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LOCAL GOVERNMENT ACT 1995

CITY OF NEDLANDS

**LOCAL LAW RELATING TO
STANDING ORDERS**

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LOCAL LAW RELATING TO STANDING ORDERS

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LOCAL GOVERNMENT ACT 1995

CITY OF NEDLANDS

LOCAL LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by the Local Government Act 1995 and of all other powers enabling it, the Council of the Municipality of the City of Nedlands hereby records having resolved on 15th December 1998 to make the following Local Law—

SHORT TITLE

This Local Law may be cited as Standing Orders Local Law 1997.

COMMENCEMENT

This Local Law comes into operation 14 days after the date of its publication in the Government Gazette.

CONTENT AND INTENT

This Local Law provides the rules and guidelines which apply to the conduct of meetings of Council, meetings of Committees of Council and meetings of Electors.

This Local Law is intended to result in—

- (a) better decision making by Council;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) the community understanding the process of conducting meetings dealing with Council business; and
- (d) the more efficient and effective use of time at meetings.

PREVIOUS BY-LAWS

The By-Laws published in the Government Gazette on 30 December 1963 and all amendments thereafter relating to Standing Orders to be followed at meetings of the Council and at Committee Meetings of the Council are hereby repealed.

Division 1—Preliminary**18.1. DEFINITIONS**

In this Local Law, unless the context otherwise requires—

- “Agenda 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 Agenda Paper for that meeting;
- “Business Papers” in relation to any proposed meeting means the Agenda Paper for that meeting and any minute of any previous meeting required to be considered at the proposed meeting and details relating to any Order of the Day for the proposed meeting;
- “CEO” means the Chief Executive Officer or acting Chief Executive Officer of the City;
- “Committee” means any Committee appointed in accordance with the provisions of Part 5 Division 2, Subdivision 2 of the Local Government Act 1995;
- “Council delegate” means a Councillor or Officer of the Council appointed as a delegate or representative of the Council on or to any external body, conference or meeting;
- “Councillor” means a Councillor of the Council including the Mayor;
- “Councillor’s Announcements” means a written record of Local Government civic or other business in which a Councillor has participated since the last relevant meeting, and which the Councillor wishes to table for the information of Councillors and which the Councillor desires to include in the Minutes of the meeting at which they are tabled;
- “Executive Manager” means an Officer who has been appointed by the Council to take responsibility for the management or supervision of any one or more divisions, situations or departments of the Council’s administration and who is responsible in that administration directly to the CEO;
- “Mayor” unless the context otherwise requires, includes in the absence of the Mayor, the Deputy Mayor or the Councillor chosen by the Council to preside at a meeting of the Council;
- “Mayoral Announcements” means a written record of Local Government civic or other business in which the Mayor has participated since the last Ordinary Meeting of the Council and which the Mayor wishes to table for the information of Councillors and which the Mayor desires to include in the Minutes of the meeting at which they are tabled;
- “Meeting” includes any Ordinary or Special meeting of the Council or of a Committee held pursuant to the Act;

“Member” has the same meaning as the term “Councillor”;

“Minor amendment” in relation to a motion to amend another motion (“the primary motion”) shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the 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 Business Papers as an Order of the Day. In the case of unfinished business at Ordinary Meetings, the provisions of section 18.17 shall prevail;

“Ordinary Meeting” has the meaning given to that term in section 18.3;

“Presiding Member’s Announcements” has the same meaning in relation to meetings of committees as the term “Mayoral Announcements” has in relation to meetings of the Council;

“Representative’s Announcements” means a written record of any Local Government civic or other official conference, seminar or meeting in which a Council representative has participated since the last relevant meeting, and which the representative wishes to table for the information of Councillors and which the representative desires to include in the Minutes of the meeting at which they are tabled;

“Special Meeting” has the meaning given to that term in section 18.3;

“Urgent business” means business dealt with in accordance with the provisions of section 18.15;

“Without discussion” means without debate but does not preclude a Councillor from asking such questions as the person presiding at the meeting permits, there being no discussion, debate or challenge on the ruling of the person presiding.

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

Division 2—Meetings of Council

18.2. MAYOR TO PRESIDE

Subject to the Act the Mayor, or if the Mayor is not available or is unable or unwilling, the Deputy Mayor, or if the Deputy Mayor is not available or is unable or unwilling, a Councillor chosen by the Councillors present, shall preside at any meeting of the Council (sections 5.6, 5.34 and 5.35 of the Act).

18.3. KIND OF MEETING AND CALLING OF MEETING

18.3.1. Meetings of the Council and Committees shall be of two kinds, “Ordinary” and “Special”.

- (a) Ordinary Meetings are those called under subsection 5.5(1) of the Act at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and its Standing and Occasional Committees.
- (b) Special Meetings are those called under subsection 5.5(2) of the Act to consider special business, the nature of which shall be specified in the notice convening the meeting. Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business shall be transacted at a Special Meeting other than that for which the Special Meeting has been called.

18.3.2. Calling of Meeting Procedures

- (1) An Ordinary or Special Meeting shall be held if so decided by the Council.
- (2) An Ordinary or Special Meeting of the Council shall also be held 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.

18.4. NOTICE OF ORDINARY MEETING

18.4.1. Notice of an Ordinary Meeting of the Council shall be given to Members in writing and shall be signed by the CEO, and shall state the date, time, and place of holding the meeting, and shall contain an Agenda Paper either separately or incorporated in the Business Papers. The notice shall be given to each of the Members together with a copy of the Business Papers (if any) at least 72 hours before the time of the commencement of the meeting.

18.4.2. The Business Papers for an Ordinary Meeting of the Council shall be made available for inspection by a ratepayer or elector of the City during office hours at the office of the Council and at such other place and times as the Council from time to time sees fit. The inspection may take place for such period before the meeting as the Council from time to time sees fit being not earlier than the time of service of the Business Papers on Councillors.

18.4.3. Unless Council resolves otherwise the CEO may on the day preceding the day of the meeting provide to the press and other media, a copy of the notice sent pursuant to subsection 18.4.1 or section 18.6 and pursuant to subsection 18.5.1 if a written notice was sent under that subsection.

18.5. CALLING OF SPECIAL MEETING

18.5.1. The CEO is to convene a Special Meeting by giving each Member notice, before the meeting, of the date, time, place and purpose of the meeting.

18.5.2. Notice of a Special Meeting may be given at any time prior to the time of the meeting given in the notice.

18.5.3. Notice of a Special Meeting should be given in writing if the time available for giving notice and the circumstances permit.

18.6. 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 shall, if time permits, be sent in the manner provided by subsection 18.4.1 of this Local Law, to each Councillor, specifying the nature of the business to be transacted.

18.7. QUORUM

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

18.7.2. The Minister may reduce the number of offices of Member required for a quorum at a Council meeting specified by the Minister if there would not otherwise be a quorum for the meeting. (S.5.7(1)).

18.7.3. The Minister may reduce the number of offices of Member required at a Council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of Members would not otherwise be present at the meeting. (S.5.7(2)).

18.7.4. The Council may resolve by absolute majority to reduce the number of offices of Committee Member required for a quorum at a Committee meeting specified by the local government if there would not otherwise be a quorum for the meeting. (S.5.15).

18.8. QUORUM MUST BE PRESENT

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

18.8.2. Subject to the provisions of section 18.9 every meeting shall proceed to business at the time appointed in the notice of meeting.

18.9. QUORUM NOT PRESENT

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 the Mayor's absence, the Deputy Mayor, or in the Deputy Mayor's absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the CEO or a person authorised by the CEO, may adjourn the meeting. Business, which could have been transacted, had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next Ordinary Meeting if that occurs first. If the business is transacted at the next Ordinary Meeting the adjourned meeting shall lapse.

18.10. COUNT OUT

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

18.11. DEBATE ON MOTION TO BE RESUMED

Where the debate on any motion is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was so interrupted. Where the interruption occurs at an Ordinary Meeting the resumption shall be at the next Ordinary Meeting unless a Special Meeting is called earlier for the purpose. Where the interruption is at a Special Meeting, the resumption shall 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.

18.12. NAMES TO BE RECORDED

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

18.13. BUSINESS AT ORDINARY MEETING

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

- (a) matters which the Act permits to be dealt with without notice; and
- (b) matters which this Local Law expressly permit to be dealt with without notice.

18.14. ORDER OF BUSINESS

18.14.1. Disclosure of Interests Notified in Writing

If a Councillor has disclosed an interest in a written notice given to the CEO before a meeting then before the meeting—

- (a) the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting is to bring the notice to the attention of the persons who attend the meeting.

18.14.2. The order of business at any Ordinary Meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Council at any particular meeting, it may be altered by resolution to that effect—

- (i) Present;

- (ii) Apologies;
- (iii) Leave of Absence;
- (iv) Councillors' and employees' declarations of conflicting interests;
- (v) Question time;
- (vi) Public Address Session;
- (vii) Declaration by Councillors as to whether they have given due consideration to all matters contained in the Business Paper presently before the meeting;
- (viii) Confirmation of Minutes;
- (ix) Tabling of Mayoral Announcements without discussion;
- (x) Tabling of Councillors' Announcements without discussion;
- (xi) Tabling of Representatives' Announcements without discussion;
- (xii) Petitions and Memorials;
- (xiii) Reports of Committees;
- (xiv) Reports by the CEO;
- (xv) Orders of the Day;
- (xvi) Motions of which previous notice has been given;
- (xvii) Notices of Motion given at the meeting for consideration during the following meeting;
- (xviii) Urgent Business;
- (xix) Confidential Business.

18.15. URGENT BUSINESS

18.15.1. When Introduced

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

- (a) the person presiding at the meeting has requested the Councillor to move the motion or has first consented to the business being raised;
- (b) the urgency of the business is such that the business cannot await inclusion in the Agenda Paper for the next meeting of the Standing Committee that has the oversight of the subject matter of the business; and
- (c) if the business was to be deferred to the next meeting of the appropriate Standing Committee, such delay could result in legal or financial implications to the City.

18.15.2. When Absolute Majority Required

If at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in subsection 18.15.1(b) or (c) of this Local Law, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Councillors of the Council.

18.16. ORDER OF BUSINESS AT SPECIAL MEETING

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

18.17. BUSINESS AT ADJOURNED MEETING

At an adjourned meeting of the Council no business shall be transacted other than that specified in the notice of the meeting of which it is an adjournment, and which remains incomplete, save and except in the case of an adjournment to the next Ordinary Meeting of the Council, when the incomplete business of the adjourned meeting shall have the precedence at such Ordinary Meeting.

18.18. OPEN DOORS—EXCEPT AS PROVIDED

18.18.1. General Obligation

Subject to the provisions of subsections 18.18.2 and 18.18.7 the business of the Council shall be conducted with open doors.

18.18.2. Resolution to Close Doors

The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in section 5.23(2) of the Act.

18.18.3. Persons to Leave Chamber

Upon the carrying of a resolution referred to in subsection 18.18.2 the Mayor shall direct all persons other than Councillors, the CEO and any other person nominated in the resolution to leave the Council Chamber and every such person shall forthwith comply with the direction.

18.18.4. Removal of Person by Order

Any person who fails to comply with the direction made pursuant to subsection 18.18.3 may, by order of the Mayor, be removed from the Council Chamber.

18.18.5. Duration of Closure

- (1) After the carrying of a resolution referred to in subsection 18.18.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.

- (2) If the resolution was to conduct specified business behind closed doors the meeting shall revert to open doors upon the completion of the specified business unless the Council resolves to do so earlier.

18.18.6. Notice of Motion Not Required

Any resolution mentioned in this section may be moved without notice.

18.18.7. Conduct of Business Behind Closed Doors

- (1) The following business shall be conducted behind closed doors unless the Council in any particular case resolves otherwise—
- (a) matters of a personal nature touching the conduct in employment of an employee of the Council or the relationship or contract with the Council of an employee;
 - (b) consideration of legal advice;
 - (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
 - (d) a matter that if disclosed, could be reasonably expected to—
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
- (2) The Council may in any case resolve to conduct behind closed doors any other matter referred to in section 5.23(2) of the Act.

18.18.8. Recording Decision in Minute

A decision to close a meeting or part of a meeting and the reason for the decision shall be recorded in the minutes of the meeting.

18.19. SEATING AT COUNCIL MEETINGS

18.19.1. Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council the Mayor may invite the person to sit beside the Mayor, or at the Council table.

18.19.2. Seating of Councillors

Seating of Councillors at the Council table in the Council Chamber shall be in accordance with the policy of Council as adopted from time to time.

18.20. REPORTERS

Accredited reporters of the press and other media shall be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be appropriated for their accommodation, but they shall withdraw during any period when the Council is sitting behind closed doors.

18.21. RECORDING OF PROCEEDINGS PROHIBITED

A person shall not use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given permission by the Council to do so.

18.22. PREVENTION OF DISTURBANCE

18.22.1. No Interruption

A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council.

18.22.2. Person Not a Councillor Interrupting

Any person not being a Councillor interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chamber.

18.22.3. Signs, Placards or Banners

A person shall not bring into display or wear any sign, placard or banner in the room during the proceedings of Council

18.22.4. Councillor Interrupting

If a Councillor interrupts the proceedings of the Council that Councillor may be named by the Mayor. If the Councillor thereafter continues to interrupt proceedings, the Council may by motion, which may be moved without notice, exclude that Councillor from the Council Chamber for a period of time stipulated but not exceeding the duration of the meeting.

18.22.5. Removal by Order

Any person, not being a Councillor, ordered to leave the Council Chamber who fails to do so may, by order of the Mayor, be removed from the Council Chamber.

18.22.6. Enforced Removal

If a person ordered by the Mayor to be removed from the Council Chamber cannot be removed without the application of physical force then a member or members of the Police Force shall be called to the Council Chamber to effect the removal of the person and the meeting may be adjourned until the person has been removed.

18.23. OBJECTIONABLE BUSINESS

If the Mayor, at any meeting of the Council, is of the opinion that any motion or business proposed to be made or transacted there at is of an objectionable character the Mayor, either before or after the same is brought forward, may declare that the same shall not be entertained, provided always that any Member of the Council may move dissent from the declaration made from the Chair, whereupon the motion to dissent shall forthwith be put without debate, and in the event of the same being carried by a majority of the Councillors present the business referred to shall thereupon be entertained, but not otherwise.

18.24. DISCLOSURE OF MEMBERS' INTERESTS**18.24.1. Interpretation**

In this section the term "member" refers to either a Council member or a member of a Committee.

18.24.2. Obligation to Disclose an Interest

- (1) Any member who has an interest, within the meaning of section 5.60 but subject to section 5.63 of the Act ("interest"), in a matter to be discussed at any meeting that will be attended by the member must disclose the nature of the interest.
- (2) The disclosure under paragraph (1) should if possible be by a written notice given to the CEO before the meeting.
- (3) If there has not been a disclosure under paragraph (2) the member must disclose the interest at the meeting immediately before the matter is discussed, or if there is no discussion, immediately before the matter is voted upon.
- (4) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member must disclose that interest at the earliest possible time after the matter is raised, but in any event before discussion or voting on the matter takes place.
- (5) The obligation to disclose an interest shall apply to all members present at the meeting including a Councillor attending a Committee meeting in the capacity of an observer.
- (6) The obligation to disclose an interest applies in regard to each meeting at which the matter, the subject of the interest, arises.
- (7) The obligation to disclose an interest at a meeting immediately before discussion of the matter does not apply to a member who has disclosed the member's interest by written notice in accordance with paragraph (2).

18.24.3. Meeting to be Informed of Disclosures

If a member has disclosed an interest by a written notice in accordance with subsection 18.24.2(2)—

- (a) the CEO shall cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting shall bring the notice to the attention of the persons who attend the meeting. (S.5.66).

18.24.4. Details of Interest

- (1) At the time of disclosing an interest, a member is required to disclose the nature of the interest, but is not required to state the extent of the interest including its value and amount, unless the member wishes the meeting to consider and resolve upon the question whether the member—
 - (a) should be allowed to be present during any discussion or decision-making procedure relating to the matter; or
 - (b) may be allowed to participate in discussions and the decision-making procedures relating to the matter,

in which case the member shall comply with paragraph (2) hereof.

- (2) If a member wishes the meeting to consider and resolve upon the questions referred to in either (a) or (b) of paragraph (1) of this section the member shall first disclose to the meeting the nature and extent of the interest, including its value and amount, in sufficient detail to enable the meeting to make a fair and informed decision on the question.
- (3) If a member wishes the Council or the CEO to apply to the Minister under section 5.69 of the Act the member shall provide to the Council or the CEO, as the case may be, the same details of the nature and extent of the member's interest as referred to in paragraph (2).

18.24.5. Disclosing Member Not to Participate in Meeting

- (1) A member who makes a disclosure under subsection 18.24.2 hereof must not—
 - (a) preside at the part of the meeting relating to the matter; or
 - (b) participate in, or be present during, any discussion or decision-making procedure relating to the matter,

unless, and to the extent that, the disclosing member is allowed to do so by resolution of the Council under subsection 18.24.7 hereof, or by the Minister under section 5.69 of the Act. (S.5.67).

- (2) A member who has disclosed an interest in a matter and who has not been permitted by resolution of the meeting or by the Minister under section 5.69 of the Act to participate in the discussion or decision-making procedures relating to the matter, shall depart from and remain absent from the chamber or room where the meeting is held while the matter is under consideration and until a vote on the matter has been taken.
- (3) A member who has disclosed an interest in a matter ("the substantive matter") but who desires either to participate in discussions or the decision-making procedures relating to the substantive matter, and who has not been allowed to participate by decision of the Minister under section 5.69 of the Act, may remain in the chamber or room for the purpose only of giving an

explanation in support of a motion that the member be permitted to participate in discussions or the decision-making procedures (as the case may be), but thereafter shall depart from the chamber or room until the vote on that matter is known.

- (4) If it is resolved at a meeting that a member who has disclosed an interest in a matter be permitted to participate in the discussion or decision-making procedures on the matter or both, then the member may return and participate to the extent permitted.
- (5) Where a member has disclosed an interest in a matter and has departed from the chamber or room, 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, but in such case the member must withdraw after providing the information requested.

18.24.6. Substitution of Deputy at Committee

Where a member withdraws from a meeting of a Committee in respect of a matter under consideration by that Committee in accordance with the provisions of this clause, the meeting may resolve to invite another member present at the meeting who was a deputy of the excluded member for that Committee to participate as a member of the Committee in the absence of the excluded member.

18.24.7. Meeting Allowing Disclosing Member to Participate

- (1) If a member has disclosed, under subsection 18.24.2 hereof, an interest in a matter, the members present at the meeting who are entitled to vote on the matter—
 - (a) may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and
 - (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter, if
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest—
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under the preceding paragraph of this subsection is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the Council or Committee.
- (3) This subsection does not prevent the disclosing member from discussing, or participating, in the decision-making process on the question of whether an application should be made to the Minister under section 5.69 of the Act. (S.5.68).

18.24.8. Exemption by Minister

- (1) Where the Minister allows a member who has disclosed an interest to participate in a meeting in any capacity, in the case of any inconsistency between the provisions of this section and the Minister's determination, the Minister's determination shall prevail.
- (2) The terms of any determination by the Minister shall be recorded in the Minutes in the same manner as a disclosure of interest.

18.24.9. Recording Details of Interest in Minutes

The Minutes of a meeting shall record in summary form the details of the interest disclosed by a Councillor in respect of a matter arising at that meeting in accordance with the provisions of this section, unless the meeting resolves that the details should be recorded in full.

18.25. DISCLOSURE OF EMPLOYEES' INTERESTS

18.25.1. Interpretation

In this section the term "employee" includes a person who, under a contract for services with the City, provides advice or a report on a matter.

18.25.2. An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a Committee shall disclose the nature of the interest when giving the advice or report. (S.5.70(2)).

18.25.3. An employee who discloses an interest under this section must, if required to do so by the Council or Committee, as the case may be, disclose the extent of the interest. (S.5.70(3)).

18.25.4. An employee, if called upon to disclose the extent of an interest shall disclose full details, including the value and amount of the interest, so as to enable the meeting to make a fair and informed evaluation of the nature and extent of the employee's interest, and any effect that interest might be thought to have upon the advice or report given.

18.25.5. The details of the interest of an employee disclosed under the preceding provisions of this section shall be recorded in the minutes of the meeting relating to the disclosure. (S.5.73).

18.25.6. If, under Division IV of the Act, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and—

- (a) in the case of the CEO, must disclose to the Mayor the nature of the interest as soon as practicable after becoming aware that the CEO has the interest in the matter; and
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that the employee has the interest in the matter. (S.5.71).

18.26. DECLARATION OF CONFLICT OF INTEREST

18.26.1. In this section—

“interest under this section” means an interest of a personal nature which a Member or employee has in a matter which is not required to be disclosed under section 18.24 or section 18.25, but which a reasonable person knowing the facts might assume would influence the consideration of that matter by the Member or employee. (Examples are applications for an approval, consent or licence by a parent, sibling, adult child or close friend of a Member or employee.)

18.26.2. If a Member or employee attending a meeting of the Council has an interest under this section in any matter proposed to be considered at that meeting, the Member or employee should disclose that interest at the meeting before the discussion of any matter that requires a decision to be made by the Council.

18.26.3. A Member or employee expected to disclose an interest under this section in a matter ought to leave the Chamber or room of the meeting while the matter is discussed and voted upon, unless the meeting resolves to request that the person remain to give an explanation or for any other purpose, in which case the person should leave the meeting immediately afterwards until the matter has been voted upon.

18.26.4. In applying the preceding subsection, a Member must bear in mind the obligation under section 5.21(2) of the Act to vote at meetings where the Member is present, and any problem the Council might have in achieving a quorum or an absolute or special (75%) majority in connection with the matter.

18.26.5. The decision to disclose an interest under this section is a decision to be made by the Member or employee and is not to be determined by resolution of the meeting.

18.27. DECLARATION OF DUE CONSIDERATION

Any Councillor who is not familiar with the substance of any report or Minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the Order of Business of the meeting or otherwise before the meeting considers the matter, and in the event that any Councillor makes such a declaration the relevant matter shall be stood down for later consideration at that meeting under Orders of the Day so as to allow an opportunity for any Councillor making the declaration to become familiar with the relevant report or Minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the Councillor to give due consideration to the matter, the Councillor should leave the Council Chamber before any question concerning that matter is put to the vote.

18.28. MINUTES

18.28.1. Confirmation of Minutes

- (1) The Minutes of a meeting of the Council, whether of an Ordinary or a Special meeting, shall be submitted to the next Ordinary meeting of the Council for confirmation. (S.5.22(2)).
- (2) The Minutes of a meeting of a Committee shall be submitted to the next meeting of the Committee for confirmation. (S.5.22(2)).
- (3) Discussion of any Minutes, other than discussion as to their accuracy as a record of proceedings, shall not be permitted, and when confirmed the Minutes shall thereupon be signed and certified by the Mayor in the case of Council Minutes or by the person presiding in the case of a Committee. That person shall sign and date the confirmation page of the Minutes.

18.28.2. Keeping of Minutes

- (1) Minutes may be pasted or otherwise permanently affixed to the leaves of a book, which may be known as the “Minute Book”.
- (2) Minutes may be otherwise kept in the records of the Council in a manner which ensures that they are permanently and securely recorded, and available for inspection, copying, and production in evidence in any court. Such record of the Minutes may be referred to as “Minute Book”, whether it is in book form or not.

18.28.3. Reading of Minutes may be Dispensed With

In submitting Minutes to a meeting for confirmation the Minutes may be read at that meeting, but the reading of Minutes at a meeting may be dispensed with when Members have been supplied with copies of the Minutes at least 3 days before the holding of the meeting at which they are to be submitted.

18.29. QUESTION TIME

18.29.1. Councillors' Questions on Notice

A Councillor desirous of putting a question as to the work or procedure of the Council shall give notice thereof in writing to the CEO at least eight hours before the hour fixed for the commencement of an Ordinary Meeting. If such question is in order, in the opinion of the Mayor, the answer shall, as far as practicable, be read at the Ordinary Meeting of the Council occurring next after the notice was given. If, in the opinion of the Mayor, the question is not in order, the Mayor shall give reasons for that opinion and, as far as practicable, the question, the Mayor's ruling and those reasons shall be read at the Ordinary Meeting of the Council occurring next after the notice was given. If the Mayor rules that a question is not in order the provisions of subsections 18.42.6 and 18.42.7 apply.

18.29.2. Public Question Time

- (1) Fifteen minutes shall be allocated for questions to be raised by members of the public and responded to at—
 - (a) every Ordinary Meeting of the Council; and
 - (b) every Special Meeting of the Council; and

- (c) every meeting of a Committee to which the Council has delegated a power or duty; and
 - (d) every other meeting prescribed for the purpose of section 5.24(1) of the Act.
- (2) The public question time shall precede the discussion of any matter that requires a decision to be made by the Council or Committee.
 - (3) The Council or Committee may extend the question time by resolution on a motion without notice, and in any event the time shall be extended without the necessity for a resolution to allow an equal opportunity of time to each member of the public who wishes to ask a question.
 - (4) Once all the questions raised by members of the public have been asked and responded to at a meeting, any unused portion of the question time period may be used for other matters.
 - (5) Each member of the public who wishes to ask a question at a meeting referred to in paragraph (1) shall be given equal and fair opportunity to ask the question and receive a response.
 - (6) A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question. The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise.
 - (7) A member of the public having asked a question shall return to a seat in the gallery unless otherwise directed by the person presiding at the meeting.
 - (8) Nothing in paragraph (5) requires—
 - (a) the Council to answer a question that does not relate to a matter affecting the City;
 - (b) the Council at a Special Meeting to answer a question that does not relate to the purpose of that meeting; or
 - (c) a Committee to answer a question that does not relate to a function of that Committee.
 - (9) Subject to the procedural matters previously set out in this subsection, the procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in paragraph (1) are to be determined—
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members present at the meeting disagree with the person presiding, by the majority of these members.
 - (10) Every reasonable effort should be made to provide a substantive answer to a question raised by a member of the public, but if the meeting is unable to provide an informative answer to the whole of the question, it may—
 - (a) answer that part (if any) for which it has a substantive answer;
 - (b) respond otherwise, that the question or part to which no substantive answer has been supplied will be answered substantively in a manner and at a time indicated.
 - (11) If the written registration of interest in asking a question is given to the CEO not less than two working days before the meeting at which the question is to be asked, then the response to the question at the meeting shall be a substantive answer.

18.29.3. Questions and Answers to be Brief

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

18.29.4. Questions Not to Involve Bad Language, Argument or Opinion, or Adverse Reflection on Integrity of any Councillor or Employee

- (1) In submitting any questions, no bad language, argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain the question. The Mayor may modify a question to make it comply with this subsection.
- (2) A question shall not contain any statement reflecting adversely on the integrity of any Councillor or employee.
- (3) If in the opinion of a Councillor false information or any adverse reflection is contained in any question then, through the Mayor, the Councillor may offer comment by way of correction.

18.29.5. No Discussion on Questions

Subject to paragraph (3) of the preceding subsection, no discussion or further questions shall be allowed on any question or the response thereto.

18.30. REPORTS BY THE CEO

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.

18.31. DISTRIBUTION TO THE COUNCILLORS

Subject to the next section, the CEO shall send to each Councillor a copy of any report which the CEO proposes to present to a meeting. The report shall be sent to each Councillor not less than 24 hours before the commencement of the meeting.

18.32. LATE REPORT

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the Mayor, be read or otherwise given to Councillors at the meeting notwithstanding that it has not been sent to Councillors in accordance with the preceding section.

18.33. EXECUTIVE REPORTS

18.33.1. An Executive Manager may present to a Committee for which that Executive Manager is responsible a report dealing with any matter which, in the opinion of the Executive Manager, falls within the responsibility of that Committee.

18.33.2. The CEO may direct or authorise an Executive Manager to report directly to the Council on any matter for which that Executive Manager has responsibility under the CEO, but the Executive Manager shall not report directly to the Council unless so directed or authorised.

18.33.3. Where an Executive Manager reports to a Committee or the Council in accordance with the provisions of this section, the provisions of sections 18.30, 18.31 and 18.32 shall apply mutatis mutandis to the extent to which they are applicable.

18.34. COUNCIL DELEGATES' REPORTS

A report by any Council Delegate shall be delivered to the CEO who shall determine to which Executive Manager it should be notified, and an Executive Manager receiving a Council Delegate's Report from the CEO shall include it in the next appropriate Executive Manager's Report, unless the CEO in the case of a late report by a Delegate incorporates the Delegate's Report in the report by the CEO for the next Council meeting.

18.35. DEPUTATIONS TO COUNCIL

18.35.1. Any person or persons wishing to be received as a deputation by a Committee shall, in the first instance, send to the CEO a memorial setting out the subject matter to be raised by the deputation in concise terms, but nevertheless in sufficient detail to enable the Council to have a general understanding of the purpose of the deputation.

18.35.2. Where the CEO receives a memorial in terms of the preceding subsection but not otherwise, the CEO shall refer it to the relevant Committee Presiding Member, whichever the CEO considers appropriate, and

- (a) give a precis of the memorial to that person;
- (b) advise whether or not the Committee has the power to decide on the matter or whether the Committee may only make a recommendation on the matter to the Council;
- (c) recommend, with an explanation, whether or not the deputation should be received; and
- (d) request advice from the Presiding Member within a stated time whether or not he or she considers the deputation should be received.

18.35.3. In the event that the Presiding Member of the relevant Committee indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Committee at its next meeting.

18.35.4. The agenda for Committee Meetings shall include as the final item of business an item titled "Matters Deferred from Deputations".

18.35.5. A deputation shall not exceed five in number and only two thereof shall be at liberty to address the Committee except in reply to questions from Councillors, and the matter shall not be further considered by the Committee until all other business of the meeting has been finalised.

18.35.6. A Committee shall not make a recommendation arising from the subject of a deputation at the meeting at which the deputation is received unless the matter is the subject of an Officer report contained in the Business Papers of the meeting.

18.35.7. The Council may resolve to ask a deputation to meet with the Council either instead of, or additional to, a deputation to a Committee.

18.36. DEPUTATIONS BY COUNCIL

18.36.1. In the event that the Council resolves to seek a meeting with any Minister or government department or agency Federal, State or Local, or any other body or person, the request for the meeting should be made in writing within 2 working days after the date of the resolution.

18.36.2. The CEO should report to the next Council meeting the measures taken to arrange the requested meeting and should present a report on the requested meeting to the next Council meeting occurring after the requested meeting.

18.37. PETITIONS

18.37.1. Every petition shall be respectful and temperate in its language and shall be presented to the Council by a Councillor only who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the Council.

18.37.2. A petition must—

- (a) contain the name, address and signature of each petitioner; and
- (b) have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form.

18.37.3. On the presentation of a petition, the Councillor presenting it shall be confined to reading the petition, and the only motions that are in order are that the petition be received and, if necessary, that it be referred to a Committee or for an Officer report.

18.38. REPORTS OF COMMITTEES

18.38.1. Minutes to be Reported

Subject to section 18.28 the CEO shall enter the minutes of all Committees in the Minute Book. The minutes of each Committee shall be deemed to be the report of the Committee to Council.

18.38.2. Committee Minutes to be sent to Councillors

All minutes of Committee meetings to be presented at any meeting of the Council shall be sent to each Councillor at least 24 hours before the commencement of the meeting at which they are to be presented.

18.38.3. Presentation of Reports

- (1) Minutes of a Committee shall be presented to the Council by the Presiding Member of each Committee concerned, or in the Presiding Member's absence, a Councillor of the Committee ("the presenting member") in the form of a motion "That the report be received".
- (2) No objection to the reception of a report of any Committee, or any part thereof, shall be raised when such reports are presented to the Council, except for reasons arising out of such reports.
- (3) The Mayor shall—
 - (a) put the question that the report be received;
 - (b) call for requests by any Councillors to withdraw any recommendation contained in the report and, where such a request is made, the subject recommendation shall be withdrawn;
 - (c) put the question that the recommendations be adopted with the exception of any recommendations withdrawn pursuant to item (b) of this paragraph;

and in relation to a recommendation or those recommendations in the report which are the subject of a request by a Councillor pursuant to item (b), those recommendations shall be individually dealt with in accordance with this Local Law.

18.38.4. Withdrawal or Amendment of Reports

Without affecting the generality of the preceding subsection, the Presiding Member or other Councillor of a Committee presenting a report may, with the consent of the Council, withdraw the report or any recommendation thereof or carry out an amendment of a minor or formal nature which does not affect the substance of the report or recommendation and which does not appear to change the will or intent of the Committee.

18.39. NOTICES OF MOTION**18.39.1. Giving Notice of Motion**

- (1) Unless the Act or this Local Law otherwise provide, a Councillor may only bring forward at a meeting such business as he or she considers advisable in the form of a motion of which notice has been given in writing to the CEO.
- (2) Except in the case of a Special Meeting of the Council, notice of motion shall be given either—
 - (a) at the last previous Council meeting; or
 - (b) at least 4 clear days before the meeting at which it is brought forward.
- (3) Every notice of motion shall relate to some question affecting the constitution, administration or condition of the City or the Council, or as otherwise authorised by a written law.

18.39.2. Exclusion or Amendment of Notices

- (1) The CEO, with the concurrence of the Mayor, may exclude from the Agenda Paper of the Council any notice of motion which is out of order, or the CEO may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form. Neither shall be done without discussion with the Councillor concerned.
- (2) No notice of motion shall be deemed informal by reason of the policy involved being considered objectionable, or by reason of 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.

18.39.3. Motion to Lapse

Subject to the provisions of subsection 18.54.11 any motion of which notice has been given shall lapse unless—

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

18.39.4. Dealing with Lapsed Motion

- (1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subsection, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.
- (2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to rescind or alter a resolution and to which section 18.54 applies.

18.39.5. 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 18.38.1 shall not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.

- (2) A notice of amendment of motion received by the CEO not less than two clear days before the meeting at which the relevant motion is to be considered shall be properly entered on the Business Paper immediately after the notice of the relevant motion.
- (3) The Mayor shall decide whether any amendment moved without notice given 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 18.42.6(1).

18.40. PRODUCTION OF DOCUMENT

18.40.1. Interpretations

In this section—

- (a) the term "document" means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information;
- (b) the term "other thing" means any thing whatsoever other than a document as hereinbefore defined, which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and
- (c) the term "laid on the table" means laid or deposited at a place within the Council's Administrative Building designated from time to time for that purpose by the CEO and at which place a tabled document or other thing may be perused or inspected by a Councillor during Council office hours or at other times on application to the CEO and inflections of that term shall have a like meaning.

18.40.2. Councillor May Require Production

On giving to the CEO not less than 4 hours notice, a Councillor is entitled to have laid on the table a document or other thing which is under consideration by Council and the CEO on receiving that notice shall lay the document on the table for a period of 24 hours commencing as soon as practicable after the receipt by the CEO of the notice.

18.40.3. Circumstances in which CEO to Comply

The CEO shall comply with a request made pursuant to subsection 18.40.2 unless the CEO is of the opinion that it would not be in order to do so, in which case the CEO shall refer the request to the Mayor for determination.

18.40.4. Mayor's Ruling

On the reference to the Mayor of a request made pursuant to subsection 18.39.2 or 18.40.3, the Mayor shall rule whether it is in order and accordingly whether it should be granted or refused and the ruling is final, but where the request is refused the CEO shall report the fact to the appropriate Committee, as directed by the Council, at the next meeting of that Committee. In the absence of a direction by the Council the CEO shall report the fact to the Committee which in the CEO's opinion is appropriate to deal with the matter.

18.40.5. Production of Relevant Document for Committee

Any document or other thing relevant to the business to be considered at a meeting of a Standing or other Committee shall be laid on the table by the CEO at least 72 hours prior to an ordinary meeting of the Committee and 24 hours prior to a special meeting of such Committee, or as soon as received by the CEO where it is received less than 72 hours or 24 hours respectively before the meeting.

18.40.6. Access by Councillor to Tabled Documents

When a document or other thing is laid on the table in accordance with this section then that document or other thing may be perused or inspected by a Councillor in the place designated at any time during Council's office hours or at any other reasonable time on application to the CEO, but the document or other thing shall not be copied or removed.

Division 3—Meetings—Procedure and Conduct

18.41. GENERAL PROCEDURE

18.41.1. Councillors to Occupy Own Seats

At meetings of the Council each Councillor shall occupy the place assigned to that Councillor within the Council Chamber.

18.41.2. Respect to the Chair

After a meeting of the Council has been formally constituted and the business thereof commenced, a Councillor shall not enter, leave or withdraw from the meeting, without first paying due respect to the Chair by deferring to the Mayor.

18.41.3. Substance of Motion to be Stated

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

18.41.4. Unopposed Business

Upon a motion being moved, the Mayor may ask the meeting if any Councillor opposes it. If no one signifies opposition to the motion or opposition to the motion being treated as unopposed business, the Mayor may declare the motion carried without debate and without taking a vote thereon. A motion declared carried under this section shall for all purposes be deemed a resolution of the Council. If any Councillor signifies opposition to a motion or to a motion being treated as unopposed business, the motion shall be dealt with according to the ensuing provisions of this Part.

18.41.5. Motion and Amendments to be Seconded

- (1) A motion or amendment shall not be discussed by anyone other than the mover or put to the vote of the Council unless seconded.
- (2) A nomination to the position of Deputy Mayor or Presiding Member of a committee is not required to be seconded.
- (3) A motion of amendment shall not be altered by the mover without the consent of the seconder.

18.41.6. Titles to be Used

A speaker, in referring to any other person present in the capacity of a Councillor or Officer of the Council, shall designate that other person by the title of Mayor or Councillor, or by the title of the particular Officer, as the case may be.

18.41.7. Councillors to Address Mayor

- (1) Any Councillor moving a motion or amendment or taking part in the discussion thereon shall rise, except when prevented from doing so by physical impairment or illness, and address the Mayor, and shall remain standing for as long as he or she continues to speak unless a Councillor raises a point of order pursuant to section 18.42.4.
- (2) The Mayor at his or her absolute discretion may suspend the operation of the preceding paragraph.

18.42. PRESERVING ORDER**18.42.1. Mayor to Preserve Order**

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

18.42.2. Definition of Order

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

18.42.3. Breaches of Order

The following shall be recognised as breaches of order—

- (a) discussion of a question not before the Council;
- (b) the use of offensive or insulting language;
- (c) the violation of any Local Law or Standing Order of the Council;
- (d) insinuations as to the character, morality, honesty or motives of a Councillor or Officer.

18.42.4. Raising Point of Order

- (1) Any Councillor may direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor or draw the attention of the Mayor to any matter of a kind mentioned in subsection 18.42.3.
- (2) A Councillor raising a point of order shall specify one of the grounds mentioned in subsection 18.42.3 before speaking further on the matter.
- (3) Rising to express a difference of opinion or to contradict a speaker shall not be recognised as rising to order.

18.42.5. Precedence of Questions of Order

Notwithstanding anything contained in these Local Laws to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration of and decision on every other question.

18.42.6. Rulings by Mayor

- (1) The Mayor, when deciding a point of order or practice, shall give his or her decision and argument or comment shall not be permitted thereon, and the Mayor's decision is final in that particular case unless a majority of the Councillors then present upon motion made forthwith, without discussion, dissent therefrom.
- (2) Notwithstanding the generality of paragraph (1) there shall be no dissent from a ruling of the Mayor allowing or disallowing a question on a matter required to be dealt with without discussion.

18.42.7. Ruling Out of Order

Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order it shall be rejected, and whenever anything said or done 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.

18.42.8. Continued Breach of Order

Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under subsection 18.42.7 or 18.44.4, the Mayor may direct that Councillor to refrain from taking any further part in the meeting of the Council other than by recording his or her vote, and the Councillor shall comply with such direction.

18.42.9. Serious Disorder

- (1) If at a meeting of the Council the Mayor is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the Mayor may adjourn the meeting for a period of no more than 15 minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

- (2) Whereafter any proceedings under paragraph (1) the Mayor is again of the opinion that the business of the Council cannot effectively be continued, the Mayor may close or adjourn the meeting.

18.42.10. Mayor may be Heard

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

18.43. RULES OF DEBATE

18.43.1. Mayor to Take Part in Debate

Subject to the provisions of this Local Law it shall be competent for the Mayor to take part in the discussion upon any question before the Council.

18.43.2. Priority of Speaking

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

18.43.3. Speaking Without Interruption

A Councillor who is addressing the Mayor and the Mayor is participating in the discussion on any question, shall not be interrupted except on a point of order, in which event the Councillor shall be seated until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

18.43.4. Speaking Twice

- (1) Subject to subsection 18.43.7 no Councillor shall speak twice on the same question, except in reply upon an original motion of which he or she was the mover or as the mover of an amendment last moved.
- (2) The mover of any original motion may exercise his or her right of reply after any amendments thereto have been moved and disposed of.

18.43.5. Calling to Order for Speaking Twice

Subject to subsection 18.43.7, the Mayor shall, without waiting for the intervention of the Council, call to order any Councillor proceeding to speak a second time on the same question.

18.43.6. Mover or Seconder to be Held to have Spoken

- (1) A Councillor moving a motion or amendment shall be held to have spoken thereon.
- (2) A Councillor seconding a motion or amendment shall be held to have spoken thereon, unless at the time of seconding the motion or amendment the Councillor reserves the right to speak on the motion or amendment immediately after the first speaker against it, but not otherwise.

18.43.7. Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subsection 18.43.4 hereof in the following circumstances—

- (a) there may be a general suspension in which case subsection 18.43.4 shall be suspended until such time as the Council by resolution resolves to lift the suspension; and
- (b) there may be a specific suspension giving the right to speak twice to specified Councillors and that suspension shall be automatically lifted when all Councillors specified have spoken twice or waived the right to do so.

18.43.8. Questions During Debate

A Councillor may ask a question relevant to the motion under debate at any time during the debate, subject to Clause 18.43.3, on a motion before the motion is put, but no discussion thereon is permitted.

18.43.9. Foreshadowed Motion

- (1) A Councillor, in speaking upon a motion, may give notice to the meeting of the Councillor's intention to move a different motion on the same subject matter being a motion which cannot practically be moved by an amendment to the motion under consideration, and shall provide to the Mayor the terms of the foreshadowed motion.
- (2) If two or more Councillors pursuant to subsection (1) foreshadow motions on the same subject, the Mayor shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.
- (3) If the motion under consideration is lost, the Council may determine on a motion without notice that the foreshadowed motions be brought forward forthwith. If that motion is passed the foreshadowed motions shall be considered by the Council in succession until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

18.43.10. No Speaking After Motion Put

No Councillor shall speak on any motion or amendment—

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

18.43.11. Limit of Speeches

- (1) A Councillor shall not speak upon any motion or amendment or in answer to any question with or without notice for a longer period than 5 minutes or speak in reply for a longer period than 3 minutes without the consent of the Council to extend, which shall be signified without discussion.

- (2) Under this section the Council shall not consent to the extension of a Councillor's time for speaking beyond 5 minutes of total extensions.

18.43.12. Speaking in Reply

A Councillor speaking in reply shall not introduce any new matter, but the Councillor shall be strictly confined to answering previous speakers.

18.43.13. Division of Motions

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

18.43.14. Withdrawal of Motions

A motion or amendment may be withdrawn by the mover with the consent of the Council, which shall be signified without debate, and it shall not be competent for any Councillor to speak upon the motion or amendment after consent to withdrawal has been granted.

18.44. CONDUCT OF COUNCILLORS

18.44.1. No Digression

A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council.

18.44.2. Withdrawal of Offensive Language

Any Councillor who uses an expression which in the opinion of the Mayor reflects offensively on any Councillor or Officer of the Council shall, when required by the Mayor, unreservedly withdraw the expression and make a satisfactory apology to the Chair, and if he or she declines, or neglects to do so, the Mayor may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

18.44.3. Disturbance by Councillor

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

18.44.4. Continued Irrelevance, Etc.

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

18.44.5. Crossing Council Chamber

When the Mayor is putting any question a Councillor shall not leave or cross the Chamber, and a Councillor shall not, whilst any other Councillor is speaking, pass between the speaker and the Chair.

18.45. VOTING

18.45.1. The Mayor shall cast a deliberative vote on any question in respect of which the Mayor is not precluded by the Act or this Local Law from voting.

18.45.2. If the votes of members present at a Council or Committee meeting are equally divided, the person presiding may cast a second vote. (S.5.21(3)).

18.45.3. Subject to section 18.24, each Councillor and each member of a Committee to which a local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote. (S.5.21).

18.45.4. Voting at a Council or Committee meeting is to be conducted so that no voter's vote is secret. (Admin.Reg.9).

18.45.5. Method of Taking Vote

- (1) The Mayor shall, in taking the vote on any motion or amendment, put the question first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority on the voices, or by a show of hands.
- (2) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Councillor calls for a show of hands.
- (3) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for—
 - (a) his or her vote; or
 - (b) the vote of all Councillors present to be recorded in the Minutes, whereupon the Mayor shall cause the vote or votes to be so recorded.
- (4) Voting at all meetings is to be conducted so that no voter's vote is secret. (Admin.Reg.9).

18.46. MOTIONS

18.46.1. Permissible Motions During Debate

Subject to subsection 18.46.2, when a motion is under debate, no further motion shall be moved except a motion—

- (a) that the motion be amended;
- (b) that the Council do adjourn;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the Council do proceed with the next business;

- (f) that the Council do sit behind closed doors; or
- (g) that the meeting be now closed.

18.46.2. Permissible Motions on Recommendation from Committee

Whenever a Committee presents a recommendation to the Council, whether the recommendation is a new matter or pursuant to a previous reference from the Council, the only motion which shall be entertained by the Council thereon shall be—

- (a) that the recommendation be adopted;
- (b) that the recommendation be not adopted and no further action be taken;
- (c) subject to subsection 18.46.3 hereof, that the recommendation be amended or modified and adopted with such amendment or modification;
- (d) should there be any reason for referral back to Committee, that the recommendation or any part thereof be referred back to the responsible Committee for further consideration provided that a motion to refer a recommendation back to a Committee shall not be entertained unless the Councillor moving the motion states the reason for the recommendation being referred back;
- (e) where part of the recommendation is referred back to the Committee, that the balance of the recommendation be dealt with otherwise in accordance with this subsection; or
- (f) that the recommendation be amended provided that a proposed amendment shall not in any way alter the intent of the recommendation on its first consideration by the Council though it may do so on the second or subsequent consideration.

18.46.3. Where Substance Altered

Where, in the opinion of the Mayor, an amendment or modification of a recommendation alters the substance or effect of the recommendation the Mayor shall require a new motion to be put, but only after the Council has passed a motion that the recommendation not be adopted.

18.47. AMENDMENTS

18.47.1. Relevancy of Amendment

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

18.47.2. To be Read or Stated

Every amendment shall be read or stated before being moved.

18.47.3. One Amendment at a Time

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

18.47.4 (1) Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate, be treated as if it was the original motion.

(2) Only the mover of the original motion shall have a right of reply in respect of the original motion as amended.

18.48. ADJOURNMENT

18.48.1. Motion That Council Adjourn

A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

18.48.2. Times for Speaking on Motion to Adjourn

On a motion to adjourn, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for not more than 3 minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition of an adjournment shall not lose the right of reply.

18.48.3. Subsequent Motion to Adjourn

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

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

18.48.4. Restraint on Councillor's Right to Move Adjournment

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

18.48.5. Resumption of Debate after Adjournment of Meeting

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

18.48.6. Recording Speakers before Adjournment of Meeting

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

18.48.7. Adjournment of Council

On the motion for the adjournment of Council being carried the Mayor shall adjourn Council to such time and date as the motion specifies, or where no time and date is specified, to such time and date as the Mayor shall then declare.

18.48.8. Motion that Debate be Adjourned

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

18.48.9. Times for Speaking on Adjournment of Debate

On a motion that the debate be adjourned, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, the mover of the motion then under debate may speak for not more than 3 minutes, and if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or in the Chairman's absence a Councillor thereof may speak for not more than 5 minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition to an adjournment shall not thereby lose the right of reply.

18.48.10. Restraint on Councillors' Right to Move Adjournment of Debate

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

18.48.11. Resumption after Adjournment of Debate

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

18.48.12. Recording Speakers before Adjournment of Debate

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

18.49. 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 shall be in accordance with section 18.11.

18.50. MOTION THAT THE QUESTION BE NOW PUT**18.50.1. Moving Closure**

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

18.50.2. Restraint on Councillor's Right to Move Closure

A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and the motion shall not be carried except by an absolute majority of the Councillors of the Council.

18.50.3. Times for Speaking on Closure Motion

When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has occurred, and if otherwise entitled to do so, be permitted to speak in reply for not more than 3 minutes before the question is put, but subject thereto, the question shall at once be put.

18.50.4. The Question to be Put on a Closure

- (1) Whenever the Council decides 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 is moved during debate on an amendment, it is the amendment that is put to the vote and not the original motion.

18.51. MOTION THAT COUNCIL DO PROCEED TO THE NEXT BUSINESS**18.51.1. Moving the "Next Business"**

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

18.51.2. Effect of a "Next Business" Resolution

Where the Council decides to proceed to the next business, the question that was then under discussion shall be considered as lapsed. The effect of a motion thus lapsing shall be the same as if it had been lost on a vote of the Council.

18.51.3. Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion shall not be moved within 1 hour after a similar motion has been negated.

18.52. MOTION THAT THE MEETING BE NOW CLOSED**18.52.1. Moving the Closure of the Meeting**

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

18.52.2. Times for Speaking on Closure of Meeting

On a motion that the meeting of the Council be closed, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) then under debate may speak for not more than 3 minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition to the Closure of the meeting shall not thereby lose the right of reply.

18.52.3. Subsequent Motion to Close Meeting

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

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

18.52.4. Restraint on Councillor's Right to Move Closure of Meeting

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

18.52.5. Effect of Closure of Meeting

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

18.52.6. Recording Speakers before Closure of Meeting

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

18.53. MOTIONS AFFECTING EXPENDITURE**18.53.1. Reference to Standing Committee**

At a meeting of the Council where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Standing Committee having oversight over the expenditure referred to in the motion or amendment, unless the Council in any particular case otherwise resolves.

18.53.2. Effect of Reference

In the case of an amendment having the effect of incurring expenditure, if the Council resolves to refer the question to the responsible Standing Committee, the Council shall not further consider the original motion—

- (a) until the responsible Standing Committee has considered the amendment and reported back to a subsequent meeting of the Council; or
- (b) unless the Council at the time of a subsequent meeting resolves to proceed with the consideration of the original motion and the amendment without waiting for the report of the responsible Standing Committee.

18.53.3. When a Committee has before it for consideration a motion or amendment referred to it pursuant to subsection 18.53.1 it may either—

- (a) recommend to Council an amendment to the Committee budget in a manner which does not increase the total expenditure provided for in the Committee's budget; or
- (b) recommend to the Council that the matter be referred to the Committee having specific responsibility for the presentation of the Budget to the Council to ascertain if funds can be provided to meet the proposed expenditure.

18.54. MOTION FOR REVOCATION**18.54.1. "Substantive Resolution" Defined**

In this section the term "substantive resolution" refers to a resolution which is the subject of a motion of revocation or change.

18.54.2. Revocation or Change—Same Meeting

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

18.54.3. Revocation or Change—Subsequent Meeting

- (1) If a revocation or change is to be moved at a subsequent meeting, notice of the motion to revoke or change should be given to the CEO at least 7 days before the meeting, and should be signed by the number of persons who are, by the next succeeding subsection, required to support the motion.

- (2) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different.

18.54.4. Support for Revocation or Change

- (1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported—
 - (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous 3 months but has failed, by an absolute majority; or
 - (b) in any other case, by at least one third of the number of offices (whether vacant or not) of Councillor

inclusive of the mover. Otherwise the motion shall not be entertained.

- (2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed—
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special (75%) majority; or
 - (b) in any other case, by an absolute majority.
- (3) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that substantive resolution would be revoked or would become substantially different. (Admin.Reg.10).

18.54.5. Terms of and Reasons for Revocation or Change to be Stated

When moving a motion of revocation or change at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Councillor moving the revocation or change shall state in clear terms—

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking revocation or change,

and the Mayor shall not accept a motion for revocation or change which does not comply with those requirements.

18.54.6. Terms and Reasons to be stated in Notice

When giving notice of motion of revocation or change the Councillor giving notice shall record in writing in clear terms—

- (a) the terms of the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed; and
- (b) the reason or reasons for seeking the revocation or change.

The CEO shall not accept a notice of motion of revocation or change which does not comply with those requirements.

18.54.7. Notices Received During Same Meeting

- (1) If the CEO receives a notice of motion to revoke or change a substantive resolution before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subsections, the CEO shall forthwith deliver the notice to the Mayor who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Mayor shall bring on the motion before the close of the meeting.
- (2) If the CEO receives a notice of motion to revoke or change a substantive resolution after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subsections the CEO shall do all things necessary 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 substantive resolution was passed.

18.54.8. Delay in Implementing Substantive Resolution

Neither the CEO nor any other Councillor or employee of the Council shall take any step to implement or give effect to a substantive resolution until 2 Council office working days have expired after the close of the meeting at which the substantive resolution was passed. If a notice of motion to revoke or change is received by the CEO before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

18.54.9. Restraints on Notices of Revocation or Change

The CEO shall not receive a notice of motion to revoke or change a substantive resolution if any step has been taken in accordance with this Local Law to implement or give effect to the substantive resolution.

18.54.10. Restraints on Motions for Revocation or Change

Without affecting the generality of the preceding subsection, the Council shall not entertain a motion for revocation or change of a substantive resolution whether the motion is moved with or without notice if—

- (a) at the time the motion is moved any step has been taken in accordance with this Local Law by the CEO or any other Officer of the Council to implement the substantive resolution; or
- (b) the substantive resolution concerns an application for planning consent or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representative by an em-

ployee of the Council having authority to give such notification in ordinary circumstances.

18.54.11. Multiple Notices to Revoke or Change

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

18.54.12. Absence of Mover or Seconder

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

- (a) the Councillor who gave notice of the motion is not present or is not willing to move the motion; and
- (b) there is no other Councillor present willing to move the motion; or
- (c) if the motion is not supported by the number of Councillors required by the preceding provisions of this section,

then the motion shall lapse.

18.54.13. No Rescission of Procedural Resolution or a Resolution to Revoke

The Council shall not entertain a motion to revoke a substantive resolution, which is merely procedural in its form and effect, or a resolution to revoke another resolution.

18.54.14. Motion to Change Having Effect of Revocation

If a motion to change a substantive resolution in its form or effect would amount to a motion to revoke the substantive resolution then it shall be treated as if it was a motion to revoke the substantive resolution.

18.55. NEGATIVED MOTION NOT TO BE ENTERTAINED WITHIN THREE MONTHS

A motion to the same effect as any motion, (other than a motion moved in pursuance of a report of a committee of the Council) which has been decided in the negative by the Council, shall not again be entertained within a period of 3 months unless an absolute majority of the Councillors signify to the CEO in writing before a meeting their consent to the motion being entertained at that meeting.

18.56. SUSPENSION OF STANDING ORDERS

18.56.1. 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 any Councillor makes an objection to such a motion, the motion shall not be declared carried unless it is agreed to by an absolute majority of the Council.
- (3) In any event no Standing Order shall be suspended which requires the passing of a resolution by an absolute or special (75%) majority.

18.56.2. No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders shall state the object of the motion, but discussion shall not otherwise take place thereon.

18.56.3. Only Specified Sections Suspended

A Councillor moving the suspension of Standing Orders under this section shall state the specific section or sections of the Standing Orders sought to be suspended. Only the sections so nominated shall be affected by any resolution to suspend Standing Orders under this section.

Division 4—Committees

18.57. STANDING ORDERS APPLY TO COMMITTEES

Except in so far as they limit the number of times a Councillor may speak, or why by express terms or necessary implication the contrary intention appears, the Standing Orders applying to the Council shall apply mutatis mutandis to Committees.

18.58. COMMITTEES

18.58.1. (1) The Council may establish Committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to Committees. (S.5.8).

(2) Any resolution to establish a Committee or to appoint members requires an absolute majority of the Council.

18.58.2. In addition to such other Committees as may from time to time be appointed there shall be Standing Committees of the Council, namely—

- (a) Technical Services Committee;
- (b) Corporate Services and Community Development Committee; and
- (c) Environmental Services Committee.

18.58.3. Each Standing Committee shall comprise—

- (a) 4 Councillors each appointed member as an ordinary member, being at least 1 Councillor from each Ward, and the Mayor where he indicates his intention to be a member in accordance with Section 5.10 of the Act.
- (b) Councillors appointed members as deputies to ordinary members referred to in item (a); and
- (c) a member appointed under subsection 5.58.7.

18.58.4. A person appointed member as an ordinary member shall hereafter in this clause be referred to as "member" or an "ordinary member", and a person appointed member as a deputy member shall hereinafter be referred to as "deputy" or "deputy member" unless the deputy is acting in place of an ordinary member.

18.58.5. (1) In this subsection "other person" means a person who is not a Councillor or an employee of the Council.

(2) A Committee is to comprise—

- (a) Council members only;
- (b) Council members and employees;
- (c) Council members, employees and other persons;
- (d) Council members and other persons;
- (e) employees and other persons; or
- (f) other persons only. (S.5.9).

18.58.6. At any given time each Councillor is entitled to be an ordinary member of at least one Committee referred to in item (a) of the preceding subsection, and if a Councillor nominates himself or herself to be a member of one or more of such committees, the Council shall include that Councillor in the persons appointed under item (a) of subsection 18.53.3 to at least one of those Committees as the Council determines. (S.5.10(2)).

18.58.7. If at a meeting of the Council appointments are to be made to a Committee that has or could have a Councillor as a member and the Mayor informs the Council of his or her wish to be a member of the Committee, the Council shall appoint the Mayor to be a member of the Committee. (S.5.10(4)).

18.58.8. If at a meeting of the Council an appointment is to be made to a Committee that has or will have an employee as a member and the CEO informs the Council of his or her wish—

- (a) to be a member of the Committee; or
- (b) that a representative of the CEO be a member of the Committee,

the Council shall appoint the CEO or the CEO's representative, as the case may be, to be a member of the Committee. (S.5.10(5)).

18.58.9. The Council may appoint a deputy as referred to in subsection 18.58.3 (b)—

- (a) as a deputy having office for the same period as a relevant ordinary member to act in place of the relevant ordinary member whenever the relevant ordinary member is unable to be present at a meeting of the Committee; or
- (b) as a deputy to a member who is presently unable or expected to become unable for any cause to perform the functions of a member and such a deputy shall have office during the period that the ordinary member is unable to perform the functions of a member, unless a shorter term is stipulated by the Council.

18.58.10. The Council may only appoint a person to be a member of a Committee as deputy who would be qualified to be appointed as an ordinary member.

18.58.11. In the event that the Council appoints 2 or more deputies to any member of a Committee, they shall have seniority in the order determined by the Council.

18.58.12. If a member of a Committee does not attend a meeting, during the member's absence any deputy of that member is entitled to attend the meeting in place of the member and act for the member at the meeting, and while so acting has all the powers of that member. For all purposes under the Standing Orders a deputy acting for a member shall be treated as and included in any reference to the members or a member of the Committee as if the deputy was the ordinary member, and the deputy member's vote shall have effect accordingly.

18.58.13. If a deputy has commenced to act in place of a member at a Committee meeting and the member attends the meeting, the member takes precedence and assumes the seat and the deputy shall thereupon cease to act as a member at that meeting.

18.58.14. A deputy who is one of two or more deputies of a member of a 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 subsection 18.58.11.

18.58.15. A person who is a member of a Committee is not eligible to be appointed a deputy for another member of that Committee.

18.58.16. An absolute majority of the Council is required for the appointment of any member to a Committee including a deputy member, with the exception of members appointed pursuant to subsections 18.58.7 and 18.58.8.

18.59. COUNCILLOR ATTENDING COMMITTEE AS OBSERVER

18.59.1. A Councillor may attend as an observer at meetings of a Committee notwithstanding that the Councillor is not a member of that Committee. A Councillor attending a Committee meeting as an observer may speak with the leave of the Committee, but shall not vote on any question before the Committee unless the Councillor is a deputy of a member excluded from a meeting pursuant to section 18.24 and he or she is invited by the Committee to participate pursuant to subsection 18.24.5.

18.59.2. Subject to the preceding subsection a Councillor attending a Committee as an observer shall sit in an area set aside for observers separated from the Committee members.

18.60. TERM OF APPOINTMENT

18.60.1. Whenever possible Committees should be established each year at the first meeting of the Council held after the ordinary Election Day or on the anniversary of the Election Day.

18.60.2. Where a person is appointed as a member of a Committee under subsection 18.58.7 or 18.58.8, the person's membership of the Committee continues until—

- (a) in the case of the Mayor, the person no longer holds that office;
- (b) in the case of the CEO or the CEO's representative, the person no longer holds that position;
- (c) the person resigns from membership of the Committee;
- (d) the Committee is disbanded; or
- (e) the next ordinary election day,

whichever happens first. (S.5.11(1)).

18.60.3. Where a person is appointed as a member of a Committee as ordinary member or deputy member other than under subsections 18.58.7, or 18.58.8, or item (b) of subsection 18.58.10 the person's membership of the Committee continues until—

- (a) the term of the person's appointment as a Committee member expires;
- (b) the Council removes the person from the office of Committee member or the office of Committee member otherwise becomes vacant;
- (c) the Committee is disbanded; or
- (d) the next ordinary Election Day,

whichever happens first. (S.5.11(2)).

18.61. RESIGNATION OF COMMITTEE MEMBER

18.61.1. A Committee member may resign from membership of the Committee by giving the CEO or the Committee's Presiding Member written notice of the resignation. (Admin.Reg.4).

18.61.2. A resignation takes effect upon the delivery of the notice to the CEO or the Presiding Member, or on a later date if specified in the notice.

18.62. COMMITTEE MEMBERSHIP MAY BE CHANGED

The Council may, by an absolute majority, change the membership of any Committee provided that the Council may not remove as members persons appointed pursuant to subsections 18.58.7 and 18.58.8.

18.63. CONSTITUTION OF COMMITTEE

A Council resolution to establish a committee shall include details of its constitution including—

- (a) the number of members;
- (b) qualifications for membership; and
- (c) terms of reference specifying duties, powers and reporting requirements. (s5.10)

18.64. POWERS AND DUTIES OF COMMITTEE

The powers and duties of committees are to be such as the Council from time to time defines. Subject to any resolution of the Council to the contrary passed after the coming into operation of these Standing Orders, the Standing Committees shall have the power and duty to make recommendations to the Council in respect to the following matters—

Technical Services Committee

- Long term strategies, policies and plans in relation to—
 - Parks, Recreation and Wetland Management
 - Maintenance and Development of the Council's Infrastructure
 - Traffic Management and Street Control
 - Roads, Drainage, Underground Power and Footpaths
 - Local Law and Ordinance Matters
- To exercise delegated authority and to review the management, operation and performance of the above activities
- To consider appeals on decisions made by Staff under delegated authority.

Corporate Services and Community Development Committee

- Long term strategies, policies and plans in relation to—
 - Financial Management and Services (including Inter Divisional Services)
 - Asset Management
 - Liability Management
 - Revenue Management
 - Rating and Electoral Services
 - Statutory Compliance
 - Administrative Services
 - Public Relations
 - Fire Prevention
 - Local Law and Ordinance Matters

- Community Services and Facilities—both existing and ongoing development
- Library Service
- Recreation Services and Facilities
- Tourism
- Community Organisation Liaison
- To exercise delegated authority and to review the management, operation and performance of the above activities
- To consider appeals on decisions made by Staff under delegated authority
- To oversee and make recommendations with respect to all matters not specifically allocated to another Committee.

Environmental Services Committee

- Long term strategies, policies and plans in relation to—
 - Maintenance of public buildings under Council control
 - Waste Management
 - Environmental and Community Health matters
- To exercise delegated authority and to review the management, operation and performance of the above activities
- To consider appeals on decisions made by Staff under delegated authority
- Town planning and the regulation of planning and building matters

18.65. DELEGATION OF POWERS AND DUTIES

18.65.1. Subject to the next following subsection the Council by absolute majority may delegate to a Committee powers and duties other than this power of delegation. (S.5.16(1)).

18.65.2. The procedure associated with the making of the delegation its duration and revocation by the Council shall be so provided in s.5.16 of the Act.

18.65.3. The Council may delegate—

- (a) to a Committee comprising Council members only, any of the Council's powers or duties under the Act except—
 - (i) any power or duty that requires a decision of an absolute majority or a special (75%) majority of the Council; and
 - (ii) any other power or duty that is prescribed under the Act;
- (b) to a Committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the CEO under Division 4 of the Act; and
- (c) to a Committee which includes any Council member or employee, any of the Council's powers or duties that are necessary or convenient for the proper management of—
 - (i) the City's property; or
 - (ii) an event in which the City or the Council is involved.

18.65.4. The Council cannot delegate any of its powers or duties to a Committee which does not include a Councillor or employee in its membership. (S.5.17).

18.65.5. The Council shall keep a register of the delegations made under the preceding subsection and shall review the delegations at least once every financial year. (S.5.18).

18.66. MEETINGS OF COMMITTEES

18.66.1. Quorum

The quorum for meetings of Committees shall be as provided in subsections 18.7.1 and 18.7.4.

18.66.2. Meetings

A meeting of a Committee shall be held in accordance with section 18.67 when called by the Presiding Member or as determined by the Committee.

18.66.3. Meetings of a Standing Committee or other Committee to which a power or duty of the Council has been delegated shall be open to the public, except where that Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case the provisions of subsections 18.18.2 to 18.18.8 inclusive apply mutatis mutandis.

18.67. CALLING MEETING OF COMMITTEE

18.67.1. CEO to Call Meeting

The CEO shall call a meeting of any Committee when requested so to do by the Presiding Member of the Committee. The CEO shall give 48 hours notice of the meeting to every member of the Committee and to any Councillor who is not a member.

18.67.2. Papers for Committee Meeting to be Put to All Members of Council

When a meeting of any Committee is called the Business Paper for the meeting together with copies of all Officers' reports relating to matters on the Agenda for that meeting shall be forwarded to all Councillors and not just to the Members of the Committee.

18.68. ORDER OF BUSINESS OF STANDING COMMITTEE MEETING

The order of business at an Ordinary Standing Committee meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Committee at any particular meeting thereof, it may be altered by resolution to that effect—

- (i) Present;
- (ii) Apologies;
- (iii) Leave of Absence;
- (iv) Members' and employees' declarations of conflicting interests;
- (v) Question time;
- (vi) Public Address Session;
- (vii) Confirmation of Minutes;
- (viii) Tabling of Presiding Member's Announcements, without discussion;
- (ix) Petitions, Memorials and Deputations;
- (x) Reports of Managing and Advisory Committees, CEO and Executive Managers;
- (xi) Any other business falling within the jurisdiction of the Committee.

18.69. QUORUM OF COMMITTEES**18.69.1. Quorum Required**

No meeting of a Committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provisions of subsection 18.66.1.

18.69.2. Failure of Quorum

Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the Committee, unless the Chairman convenes a special meeting of the Committee for the transaction of the business standing adjourned.

18.70. UNFINISHED BUSINESS OF FORMER COMMITTEES

Every Committee of the Council will take up matters referred by the Council to the preceding Committee, which may not have been entered upon or fully discharged at the time such Committee went out of office.

18.71. VOTING BY COMMITTEES

18.71.1. A decision of a Committee does not have effect unless it has been made by a simple majority, or if another kind of majority has been prescribed by regulations or these Standing Orders for the particular kind of decision by that kind of majority. (S.5.20(3)).

18.71.2. If the votes of members present at a Committee meeting are equally divided, the Presiding Member may cast a second vote. (S.5.21(3)).

18.72. CONFERENCE OF COMMITTEES

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

18.73. MINUTES OF COMMITTEES

The Presiding Member of a Committee shall cause minutes of the proceedings of the Committee to be recorded and kept in a minute book.

18.74. COMMITTEES TO REPORT**18.74.1. Obligation to Report**

A Committee is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.

18.74.2. Preparation of Report

When it has reached a decision on each matter referred to it by the Council the Committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.

18.74.3. Recording Business in Minutes

Pending a decision being reached on any matter referred to it by the Council, the Committee shall list such item of business in the minutes of its meeting under the heading of "Outstanding Business" and against each such item of business briefly indicate when the Committee expects to submit its recommendations to the Council.

Division 5—General**18.75. REPRESENTATION ON PUBLIC BODIES****18.75.1. Obligations of Delegate**

A Councillor appointed by Council to be its delegate to a body shall when required to express an opinion or vote on any item of business, have regard to the resolutions, policies and practices of the Council.

18.76. CONFIDENTIAL BUSINESS**18.76.1. Obligation of Confidentiality**

Every matter dealt with by, or brought before, the Council or a Committee 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, 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) prior to the discussion of that matter at a meeting of the Council held with open doors.

18.76.2. CEO Restricting Documents

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 the CEO's discretion, be marked as such, and shall then be treated as strictly confidential and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors or Officers of the Council.

18.77. ELECTORS MEETINGS

18.77.1. Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of these Standing Orders and the provisions of subdivision 4 of Part 5 and Regulations of the Act, the provisions of the Act and the Regulations prevail.

18.77.2. Restriction on Voting and Speaking

A person who is not an elector as that term is defined in section 5.26 of the Act (including ratepayers) is not entitled to vote at a meeting of electors, and he or she may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests the person to do so.

Division 6—Miscellaneous

18.78. NOTICES

Where the Standing Orders provide for a notice or any other paper or thing to be given or delivered to or served upon a Councillor, unless the context or the Act otherwise require, the notice, paper or thing may be—

- (a) delivered to the Councillor personally or to the Councillor's ordinary residence in Western Australia within the minimum time stipulated; or
- (b) be sent by facsimile transmission or posted to the ordinary residence or the usual place of business (if any) of the Councillor within the District.

Where the notice, paper or thing is sent—

- (a) by delivery to the ordinary residence or by facsimile transmission, it shall be considered to have been given, delivered or served at the time of delivery or transmission;
- (b) by post, it shall be considered to have been given, delivered or served within the time stipulated if it is posted by prepaid post to the Councillor's ordinary residence in Western Australia not less than 2 Council working days before expiration of the minimum time stipulated.

18.79. ENFORCEMENT OF CODES OF CONDUCT

- (a) The Council shall ensure that any Code of Conduct adopted by it pursuant to section 5.103 of the Local Government Act 1995 ("Code of Conduct") is consistent with the provisions of these Standing Orders, and consistent with regulations made under section 5.103 (3) of the Act.
- (b) A Council Member, Committee Member or employee who acts in a breach of a Code of Conduct is entitled to receive one warning of the breach before any penalty for the breach applies.
- (c) The warning referred to in the preceding subsection shall be given—
 - (i) in the case of a breach by the Mayor, by a special (75%) majority of the Council;
 - (ii) in the case of a breach by a Councillor or a Committee Member, by the Mayor or the person presiding at a meeting where the breach occurs;
 - (iii) in the case of the CEO, by the Mayor; and
 - (iv) in the case of any other employees, by the CEO.
- (d) A Council member, Committee member or employee who breaches any provision of a Code of Conduct referred to in subsection (b), after having been warned of the breach, shall be considered to be in breach of these Standing Orders, and the penalties provided for the breach of these Standing Orders shall apply.
- (e) Where a Council member, Committee member or employee is deemed to have breached the Code of Conduct, no prosecution will be undertaken or penalty applied until the nature of the breach and the question of proceeding with prosecution is brought before a meeting of full Council and determined by an Absolute Majority of Council.
- (f) For the purpose of this section, the provisions of any Code of Conduct referred to in subsection (b) shall have the same effect as if they were expressly included in these Standing Orders.
- (g) Prior to the initiation of any prosecution against any elected member or employee, the CEO is to obtain written legal advice to protect the interests of the City and the Councillor or Employee alleged by Council to have breached the Code of Conduct.

18.80. PENALTIES

- (a) The maximum penalty in respect of an offence involving a breach of this Local Law shall be \$5,000.
- (b) Subject to subsection (a), any person who commits a first offence under this Local Law shall be liable, if no inconsistent penalty is provided by this Local Law or any other law;
 - (i) to a minimum penalty of \$100 and a maximum penalty of \$1,000; and

- (ii) in addition, if the Court thinks fit, to a minimum daily penalty of \$10 per day and a maximum daily penalty of \$100 per day.
- (c) A minimum penalty or a minimum daily penalty referred to in subsection (b) shall increase in severity by one tenth for each successive breach of the same provision by the same offender but shall not in any event exceed the maximum provided in subsection (a).

Passed at a meeting of the Council of the City of Nedlands on 15 December 1998.

The Common Seal of the City of Nedlands was hereunto affixed in the presence of—

C. E. BARNES, Mayor.
G. J. FAULKNER, Chief Executive Officer.



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