mayor, provided that any member of the council unable conveniently to stand by reason of sickness or infirmity shall be permitted to sit while speaking.

12.2 Priority

In the event of two or more members of the council wishing to speak at the same time, the Mayor shall decide which member is entitled to be heard. The decision shall not be open to discussion or dissent.

12.3 Relevance

Each member of the council shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

12.4 Limitation of Number of Speeches

No member of the council shall address the council more than once on any motion or amendment before the council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

12.5 Limitation of Duration of Speeches

All addresses shall be limited to a maximum of ten (10) minutes. One extension of time for a further five (5) minute period may be permitted with the agreement of the majority of members present.

12.6 Members Not to Speak After Conclusion of Debates

No member of the council may speak to any question after it has been put by the chair.

12.7 Irrelevance, Repetition, Imputations, Offensive Expressions

12.7.1 The Mayor may call the attention of the council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the council, and may direct the councillor, if speaking to discontinue the speech, and the councillor shall then cease speaking and sit down.

12.7.2 A councillor may call the attention of the Mayor to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of member of the council, and may call upon the Mayor to direct the councillor to cease speaking and sit down.

12.7.3 If after a councillor has drawn the attention of the Mayor according to Clause 12.7.2, a councillor continues without alteration, a councillor may move that the councillor ceases to speak. Upon moving this motion the Mayor must immediately call for a seconder, but there shall be no debate. If carried by a majority of councillors present, the councillor may take no further part in debate on the question before the meeting.

12.8 Members Not to Interrupt

No member of the council shall interrupt another member of the council unless:

- (a) to raise a point of order; or
- (b) to call attention to the absence of a quorum.

12.9 Members Repeatedly Called to Order

Any member of the council who converses aloud, or makes any noise, or disturbance after being called to order by the Mayor, or who wilfully obstructs or interrupts the orderly conduct of business shall, upon the request of the Mayor, withdraw from the council chamber and, in the event of the member persistently disregarding the authority of the Presiding member and not withdrawing when requested, may by order of the Mayor be removed from the council chamber for the remainder of the sitting.

12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order

If a meeting ceases to operate in an orderly manner, the Mayor may use discretion to adjourn the meeting for a period of fifteen minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any member of council. Upon resumption, debate will continue at the point at which the meeting was adjourned.

12.11 Withdrawal While a Member's Conduct is Under Consideration

When the conduct of any member of the council is questioned, that member shall, after hearing the charge and giving an explanation, withdraw from the council chamber until the council has considered the case.

12.12 Leaving Meetings

After a meeting of the council or any of its committees has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without acknowledgement from the Presiding Member

12.13 Alcohol

Consumption of alcohol in council or committee meetings is prohibited

13. PROCEDURES FOR DEBATE OF MOTIONS**13.1 Motions To be Read**

Any member of the council who intends to submit a substantive motion or amendment to a substantive motion shall read the text before speaking to it.

13.2 To be Seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded except in committees where clause 20.21 applies.

13.3 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting of the council, no further substantive motion shall be accepted.

13.4 Order of Call in Debate

The Mayor will call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) Where there is no speaker against the motion the Mayor shall put the motion;
- (f) A speaker against the motion;
- (g) A speaker for the motion;
- (h) Other speakers against and for the motion, alternating in view; if any;
- (i) Mover takes right of reply which closes debate.

13.5 Limit of Debate

The Mayor may offer the right of reply and put the motion to the vote if the Mayor believes sufficient discussion has taken place even though all councillors may not have spoken.

13.6 Secunder Requesting Right to Speak

A seconder may request the right to speak at a later time in debate, however, the moving of any procedural motion which will close debate, or any amendment to the substantive motion will automatically deny the seconder the right to speak to the substantive motion.

14. PROCEDURAL MOTIONS

14.1 Permissible Procedural Motion

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a councillor to move the following procedural motions:

- (a) That the council proceed to the next business;
- (b) That the question be adjourned;
- (c) That the council do now adjourn;
- (d) That the question be now put;
- (e) That the question be not now put;
- (f) That the council moves into a committee of the whole;
- (g) That the councillor be no longer heard;
- (h) That the ruling of the Mayor (or person chairing the meeting) be disagreed with;
- (i) That the motion lie on the table;
- (j) That the council meet behind closed doors;
- (k) That the question be referred back to committee

14.2 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

14.3 Procedural Motions—Right of Reply

There shall be no right of reply on any procedural motion.

14.4 Procedural Motions—Right of Reply on Substantive Motion

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

15. EFFECT OF PROCEDURAL MOTIONS

15.1 That the Council Proceed to the Next Business—Effect of Motion

This motion, having been carried, will cause the debate to cease immediately and for the council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

No seconder shall be required for this motion

15.2 That the Question be Adjourned—Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

A seconder shall be required for this motion.

15.3 That the Council do Now Adjourn—Effect of Motion

This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned unless the Mayor or the majority of the councillors upon vote, determine otherwise.

A seconder shall be required for this motion.

15.4 That the Question be Now Put—Effect of Motion

15.4.1 This motion having been carried during discussion on a substantive motion without amendment, will cause the Mayor to offer the right of reply and then immediately put the question under consideration without further debate.

15.4.2 This motion, having been carried during discussion on an amendment, will cause the Mayor to put the amendment to the vote without further debate.

15.4.3 This motion, having been lost, will allow the debate to continue.

15.4.4 No seconder shall be required for this motion.

15.5 That the Question be Not Now Put—Effect of Motion

15.5.1 This motion, having been carried during discussion either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.

15.5.2 This motion, having been lost, will cause the Mayor to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

15.5.3 A seconder shall be required for this motion.

15.6 That the Ruling of the Mayor be Disagreed With—Effect of Motion

15.6.1 This motion, having been carried, will cause the ruling of the Mayor about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

15.6.2 Where the Mayor has given a ruling in strict accordance with the Act, this motion may not be moved.

15.6.3 Where the Mayor has adjourned the meeting in accordance with Clause 12.10 of these standing orders, this motion may not be moved.

15.7 That the Motion Lie on the Table—Effect of Motion

15.7.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

15.7.2 Any councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

15.7.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these standing orders.

15.8 That the Council Meet Behind Closed Doors—Effect of Motion

In accordance with the Act, this motion, if carried, will cause the general public and any officers or employees the council determines, to leave the room.

15.9 That the Question be Referred back to Committee—Effect of Motion

Where the question before the council is a recommendation from a committee of the council, a councillor may at the conclusion of the speech of any other councillor, move without notice that the question be referred back to a committee; and on any such motion, the mover may speak for not more than five minutes, the seconder shall not speak, other than formally to second and the Chairman of the committee concerned, or in his absence a member thereof, may speak for not more than five minutes, but no other debate shall be allowed.

16. DECISION MAKING PROCEDURES

16.1 Voting and Decisions—Majority to Determine

All acts of the council, and all questions coming before the council, may be decided by a simple majority of the members of the council present within the council chamber, and voting, at a properly constituted meeting, unless otherwise provided for in these standing orders or the Act.

16.2 Method of Taking Vote

The Presiding Member, shall, in taking the vote of any motion or amendment, put the question, first in the affirmative and then in the negative, and may do so as often as is necessary to enable him to form and declare an opinion as to whether the affirmative or the negative has the majority by a show of hands.

16.3 All Members to Vote

At every meeting of the council or a committee every member present shall vote except where the Act otherwise provides and if any member who is entitled to vote fails to vote, the Presiding Member shall call on the member to vote.

If the votes of members present at council or a committee meeting are equally divided, the Presiding Member may cast a second vote.

In the event that the Presiding Member does not cast a second vote, the matter shall be referred to the next meeting of the relevant standing committee.

16.4 Breaking Down of Complex Questions

The Presiding Member may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

16.5 Member May Require Questions to be Read

Any member of council 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 whilst speaking.

16.6 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

16.7 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the council upon which any other member may speak and any further amendment may be moved.

16.8 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of the council.

16.9 Consent of Secunder Required to Accept Alteration of Wording

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

16.10 Withdrawal of Motion and Amendments

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

16.11 Right of Reply

16.11.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member of the council shall speak on the question.

16.11.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

16.12 Right of Reply Provisions

The right of reply shall be governed by the following provisions:

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion of the motion;
- (b) Once the right of reply has been taken, there can be no further discussion, nor any amendment and the substantive motion as amended is immediately put to the vote;
- (c) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments;
- (d) The mover of any amendment does not have the right of reply.

16.13 Motions and Amendments—to be in Writing

Every substantive motion or amendment, but not procedural motions, shall be written and shall be signed by the proposer and provided to the Presiding Member and the CEO immediately upon being seconded.

16.14 Amendments to be Relevant

Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted, added or altered.

16.15 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

16.16 Mover of Motion May Speak on Amendment

If the mover of the original motion speaks to the amendments this does not serve to close the debate or to bar the subsequent right of reply to the debate on the motion, provided that the mover indicates that he or she intends speaking only to the amendment and that the mover's remarks are confined to it.

16.17 Question—When Put

When the debate upon any question is concluded and the right of reply has been exercised the Presiding Member shall immediately put the question to the council, and, if so desired by any member of the council, shall again state it.

16.18 Question—Method of Putting

If a decision is not clear or in doubt, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision which shall be final.

16.19 Recording of Votes

Recording of votes is dealt with in the Act (Section 5.21(4)).

16.20 Revoking and Changing Decisions

A resolution of any meeting made at council or committee meetings shall not be revoked or altered except in the manner provided by the Act (Section 5.25 and Regulation 10 Local Government (Administration) Regulations 1996).

17. POINTS OF ORDER**17.1 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of debate, any member of the council may raise a point of order including interrupting the speaker. Any member of the council who is speaking when a point of order is raised, shall immediately sit down while the Mayor listens to the point of order.

17.2 Points of Order—Definitions

Rising to express difference of opinion or to contradict a speaker shall not be recognised as raising a point of order, but the following shall be recognised as valid points of order.

- (a) That the discussion is of a question not before the council;

- (b) That offensive or insulting language is being used;
- (c) Drawing attention to the violation of any local law or standing order of the council, providing that the member rising to the point of order shall state the local law or standing order believed to be breached.

17.3 Points of Order—Ruling

The Mayor shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

17.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the Mayor upon any question of order shall be final unless a majority of the members of the council support a motion of dissent with the ruling.

17.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the Mayor, the councillor so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the council.

17.6 Points of Order Take Precedence

Notwithstanding anything contained in these standing orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other question.

18. ADJOURNMENT OF MEETING**18.1 Meeting May be Adjourned**

The council may, upon a motion moved or seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven (7) days from the date of adjournment.

18.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of adjourned meeting shall be forwarded to each member in the manner provided in Clause 2.

18.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

18.4 Limit to Moving Adjournment of Council

No member of the council shall be allowed to move or second more than one motion of adjournment during the same sitting of the council.

18.5 Unopposed Business—Motion for Adjournment of Council

On a motion for the adjournment of the council, the Mayor, before putting the motion, may seek leave of the council to proceed to the transaction of unopposed business.

18.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the council may be withdrawn by the mover, with the consent of the seconder, except that if any councillor objects to the withdrawal the motion must continue to be debated.

19. PERSONAL EXPLANATION**19.1 Personal Explanation**

No member of the council shall speak, except upon the question before the council, unless it is to make a personal explanation.

20. COMMITTEES OF COUNCIL**20.1 Committees**

The council shall, at the first meeting held after the annual election, appoint one or more committees in accordance with the Act and determine the matters to be dealt with by those committees.

20.2 Unfinished Business of Former Committees

A committee of the council may take up incomplete matters referred by the council to the preceding committee at the time the committee went out of office.

20.3 Duration of Committees

The appointment of a committee shall continue until the specific duty for which they may have been appointed shall have been completed and the reference discharged, unless the council shall determine otherwise or as determined by the Act.

20.4 Powers and Duties of Committees

The powers and duties of committees shall be clearly defined and specifically delegated to them by resolution of the council, subject to provisions of the Act.

20.5 Election of Committee Presiding Member

At the first meeting of a committee, a presiding member shall be elected in accordance with section 5.12 of the Act.

20.6 Alteration of Reference

The council may by resolution at any time withdraw, extend, or modify any reference to a committee. Any proposition to withdraw or modify a reference shall be made by an absolute majority of council.

20.7 Resignation of Seat on Committee

Any member of a committee may resign their seat on the committee by notice in writing, signed and addressed to the CEO and when delivered to the CEO, their seat on the committee shall become vacant.

20.8 Absence From Committee Meetings

If any member of a committee, other than the Mayor, is absent from three consecutive meetings without having obtained leave of absence from the council or the committee, their seat on that committee shall become vacant.

20.9 Effect of Vacancy

The existence of a vacancy or vacancies upon a committee shall not affect the validity of any of the acts or proceedings of the committees.

20.10 Reporting Vacancies

Every vacancy on a committee shall be reported by the CEO to the council at its first meeting after the vacancy has arisen, and the Mayor may call for nominations to fill the vacancy.

20.11 Quorum

In accordance with the Act, the Quorum for a meeting of a committee shall be at least 50% of the number of members of the committee whether vacant or not.

20.12 Decisions in Committees

All decisions made by committees can be carried by a simple majority, except those cases prescribed in the Act (5.20).

20.13 Minutes of Committees—Numbered Items

The minutes of every committee shall be divided into items which shall be numbered consecutively.

20.14 Procedure of Report of Committees

20.14.1 Upon consideration by the council of any report or recommendations of a committee, the Mayor shall, without further motion, put the paragraphs of the report or recommendations, in their numerical order, unless the council shall otherwise determine;

20.14.2 Each item adopted by the council shall become a resolution of the council and shall be recorded in the minutes.

20.15 Moving Adoption of Recommendations of Committees

The presiding Member or other member of the committee bringing up a report shall be deemed to move the adoption of each item of the report, unless having previously indicated disagreement with it, or unless the Presiding Member of the committee is the Mayor.

20.16 Deputy Presiding Member to Present Report When Mayor is Presiding Member of Committee

When the Mayor is the Presiding Member of a committee, the deputy Presiding Member of the committee shall present reports to council and move any motions which result so that the Mayor does not move motions from the chair.

20.17 Withdrawal, Correction and Amendments of Committees

20.17.1 The Presiding Member of a committee, may be excused from moving the adoption if they wish to move an amendment to it. In that case, another member of the committee or in the absence of a member of the committee, another member of the council may move the confirmation and adoption of the recommendation.

20.17.2 The Presiding Member of a committee bringing up a recommendation may, with the consent of the council, withdraw the recommendation.

20.18 Non—Related Resolutions on Reports of Committees

A member of the council may not move any resolution on any report or recommendation of any committee which does not relate to the recommendations presented by the committee.

20.19 Recommendations of Committees—Questions

When a recommendation of any committee of the council is submitted for confirmation and adoption, any member of the council may direct questions directly relating to the recommendation through the Mayor, to the Presiding Member or any member of the committee bringing up the recommendation. No argument or speeches are permitted.

20.20 Recommendations of Committees—Inspection of Plans

If requested all plans and documents referred to in the recommendation of the committee, and that may require the consideration of the council, shall lay on the table of the council chamber for inspection of members of the council for three (3) days prior to the meeting at which the matter is being considered.

20.21 Conference of Committees

Any two or more committees may confer together by mutual agreement on any matter of joint interest.

20.22 Committee Procedure

Each committee shall, subject to these standing orders and any policy made by the council, regulate its own procedure.

20.23 Rights and Responsibilities of Councillors Who are Not Committee Members

Councillors who are not members of a committee may participate in the meeting, but they are not entitled to vote.

20.24 Standing Orders To Apply To Committees

These standing orders shall apply generally to the proceedings of committees of the council.

21. ADMINISTRATIVE MATTERS**21.1 Suspension of Standing Orders**

A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

21.2 Penalty for Breach of Standing Orders

21.2.1 Any person who contravenes or fails to comply with any provision of these Standing Orders shall be in breach of the Standing Orders.

21.2.2 If a breach by a person of the Standing Orders involves a failure to comply with an order or direction at any meeting by the Mayor or other person presiding at that meeting, the person in breach shall be liable to prosecution and the imposition of a penalty as provided in this section.

21.2.3 In any case not referred to in the preceding subsection, a person in breach of a provision of the Standing Orders shall be liable to prosecution and the imposition of a penalty but only if the breach continues after the person has been informed that the person's conduct amounts to a breach of the Standing Orders and the breach continues thereafter.

21.2.4 A person in breach of the Standing Orders commits an offence, punishable on conviction by the imposition of a fine not exceeding \$5 000:

- (a) the minimum penalty for a first offence is \$50;
- (b) the minimum penalty for a second offence is \$250, and;
- (c) the minimum penalty for a subsequent offence is \$500.

21.3 Enforcement of Standing Orders

21.3.1 The Mayor is authorised to enforce these Standing Orders and to prosecute in a court of appropriate summary jurisdiction for any breach in respect of which a penalty applies under the preceding section.

21.3.2. The Mayor may in any case authorise the CEO to undertake a prosecution on the Mayor's behalf but in the name of the CEO.

21.4 Duty of CEO

It is the duty of the CEO to draw attention of the council to any breach or likely breach of these standing orders even if it requires interrupting any person speaking, including the Mayor.

Dated this 27th day of October 1997.

THE COMMON SEAL OF the Town of Claremont is hereunto affixed by authority of a resolution of Council in the presence of:

Date: 27/10/97

PETER OLSON, Mayor.
ROBERT J. STEWART, Chief Executive Officer.



1 9 9 8 0 0 0 1 7 G G