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LOCAL GOVERNMENT ACT 1995

**CITY OF STIRLING
STANDING ORDERS LOCAL
LAW 1998**

LOCAL GOVERNMENT ACT 1995

CITY OF STIRLING

STANDING ORDERS LOCAL LAW 1998

ARRANGEMENT

PART 1—PRELIMINARY

Section

- 1.1 Citation
- 1.2 Commencement
- 1.3 Content and intent
- 1.4 Previous by-law repealed
- 1.5 Definitions

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

- 2.1 Establishment of committees
- 2.2 Types of committees
- 2.3 Delegation of some powers and duties to certain committees
- 2.4 Limits on delegation of powers and duties to certain committees
- 2.5 Appointment of committee members
- 2.6 Tenure of committee membership
- 2.7 Resignation of committee members
- 2.8 Register of delegations to committees

PART 3—COUNCIL AND COMMITTEE MEETINGS*Division 1—Calling and Convening Meetings*

- 3.1 Ordinary and special council meetings
- 3.2 Calling council meetings
- 3.3 Convening council meetings
- 3.4 Calling committee meetings
- 3.5 Public notice of meetings
- 3.6 Production of documents
- 3.7 Conference of committees
- 3.8 Committees to report

Division 2—Minutes and Other Documents

- 3.9 Minutes of meetings
- 3.10 Content of minutes of meetings
- 3.11 Public inspection of unconfirmed minutes
- 3.12 Public inspection of other documents

PART 4—CONDUCT OF MEETINGS*Division 1—Who Presides*

- 4.1 Who presides at council meetings
- 4.2 When the deputy mayor can act
- 4.3 Who acts if no mayor
- 4.4 Election of presiding members of committees
- 4.5 Election of deputy presiding members of committees
- 4.6 Functions of deputy presiding members
- 4.7 Who acts if no presiding member

Division 2—Quorum Provisions

- 4.8 Quorum for meetings
- 4.9 Reduction of quorum and certain majorities for council meetings
- 4.10 Reduction of quorum for committee meetings
- 4.11 Procedure where no quorum to begin a meeting
- 4.12 Procedure where quorum not present during a meeting
- 4.13 Names to be recorded

Section

Division 3—Meeting Business

- 4.14 Business at a meeting
- 4.15 Objectionable business
- 4.16 Order of business at a council meeting
- 4.17 Urgent business at a council meeting
- 4.18 Order of business at a special council meeting
- 4.19 Business at an adjourned meeting
- 4.20 Late correspondence
- 4.21 Personal explanation
- 4.22 Presentation of committee reports

Division 4—Public Participation

- 4.23 Meetings generally open to the public
- 4.24 Meetings not open to the public
- 4.25 Distinguished visitor
- 4.26 Prevention of disturbances
- 4.27 Question time for the public
- 4.28 Question time for the public at certain meetings
- 4.29 Minimum question time for the public
- 4.30 Procedures for question time for the public
- 4.31 Deputations
- 4.32 Petitions
- 4.33 Participation at committee meetings

Division 5—Questions

- 4.34 Restrictions on questions and answers
- 4.35 Questions with notice at council meetings
- 4.36 Questions without notice

Division 6—Motions and Notices of Motion

- 4.37 Notices of motion
- 4.38 Exclusion or amendment of notices
- 4.39 Motion to lapse
- 4.40 Amendments to notice of motion
- 4.41 Substance of motion to be stated
- 4.42 Procedure on moving a motion
- 4.43 Unopposed motions
- 4.44 Opposed motions
- 4.45 Division of motions
- 4.46 Withdrawal of motions

Division 7—General Conduct of Debate

- 4.47 Members to be in their proper places
- 4.48 Respect to the presiding member
- 4.49 Members to address the presiding member in council meetings
- 4.50 Priority of speaking at council meetings
- 4.51 Titles to be used
- 4.52 Presiding member to be heard
- 4.53 Presiding member not to take part in debates
- 4.54 Speaking twice
- 4.55 No speaking after reply or motion put
- 4.56 Limit of speeches
- 4.57 Speaking in reply
- 4.58 No digression
- 4.59 No adverse reflection on members or officers
- 4.60 Withdrawal of offensive language
- 4.61 Disturbance by members
- 4.62 Continued irrelevance, etc
- 4.63 Crossing council chamber

Division 8—Points of Order

- 4.64 Point of order
- 4.65 Precedence given to points of order
- 4.66 Procedures on a point of order
- 4.67 Presiding member may call to order
- 4.68 Definition of order
- 4.69 Calling attention to breach
- 4.70 Rulings by the presiding member
- 4.71 Continued breach of order
- 4.72 Serious disorder

Section

Division 9—Permissible Motions During Debate

- 4.73 Permissible motions during debate
- 4.74 Motion that 'the motion be amended'
- 4.75 Motion that 'the meeting adjourn'
- 4.76 Motion that 'the debate be adjourned'
- 4.77 Motion that 'the question now be put'
- 4.78 Motion that 'the question now not be put'
- 4.79 Motion that 'the question (or communication) lie on the table'
- 4.80 Motion that 'the meeting proceed to the next item of business'

Division 10—Revoking or Changing Decisions

- 4.81 Majorities required for decisions
- 4.82 Majorities required to revoke or change decisions
- 4.83 Limitations on power to revoke or change decisions
- 4.84 Revocation motion at the same meeting—power
- 4.85 Revocation motion at the same meeting—procedures
- 4.86 Revocation motion after meeting—power
- 4.87 Revocation motion after meeting—procedures
- 4.88 Implementing a decision

Division 11—Suspension of Standing Orders

- 4.89 Suspension of standing orders

Division 12—Voting

- 4.90 Voting
- 4.91 Voting at meetings
- 4.92 Method of taking vote

PART 5—ELECTORS' MEETINGS

- 5.1 Electors' general meetings
- 5.2 Matters for discussion at general electors' meeting
- 5.3 Electors' special meetings
- 5.4 Requests for electors' special meetings
- 5.5 Convening electors' meetings
- 5.6 Who presides at electors' meetings
- 5.7 Procedure for electors' meetings
- 5.8 Procedures at electors' meetings
- 5.9 Voting at electors' meetings
- 5.10 Minutes of electors' meetings
- 5.11 Decisions made at electors' meetings

PART 6—ENFORCEMENT

- 6.1 Penalty for contravention of standing orders
- 6.2 Anyone can prosecute
- 6.3 Presiding member to ensure compliance

LOCAL GOVERNMENT ACT 1995

CITY OF STIRLING

STANDING ORDERS LOCAL LAW 1998

Under the powers conferred by the Local Government Act 1995 and under all other powers, the Council of the City of Stirling resolved on 24 November 1998 to make the following local law.

PART 1—PRELIMINARY**Citation**

- 1.1 (1) This local law may be cited as the City of Stirling Standing Orders Local Law 1998.
(2) In the clauses that follow, this local law is referred to as “these Standing Orders”.

Commencement

- 1.2 By virtue of section 3.14 of the Act, these Standing Orders come into operation 14 days after the day on which they are published in the Gazette.

Content and intent

- 1.3 (1) These Standing Orders provide rules and guidelines for the conduct of meetings dealing with the business of the council and committees.
(2) These Standing Orders are intended to result in—
(a) better decision making by the council and committees;
(b) the orderly and efficient conduct of meetings dealing with the City’s affairs; and
(c) greater community understanding of the business of the council and committees.

Previous by-law repealed

- 1.4 Part II of the City of Stirling By-laws relating to All Matters Other than those Relating to Public Health published in the Gazette on 26th January 1971 is repealed.

Definitions

- 1.5 (1) In these Standing Orders, unless the contrary intention appears—
‘**Act**’ means the Local Government Act 1995 and includes regulations and other subsidiary legislation made under that Act;
‘**absolute majority**’ has the same meaning as given to it in the Act;
Footnote
Section 1.4 of the Act defines “absolute majority” to mean—
“ (a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*
(b) *in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;*”
‘**City**’ means the City of Stirling;
‘**CEO**’ means the Chief Executive Officer of the City;
‘**committee**’ means a committee of the council established under the Act;
‘**council**’ means the council of the City;
‘**mayor**’ means the mayor of the City or other person presiding at a council meeting under section 5.6 of the Act;
‘**meeting**’ means a meeting of the council or a committee;
‘**member**’ has the same meaning as given to it in the Act;

Footnote

Section 1.4 of the Act defines ‘member’ to mean—

“*in relation to the council of the local government, means—*

- (a) *an elector mayor or president of the local government; or*
(b) *a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor”.*

'presiding member'—

- (a) in respect of the council, means the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, means the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

'Regulations' means the Local Government (Administration) Regulations 1996.

(2) Unless these Standing Orders provide otherwise, words and expressions have the same meaning as are given to them in the Act and Regulations.

(3) Unless otherwise indicated in a particular clause, these Standing Orders apply to all council and committee meetings.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES**Establishment of committees**

2.1 Establishment of committees is dealt with in the Act.

Footnote

Section 5.8 provides as follows—

"A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

**Absolute majority required."*

Types of committees

2.2 Types of committees are dealt with in the Act.

Footnote

Section 5.9 provides as follows—

" (1) In this section—

'other person' means a person who is not a council member or an employee."

" (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."

Delegation of some powers and duties to certain committees

2.3 Delegation of some powers and duties to certain committees is dealt with in the Act.

Footnote

Section 5.16 provides as follows—

" (1) Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.*

**Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person."

Limits on delegation of powers and duties to certain committees

2.4 Limits on delegation of powers and duties to certain committees are dealt with in the Act.

Footnote

Section 5.17 provides as follows—

" (1) A local government can delegate—

- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except—
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.

(2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f)."

Appointment of committee members

2.5 Appointment of committee members is dealt with in the Act.

Footnote

Section 5.10 provides as follows—

“ (1) A committee is to have as its members—

(a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government 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 local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.”

Tenure of committee membership

2.6 Tenure of committee membership is dealt with in the Act.

Footnote

Section 5.11 provides as follows—

“ (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until—

(a) the person no longer holds the office by virtue of which the person became a member; or is no longer the CEO, or the CEO's representative, as the case may be;

(b) the person resigns from membership of the committee;

(c) the committee is disbanded; or

(d) the next ordinary elections day,

whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until—

(a) the term of the person's appointment as a committee member expires;

(b) the local government 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 elections day,

whichever happens first.”

Resignation of committee members

2.7 Resignation of committee members is dealt with in the Regulations.

Footnote

Regulation 4 provides as follows—

“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.”

Register of delegations to committees

2.8 Register of delegations to committees is dealt with in the Act.

Footnote

Section 5.18 provides as follows—

“A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.”

PART 3—COUNCIL AND COMMITTEE MEETINGS*Division 1—Calling and Convening Meetings***Ordinary and special council meetings**

3.1 Ordinary and special council meetings are dealt with in the Act.

Footnote

Section 5.3 provides as follows—

“ (1) A council is to hold ordinary meetings and may hold special meetings.

(2) Ordinary meetings are to be held not more than 3 months apart.

(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”

Calling council meetings

3.2 The calling of council meetings is dealt with in the Act.

Footnote

Section 5.4 provides as follows—

"An ordinary or a special meeting of a council is to be held—

(a) if called for by either—

(i) the mayor or president; or

(ii) at least $\frac{1}{3}$ of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council."

Convening council meetings

3.3 The convening of council meetings is dealt with in the Act.

Footnotes

1. Section 5.5 provides as follows—

" (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

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

2. Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to another. Under these provisions, notice of a meeting may be given to a council member by—

(a) personally handing the notice to the member; or

(b) sending it by post to the last known address of the member.

Calling committee meetings

3.4 The CEO is to call a meeting of any committee when requested by the mayor, the presiding member of a committee or any 2 members of that committee.

Public notice of meetings

3.5 Public notice of meetings is dealt with in the Regulations.

Footnote

Regulation 12 provides as follows—

" (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which—

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

(4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable."

Production of documents

3.6 (1) A member may, at least 8 hours before a meeting, ask the CEO to lay on the table, from the commencement of the meeting, any document of the City that relates to an item on the agenda for the meeting.

(2) The CEO is to comply with a request made under subclause (1).

Conference of committees

3.7 Any 2 or more committees may confer together by mutual agreement on any matter of joint interest.

Committees to report

3.8 A committee—

(a) is answerable to the council; and

(b) is to report on its activities when, and to the extent, required by the council.

Division 2—Minutes and other documents

Minutes of meetings

3.9 Minutes of meetings are dealt with in the Act.

Footnote

Section 5.22 provides as follows—

" (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings."

(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation."

Content of minutes of meetings

3.10 Content of minutes of meetings is dealt with in the Regulations.

Footnote

Regulation 11 provides as follows—

"The content of minutes of a meeting of a council or a committee is to include—

- (a) the names of the members present at the meeting;*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;*
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;*
- (d) details of each decision made at the meeting;*
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest."*

Public inspection of unconfirmed minutes

3.11 Public inspection of unconfirmed minutes of meetings is dealt with in the Regulations.

Footnote

Regulation 13 provides as follows—

"A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public—

- (a) in the case of a council meeting, within 10 business days after the meeting; and*
- (b) in the case of a committee meeting, within 5 business days after the meeting."*

Public inspection of other documents

3.12 Public inspection of certain documents relating to meetings is dealt with in the Regulations.

Footnote

Regulation 14 provides as follows—

"(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which—

- (a) are to be tabled at the meeting; or*
- (b) have been produced by the local government or a committee for presentation at the meeting, and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.*

(2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public."

PART 4—CONDUCT OF MEETINGS

Division 1—Who Presides

Who presides at council meetings

4.1 Who presides at council meetings is dealt with in the Act.

Footnote

Section 5.6 provides as follows—

"(1) The mayor or president is to preside at all meetings of the council.

(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.

(3) If the circumstances mentioned in section 5.34(a) or (b) apply and—

- (a) the office of deputy mayor or deputy president is vacant; or*
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

then, the council is to choose one of the councillors present to preside at the meeting."

When the deputy mayor can act

4.2 When the deputy mayor can act is dealt with in the Act.

Footnote

Section 5.34 provides as follows—

"If—

- (a) the office of mayor or president is vacant; or*
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires."

Who acts if no mayor**4.3 Who acts if there is no mayor is dealt with in the Act.**

Footnote

Section 5.35 provides as follows—

“(1) If the circumstances mentioned in section 5.34(a) or (b) apply and—

- (a) the office of deputy mayor or deputy president is vacant; or*
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

*and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of the mayor or president, as the case requires.**(2) If the circumstances mentioned in section 5.34(a) or (b) apply and—*

- (a) the office of deputy mayor or deputy president is vacant; or*
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

*and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.”***Election of presiding members of committees****4.4 Election of presiding members and deputies is dealt with in the Act.**

Footnote

Section 5.12(1) provides as follows—

“(1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule—

- (a) to ‘office’ were references to ‘office of presiding member’;*
- (b) to ‘council’ were references to ‘committee’; and*
- (c) to ‘councillors’ were references to ‘committee members’.*

Clauses 2 to 5 inclusive of Schedule 2.3 provide as follows—

“When The Council Elects The Mayor Or President**2. (1) The office is to be filled as the first matter dealt with—**

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 3.4 election or after an ordinary elections day; and*
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.*

*(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.***CEO To Preside****3. The CEO is to preside at the meeting until the office is filled.****How The Mayor Or President Is Elected****4. (1) The council is to elect a councillor to fill the office.***(2) The election is to be conducted by the CEO.**(3) Nominations for the office are to be given to the CEO in writing.**(4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.**(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.**(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.***Votes May Be Cast A Second Time***5. (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.**(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.**(3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.**(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.***When The Council Elects The Deputy Mayor Or President****6. (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with—**

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 3.4 election or after an ordinary elections day; and*
- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.*

(2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled—

- (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 3.4 election or after an ordinary elections day; and*

(b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.

(3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

How The Deputy Mayor Or Deputy President Is Elected

7. (1) The council is to elect a councillor (other than a mayor or president) to fill the office.

(2) The mayor or president is to conduct the election.

(3) Nominations for the office are to be given to the mayor or president in writing.

(4) If a councillor is nominated by another councillor the mayor or president is not to accept the nomination unless the nominee has advised the mayor or president, orally or in writing, that he or she is willing to be nominated for the office.

(5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

(6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Votes may be cast a second time

8. (1) If, when the votes cast under subclause (2) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

(2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

(3) When the special meeting is held the councillors are to vote again on the matter by secret ballot as if they were voting at an election.

(4) The votes cast under subclause (3) are to be counted, and the successful candidates determined, under section 4.1 as if those votes were votes cast at an election."

Election of deputy presiding members of committees

4.5 Election of deputy presiding members of committees is dealt with in the Act.

Footnote

Section 5.12(2) provides as follows—

"(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule—

(a) to 'office' were references to 'office of deputy presiding member';

(b) to 'council' were references to 'committee';

(c) to 'councillors' were references to 'committee members'; and

(d) to 'mayor or president' were references to 'presiding member'".

Functions of deputy presiding members

4.6 Functions of deputy presiding members are dealt with in the Act.

Footnote

Section 5.13 provides as follows—

"If, in relation to the presiding member of a committee—

(a) the office of presiding member is vacant; or

(b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member;

then the deputy presiding member, if any, may perform the functions of presiding member."

Who acts if no presiding member

4.7 Who acts if no presiding member is dealt with in the Act.

Footnote

Section 5.14 provides as follows—

"If, in relation to the presiding member of a committee—

(a) the office of presiding member and the office of deputy presiding member are vacant; or

(b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member;

then the committee members present at the meeting are to choose one of themselves to preside at the meeting."

Division 2—Quorum Provisions

Quorum for meetings

4.8 The quorum for meetings is dealt with in the Act.

Footnote

Section 5.19 provides as follows—

"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 the committee."

Reduction of quorum and certain majorities for council meetings

4.9 The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

Footnote

Section 5.7 provides as follows— (see s. 5.15 re committees)

“(1) 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.

“(2) 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.”

Reduction of quorum for committee meetings

4.10 The reduction of a quorum for committee meetings is dealt with in the Act.

Footnote

Section 5.15 provides as follows—

“The local government may 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.*

**Absolute majority required.”*

Procedure where no quorum to begin a meeting

4.11 The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

Footnote

Regulation 8 provides as follows—

“If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned—

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;*
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;*
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;*
- (d) if only one member is present, by that member; or*
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorized by the CEO.”*

Procedure where quorum not present during a meeting

4.12 If at any time during a meeting a quorum is not present, the presiding member is—

- (a) immediately to suspend the proceedings of the meeting for a period of 2 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

Names to be recorded

4.13 At any meeting—

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

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

*Division 3—Meeting Business***Business at a meeting**

4.14 No business is to be transacted at any meeting other than specified in the agenda except—

- (a) matters which the Act permits to be dealt with without notice; and
- (b) matters which these Standing Orders permit to be dealt with without notice.

Objectionable business

4.15 (1) If at any meeting the presiding member is of the opinion that any proposed motion or business is of an objectionable character, the presiding member, either before or after the motion or business is brought forward, may declare that it is not to be dealt with.

(2) If a declaration is made under subclause (1)—

- (a) a member may move a motion of dissent; and
- (b) if the motion of dissent is carried, the proposed motion or business is to be dealt with.

(3) Unless the motion of dissent is carried under subclause (2), any proposed motion or business which is declared by the presiding member to be objectionable is not to be dealt with at that meeting.

Order of business at a council meeting

4.16 Unless, at a particular meeting, the council resolves otherwise, the order of business at an ordinary meeting is—

1. question time;
2. apologies and leave of absence;

3. confirmation of minutes;
4. business arising from the minutes and not appearing separately in the agenda;
5. applications for leave of absence;
6. mayoral business;
7. business left over from the previous meeting;
8. questions with notice, without discussion;
9. petitions;
10. late and urgent business;
11. reports of committees;
12. administration reports;
13. motions, of which notice was given before the meeting; and
14. motions, of which notice was given during the meeting, to be considered at a later meeting.

Urgent business at a council meeting

4.17 If a member has urgent business to place before a meeting of the council, he or she may move the suspension of standing orders and, if agreed to by the council, that business is to take precedence.

Footnote

Clause 4.89 of these Standing Orders deals with the procedures that apply to a motion to suspend standing orders.

Order of business at a special council meeting

4.18 The order of business at a special meeting of the council is to be the order in which that business is listed in the notice of the meeting, unless agreed to by a majority of members then present and voting.

Business at an adjourned meeting

4.19 (1) At an adjourned meeting (except where the adjournment is to the next ordinary meeting), the only business to be dealt with is the business that was not dealt with at the earlier meeting.

(2) At an adjourned meeting of the council which is an ordinary council meeting, the business which was not dealt with at the earlier meeting is to be dealt with as an order of the day.

Late correspondence

4.20 Late correspondence may, with the consent of the presiding member, be read and considered with other correspondence of which notice has been given.

Personal explanation

4.21 (1) A member may, at any time with the leave of the presiding member, make a personal explanation.

(2) A personal explanation may be made only where a material part of a speech made by the member at the same or the previous meeting, may have been misunderstood.

(3) A personal explanation—

- (a) is to be confined to that part of the speech which may have been misunderstood;
- (b) is not to deal with any matter not necessary to explain the misunderstanding; and
- (c) is not to be used to strengthen the earlier argument by introducing new matter.

Presentation of committee reports

4.22 (1) This clause deals with the presentation of committee reports at council meetings.

(2) A report of a committee may be presented to the council by the presiding member of the committee or, in the absence of the presiding member, a member of that committee in the form of a motion that the report be received.

(3) No objection, other than an objection relating to an apparent recording error, is to be made to the reception of a committee report.

(4) If—

- (a) an objection is made to an apparent recording error in a committee report; and
- (b) all members of the committee then present at the meeting agree that the error was made and agree on the way it should be corrected,

the error is to be corrected in that way.

(5) If—

- (a) an objection is made to an apparent recording error in a committee report; and
- (b) all members of the committee then present at the meeting do not agree that the error was made and, if so, how it should be corrected, then—
- (c) if the apparent error is in the recommendation part of the report, the council is to deal with the recommendation under clause 4.73(2); or
- (d) if the apparent error is not in the recommendation part of the report, the report is to be referred back to the committee for any correction that the committee may wish to make.

(6) After it receives a committee report, the mayor is to ask members to identify any recommendation that they wish to have considered by the council.

- (7) Before considering—
- (a) each of the recommendations identified under subclause (6); and
 - (b) any recommendation that requires an absolute majority,
- the council is to adopt the remaining resolutions contained in the report.
- (8) When the council has considered—
- (a) each of the recommendations identified under subclause (6); and
 - (b) any recommendation that requires an absolute majority,
- a member may move that the recommendations contained in the report, except those already dealt with, be adopted.

Division 4—Public Participation

Meetings generally open to the public

4.23 Meetings being generally open to the public is dealt with in the Act.

Footnote

Section 5.23 provides as follows—

“ (1) Subject to subsection (2), the following are to be open to members of the public—

- (a) all council meetings; and*
 - (b) all meetings of the committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—*
- (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal—*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
 - (f) 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;*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”

Meetings not open to the public

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

(2) If a resolution under subclause (1) is carried—

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

(3) A person who fails to comply with a direction under subclause (2) may, by order of the presiding member, be removed from the meeting.

(4) While the resolution under subclause (1) remains in force, the operation of clause 4.54 is to be suspended until the council or the committee, by resolution, decides otherwise.

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

Distinguished visitor

4.25 The presiding member may make special arrangements for the seating of a distinguished visitor.

Prevention of disturbances

4.26 (1) A reference in this clause to a person is to a person other than a member.

(2) A person shall not interrupt the proceedings of a meeting.

(3) The presiding member may direct a person who has interrupted, or who is interrupting a meeting to—

- (a) refrain from interrupting; or
- (b) leave the meeting.

(4) A person asked under subclause (3) to leave a meeting—

- (a) shall immediately leave the meeting; and
- (b) if he or she does not immediately leave the meeting, may, by order of the presiding member, be removed from the meeting.

Question time for the public

4.27 Question time for the public is dealt with in the Act.

Footnote

Section 5.24 provides as follows—

“ (1) Time is to be allocated for questions to be raised by members of the public and responded to at—

- (a) every ordinary meeting of a council; and*
- (b) such other meetings of councils or committees as may be prescribed.*

(2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.”

Question time for the public at certain meetings

4.28 Question time for the public at certain meetings is dealt with in the Regulations.

Footnote

Regulation 5 provides as follows—

“For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are—

- (a) every special meeting of a council;*
- (b) every meeting of a committee to which the local government has delegated a power or duty.”*

Minimum question time for the public

4.29 Minimum question time for the public is dealt with in the Regulations.

Footnote

Regulation 6 provides as follows—

“ (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.”

Procedures for question time for the public

4.30 Procedures for question time for the public are dealt with in the Regulations.

Footnote

Regulation 7 provides as follows—

“ (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined—

- (a) by the person presiding at the meeting; or*
- (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,*

having regard to the requirements of subregulations (2) and (3).

(2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

(4) Nothing in subregulation (3) requires—

- (a) a council to answer a question that does not relate to a matter affecting the local government;*
- (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
- (c) a committee to answer a question that does not relate to a function of the committee.”*

Deputations

4.31 (1) Any person or group wishing to be received as a deputation by the council or a committee is to send to the CEO a written application setting out in concise terms the subject matter to be raised by the deputation.

(2) The CEO is to give the application—

- (a) to the relevant committee; or
- (b) where there is no relevant committee, to the mayor.

(3) Where an application is given to a committee under subclause (2), the committee may resolve to receive the deputation.

(4) Where the mayor receives an application under subclause (2), he or she may either—

- (a) receive the deputation; or
- (b) give the application to the council.

(5) Where an application is given to the council under subclause (4), the council may resolve to receive the deputation.

(6) A deputation is to consist of not more than 5 members, of whom no more than 2 may address the meeting.

(7) A matter which is the subject of a deputation is not to be dealt with by the meeting until the deputation has completed its presentation and answered any questions from members.

Petitions

4.32 A petition is to be—

- (a) expressed in respectful and temperate terms; and
- (b) presented to the council only by a member who is to—
 - (i) acquaint himself or herself with its contents;
 - (ii) ensure that his or her name appears at the beginning of the petition, together with the number of signatures it contains; and
 - (iii) ensure that it complies with these Standing Orders.

Participation at committee meetings

4.33 (1) In this clause a reference to a person is to a person who—

- (a) attends a committee meeting; and
- (b) is not a member of that committee.

(2) Without the consent of the presiding member, no person is to address a committee at the committee meeting.

(3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.

(4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.

(5) A person who fails to comply with a direction of the presiding member under subclause (2) may, by order of the presiding member, be removed from the committee room.

(6) The council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

Division 5—Questions

Restrictions on questions and answers

4.34 Questions, whether asked by members or members of the public, and answers—

- (a) are to be brief and concise; and
- (b) are not to be accompanied by—
 - (i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the presiding member.

Questions with notice at council meetings

4.35 A member who wishes to ask a question with notice at a meeting of the council is to—

- (a) give written notice of the question to the CEO at least 6 hours before the scheduled commencement of the meeting; and
- (b) direct the question to the presiding member.

Questions without notice

4.36 With the consent of the presiding member, a member may put any question on any matter without notice.

Division 6—Motions and Notices of Motion

Notices of motion

4.37 (1) Unless the Act or these Standing Orders provide otherwise, a member may bring forward at a meeting, in the form of a motion, only such business of which written notice has been given to the CEO.

(2) Notice of a motion is to be given either—

- (a) at the last previous council or committee meeting, as the case may be; or
- (b) at least 4 clear days before the meeting at which it is brought forward.

(3) Every motion is to relate to the good government of persons in the City's district.

Exclusion or amendment of notices

4.38 The CEO may, with the concurrence of the presiding member, exclude from the agenda any notice of motion which may be out of order, or otherwise inconsistent with these Standing Orders.

Motion to lapse

4.39 A motion is to lapse if the member who gave notice of it is not present to move the motion when called on unless—

- (a) any other member, authorized in writing by the member who gave notice of it, is present to move the motion when called on; or
- (b) the meeting agrees to defer consideration of the motion to a later stage or date.

Amendments to notice of motion

4.40 Where a notice of amendment to a notice of motion is received by the CEO at least 4 clear days before the meeting at which the notice of motion is to be considered, the notice of amendment is to be entered on the agenda immediately after the notice of motion.

Substance of motion to be stated

4.41 A member who wishes to propose an original motion or amendment—

- (a) is to state its substance before addressing the meeting on it;
- (b) if so required by the presiding member or if paragraph (c) applies, is to put the motion or amendment in writing; and
- (c) if the motion or amendment is inconsistent with the recommendation recorded in the agenda, is to state clearly in writing the reasons for the motion or amendment.

Procedure on moving a motion

4.42 (1) In this clause, and in clauses 4.43 and 4.44, a reference to a motion includes a reference to an amendment to a motion.

- (2) A person who wishes to move a motion—
 - (a) is first to state the terms of the motion; and
 - (b) may, if the motion is seconded, speak to it.

Unopposed motions

4.43 (1) Immediately after the terms of a motion have been stated, the presiding member may ask the meeting if any member opposes it.

(2) If no member opposes the motion, the presiding member may declare the motion carried without debate and without taking a vote.

(3) A motion declared carried under this clause is taken for all purposes to be a resolution of the council.

Opposed motions

4.44 (1) If a member opposes a motion, the presiding member is to ask the meeting if there is a seconder to the motion.

(2) If there is no seconder, the presiding member is to declare that the motion has lapsed for want of a seconder.

(3) If there is a seconder, the member opposing the motion is then to speak, or forfeit the right to speak on that motion at that meeting.

(4) Immediately after the initial opposer has spoken, the seconder is then to speak, or forfeit the right to speak on that motion at that meeting.

(5) A member who moves an original or substantive motion is not to amend that motion without the consent of the seconder.

Division of motions

4.45 The presiding member may, on his or her own initiative or at the request of a member, order a motion to be divided and put in the form of 2 or more motions.

Withdrawal of motions

4.46 (1) A motion or amendment may be withdrawn by the mover and the seconder with the consent of the council which, if given, is to be given without debate.

(2) A member is not to speak on a motion or amendment after consent to withdraw it has been given.

*Division 7—General Conduct of Debate***Members to be in their proper places**

4.47 A member is not to be considered as being present unless the member occupies his or her proper place within the meeting room.

Respect to the presiding member

4.48 After the business of a council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

Members to address the presiding member in council meetings

4.49 A member moving a motion or amendment, or taking part in the discussion—

- (a) at the invitation of the presiding member, is to stand and address the presiding member except when prevented from doing so by sickness or disability; or
- (b) to cease to speak and resume his or her seat immediately after being asked to do so by the presiding member.

Priority of speaking at council meetings

4.49 (1) Only one member is to stand to speak at any time.

(2) Where 2 or more members stand to speak at the same time, the presiding member is to decide who of them is entitled to priority.

Titles to be used

4.50 A speaker, when referring to the mayor, deputy mayor or presiding member, or a member or officer, is to use the title of that person's office.

Presiding member to be heard

4.51 Whenever the presiding member speaks during a debate, a member then speaking or proposing to speak is to sit down and the meeting is to be silent so that the presiding member may be heard without interruption.

Presiding member not to take part in debates

4.52 (1) A presiding member is not to take part in any discussion on a question before the meeting.

(2) If a presiding member wishes to take part in a discussion on a question before the meeting, he or she is to—

- (a) inform the meeting of his or her intention to do so;
- (b) arrange for another member to replace him or her as presiding member; and
- (c) take part in a discussion on a question before the meeting only after another member has taken over the role and responsibilities of the presiding member for that meeting or that part of the meeting.

Speaking twice

4.54 (1) Except by way of explanation, a member is not to speak twice—

- (a) on the same question;
- (b) in reply on an original motion moved by the member; or
- (c) in reply on an original motion on which the member moved the last carried amendment.

(2) The presiding member, without waiting for the intervention of the meeting, is to call to order any member proceeding to speak a second time contrary to subclause (1).

(3) For the purposes of this clause, a member moving or seconding a motion or amendment is taken to have spoken on that motion.

No speaking after reply or motion put

4.55 A member is not to speak on any motion or amendment—

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

Limit of speeches

4.56 (1) A member is not to speak on any motion or amendment or in reply for a longer period than 10 minutes without the consent of the council which, if given, is to be given without debate.

(2) An extension is not to be permitted under this clause beyond a total of 20 minutes.

Speaking in reply

4.57 A member speaking in reply may respond to previous speakers but is not to introduce any new matter.

4.58 Except to make a personal explanation, a member is not to speak otherwise than on, or digress from, the question then before the meeting.

No adverse reflection on members or officers

4.59 (1) A member is not to—

- (a) reflect adversely on the character or actions of another member or officer; or
- (b) impute any motive to a member or officer,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(2) A member may require the CEO to record any words used by a member immediately after they are used and to read the words back to the meeting for verification.

Withdrawal of offensive language

4.60 (1) A member who, in the opinion of the presiding member, uses an expression which—

- (a) in the absence of a resolution under clause 4.59(1)—
 - (i) reflects adversely on the character or actions of another member or officer; or
 - (ii) imputes any motive to a member or officer; or
- (b) is offensive or insulting,

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

(2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

Disturbance by members

4.61 While another person is addressing the council or a committee, a member is not—

- (a) to make any noise or disturbance;
- (b) to converse aloud;
- (c) except to raise a point of order, to interrupt.

Continued irrelevance, etc

4.62 (1) The presiding member, at any time, may—

- (a) call the attention of the meeting to—
 - (i) any irrelevant, repetitious, offensive or insulting language by a member; or
 - (ii) any breach of order or decorum by a member; and
- (b) direct that member, if speaking, to discontinue his or her speech.

(2) A member is to comply with a direction of the presiding member under subclause (1) by immediately ceasing to speak and resuming his or her seat.

Crossing council chamber

4.63 A member is not to—

- (a) walk out of or cross the council chamber, when the presiding member is putting any question; or
- (b) pass between the speaker and the chair, while another member is speaking.

*Division 8—Points Of Order***Point of order**

4.64 A member may object, by way of a point of order, only to a breach of—

- (a) any of these Standing Orders; or
- (b) any other written law,

Precedence given to points of order

4.65 Despite anything in these Standing Orders to the contrary—

- (a) a member may interrupt the proceedings to raise a point of order at any time; and
- (b) the raising of a point of order has the effect of suspending the proceedings until the presiding member has ruled on the point of order.

Procedures on a point of order

4.66 (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.

(2) A member interrupted on a point of order is to resume his or her seat until—

- (a) the member raising the point of order has been heard; and
- (b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

Presiding member may call to order

4.67 The presiding member is to preserve order and, whenever he or she considers necessary, may call any member to order.

Definition of order

4.68 A member is out of order if he or she does anything which is inconsistent with these Standing Orders.

Calling attention to breach

4.69 A member may, at any time, draw the attention of the presiding member to any breach of these Standing Orders.

Rulings by the presiding member

4.70 (1) A ruling by the presiding member on a point of order—

- (a) is not to be the subject of debate or comment; and
- (b) is to be final unless a majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

(2) Subject to a motion of dissent being carried under subclause (1), if the presiding member rules that—

- (a) any motion, amendment or other matter before the meeting is out of order, it is not to be further considered; and
- (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

Continued breach of order

4.71 If a member—

- (a) persists in any conduct which the presiding member has ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 4.70(3),

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member is to comply with that direction.

Serious disorder

4.72 (1) If, at a meeting, the presiding member is of the opinion that, by reason of serious disorder or otherwise, the business of the meeting cannot effectually be continued, the presiding member may adjourn the meeting for a period that he or she may determine.

(2) When the meeting reconvenes after the adjournment—

- (a) it is to decide immediately and without debate whether to proceed with the meeting; and
- (b) the presiding member, if he or she considers that the business of the meeting cannot effectively be continued, may close or adjourn the meeting.

*Division 9—Permissible Motions During Debate***Permissible motions during debate**

4.73 (1) Subject to sub-clause (2), when a motion is under debate, no further motion is to be moved, except a motion that—

- (a) the motion be amended;
- (b) the meeting adjourn;
- (c) the debate be adjourned;
- (d) the question now be put;
- (e) the question not now be put;
- (f) the question (or communication) lie on the table;
- (g) the meeting proceed to the next item of business; or
- (h) the meeting be closed to the public.

(2) When a recommendation of a committee is being debated by the council, the only motions which may be considered by the council are that—

- (a) the recommendation be adopted;
- (b) the recommendation not be adopted;
- (c) the recommendation, be referred back to the responsible committee for further consideration; or
- (d) the recommendation be amended.

(3) In subclause (2), a recommendation includes a part of a recommendation.

Motion that 'the motion be amended'

4.74 (1) An amendment to a motion must be relevant to that motion.

(2) An amendment to a motion must be read or stated before being moved.

(3) Only one amendment is to 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.

(4) In speaking to an amendment, a member may give notice of his or her intention to move a further amendment or another motion.

(5) Where an amendment is carried—

- (a) one further amendment to the original motion, as amended, and no more may be moved; and
- (b) for all purposes of subsequent debate, the original motion is to be treated as the original motion as amended.

Motion that 'the meeting adjourn'

4.75 (1) At the conclusion of the speech of any other member or at the conclusion of any business, a member may, subject to subclauses (2) and (3), move without notice that 'the meeting adjourn' and that motion is to state the time and date to which the meeting is to be adjourned.

(2) A member who has spoken on the question then before the meeting is not to move for the adjournment of the meeting.

(3) A member, at the same meeting, is not to move or second more than one motion for the adjournment of the meeting.

(4) On a motion that 'the meeting now adjourn'—

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder, if any, is not to speak other than formally to second;
- (c) the mover of the motion, (if any), which was then under debate may speak for not more than 5 minutes; and
- (d) there is to be no other debate.

(5) Where a motion that 'the meeting adjourn' is negatived, a similar motion is not to be moved until the meeting has completed its consideration of—

- (a) the question then under discussion;
- (b) the next item on the agenda; or
- (c) any other matter which may be given precedence.

(6) If a motion that 'the meeting adjourn' is carried at a time when the meeting had not completed its consideration of a question then before it—

- (a) the meeting's consideration of that question is to be continued immediately after the meeting resumes following the adjournment; and
- (b) the presiding member is to ensure that a record is to be taken of all those members who have spoken on that question and, apart from a mover having a right of reply, those members may not speak again on that question when the meeting's consideration of it resumes.

(7) If a motion that 'the meeting adjourn' is carried, the presiding member is to adjourn the meeting to the time and date specified in the motion.

Motion that 'the debate be adjourned'

4.76 (1) Subject to subclauses (2) and (3), a member may, at the conclusion of the speech of any other member, move without notice that 'the debate be adjourned' either—

- (a) to a later time at the same meeting; or
- (b) to another meeting of the council or committee, as the case may be.

(2) A member who has spoken on the question then under debate is not to move the adjournment of the debate.

(3) A member, at the same meeting, is not to move or second more than one motion for the adjournment of the same debate.

(4) On a motion that 'the debate be adjourned'—

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder is not to speak other than formally to second; and
- (c) no other debate is to be allowed unless the question is then before the council and the question is a recommendation from a committee, in which case the presiding member of the committee or, at his or her request in his or her absence, a member of the committee, may speak for not more than 5 minutes.

(5) If a motion for the adjournment of debate is carried, a record is to be taken of those members who have spoken on the subject of the debate and, apart from a mover having a right of reply, those members may not speak again on that debate when the meeting's consideration of it resumes.

(6) On the resumption of an adjourned debate, the member who moved its adjournment is entitled to speak first.

(7) If the debate on a motion that has been moved and seconded is interrupted by an adjournment of the meeting, the debate, on a motion with notice, is to be resumed at the next meeting, at the point where it was interrupted.

Motion that 'the question now be put'

4.77 (1) Subject to subclause (2), at the conclusion of the speech of another member, a member may move without notice and without any discussion that 'the question [then under consideration] now be put' and, if that motion is seconded, it is immediately to be put without debate.

(2) A motion that 'the question now be put'—

- (a) is not to be moved by a member who has already spoken on the question; and
- (b) is not to be carried without the consent of an absolute majority.

(3) If the motion that 'the question now be put' is carried—

- (a) the mover of the question under consideration may, if debate has begun and if otherwise entitled to do so, speak in reply for up to 5 minutes;
- (b) the question is then to be put; and
- (c) the question to be put includes any amendment to the relevant motion.

Motion that 'the question now not be put'

4.78 (1) A motion that 'the question not now be put'—

- (a) may be moved to avoid a decision on the substantive motion, but it cannot be moved while an amendment to the substantive motion is before the meeting;
- (b) cannot be moved by a member who has moved, seconded or spoken to the substantive motion or any amendment to it; and
- (c) cannot be moved during the election for a meeting of a presiding member.

(2) If a motion that 'the question not now be put' is carried, the substantive motion in respect of which it has been moved cannot again be brought forward at that meeting or any adjournment of the meeting.

(3) If a motion that 'the question not now be put' is not carried, the substantive motion is to be put to the vote immediately without further discussion or amendment.

Motion that 'the question (or communication) lie on the table'

4.79 (1) If moved in respect of a motion or an amendment to a motion, this motion takes the form 'that the question lie on the table'.

(2) If moved in respect of a letter, report or other document, its form is 'that the communication lie on the table'.

(3) A motion that 'the question lie on the table' or that 'a communication lie on the table'—

- (a) may be moved by a member to adjourn the debate if further information is needed from the City's records or if it is proposed that action not be taken on a particular matter but there should not be a motion to that effect;
- (b) cannot be moved by a member who has moved, seconded or spoken to the question then before the meeting;
- (c) cannot be amended; and
- (d) does not give the mover a right of reply.

(4) If a motion that 'the question lie on the table' or 'the communication lie on the table' is carried then—

- (a) in respect of a document or a motion, further debate on the matter is adjourned until the meeting resolves to take the question from the table; and
- (b) in respect of an amendment, both the amendment and the substantive motion to which it relates are adjourned until the meeting resolves to take the question from the table.

Motion that 'the meeting proceed to the next item of business'

4.80 (1) At the conclusion of the speech of any other member, a member may move, without notice and without comment, that 'the meeting proceed to the next item of business' and, if that motion is seconded, it is to be put immediately without debate.

(2) If a motion that 'the meeting proceed to the next item of business' is carried—

- (a) the meeting is to proceed to the next item of the agenda; and
- (b) the question which was then under discussion is not to be further considered at that meeting.

(3) If a motion that 'the meeting proceeds to the next item of business' is negatived, a similar motion is not to be moved during debate on the same question within one hour.

*Division 10—Revoking or Changing Decisions***Majorities required for decisions**

4.81 Majorities required for decisions of the council and committees are dealt with in the Act.

Footnote

Section 5.20 provides as follows—

" (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

(2) 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 a local law for the particular kind of decision, by that kind of majority.

(3) This section does not apply to elections—

- (a) by a council of the local government's mayor or president under section 2.11;*
- (b) by a council of the local government's deputy mayor or president under section 2.15; or*
- (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12."*

Majorities required to revoke or change decisions

4.82 Majorities required to revoke or change a decision made at a meeting is dealt with in the Regulations.

Footnote

Regulation 10 provides as follows—

" (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—

- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*

- (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,*

inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—

- (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 majority, by that kind of majority; or*

- (b) in any other case, by an absolute majority.*

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different."

Limitations on power to revoke or change decisions

4.83 (1) Despite clauses 4.84 to 4.87, but subject to subclause (2), the council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 4.88 to implement the decision; or

- (b) where the decision is procedural in its form or effect.

(2) The council or a committee may consider a motion to revoke or change a decision of the kind described in paragraph (a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

Revocation motion at the same meeting—power

4.84 A decision made at a meeting may be revoked or changed at the same meeting at which it was made if—

- (a) at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover, support the motion;

- (b) the member who moves the motion to revoke or change the decision—

- (i) clearly identifies the decision to be revoked or changed; and

- (ii) clearly states the reason for seeking the revocation of change; and

- (c) the motion to revoke or change is carried—

- (i) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

- (ii) in any other case, by an absolute majority.

Revocation motion at the same meeting—procedures

4.85 (1) If the CEO receives a notice of motion to rescind a decision made at a meeting before the close of that meeting, the CEO is immediately to advise the presiding member of the notice of motion.

(2) Where the presiding member is advised of a notice of motion under subclause (1), he or she at the first available opportunity and before the end of the meeting is to—

- (a) advise the meeting of the notice;

- (b) bring on the rescission motion;

- (c) determine whether there is sufficient support (under clause 4.84(a)) for the motion; and

- (d) if there is sufficient support, deal with the motion.

Revocation motion after meeting—power

4.86 A decision made at a meeting may be revoked or changed at a meeting other than the one at which it was made if—

- (a) the motion to revoke or change the decision is supported—

- (i) in the case where an attempt to revoke or change the decision has been made within the previous 3 months but had failed, by an absolute majority inclusive of the mover; or

- (ii) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover;

- (b) the support under paragraph (a) is given in writing at least 4 clear days before the meeting of the council or the committee which is to consider the motion;

- (c) the proposed revocation or change is set out in a notice of motion which—

- (i) clearly identifies the decision to be revoked or changed; and

- (ii) clearly states the reason for seeking the revocation or change;

- (d) the motion to revoke or change the decision is carried—

- (i) in the case where the decision to be revoked or changed was required to be carried by an absolute majority or by a special majority, by that kind of majority; or

- (ii) in any other case, by an absolute majority.

Revocation motion after meeting—procedures

4.87 If the CEO receives a written notice of motion to rescind a decision made at a meeting after the close of that meeting, the CEO, at the first available opportunity—

- (a) is to provide each member of the council or committee, as the case may be, with a copy of the notice of motion; and

- (b) if he or she receives the written support required under clause 4.91 paragraph (a), is to include a notice of motion in the agenda—
 - (i) of the special meeting, if any, convened for the purpose of considering the motion; or
 - (ii) if no special meeting is to be convened, of the next meeting of the council or committee, as the case may be.

Implementing a decision

4.88 (1) In this clause—

- (a) **‘implement’**, in relation to a decision, includes—
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take other action to give effect to the decision; and
- (b) **‘authorization’** means a licence, permit, approval, or other means of authorizing a person to do anything.

(2) Unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until 12 noon on the day after the commencement of the meeting at which the decision was made.

(3) The council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

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

- (a) is to take effect only in accordance with this clause; and
- (b) cannot be acted upon by the person who has been granted the authorization unless and until the decision has been implemented in accordance with this clause.

Division 11—Suspension of Standing Orders

Suspension of standing orders

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

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

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

- (a) seconded; and
- (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting unless the meeting earlier resolves otherwise.

Division 12—Voting

Voting

4.90 Voting is dealt with in the Act.

Footnote

Section 5.21 provides as follows—

“ (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.

(2) Subject to section 5.67, each council member 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.

(3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding may cast a second vote.

(4) If a member of a council or a committee specifically requests that there be recorded—

- (a) his or her vote; or
- (b) the vote of all members present,

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

Voting at meetings

4.91 Voting at meetings is dealt with in the Regulations.

Footnote

Regulation 9 provides as follows—

“Voting at a council or committee meeting is to be conducted so that no voter’s vote is secret.”

Method of taking vote

4.92 (1) In taking the vote on any motion or amendment, the presiding member—

- (a) is to put the question, first in the affirmative, and then in the negative;
- (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) may accept a vote on the voices or may require a show of hands; and
- (d) is, subject to this clause, to declare the result.

(2) If a member calls for a show of hands, the result of the vote is determined on the count of raised hands.

(3) If a member calls for a division—

- (a) those voting in the affirmative are to pass to the right of the chair; and
- (b) those voting in the negative are to pass to the left of the chair.

(4) For every division the CEO is to record—

- (a) the names of members who voted; and
- (b) whether they voted in the affirmative or negative.

PART 5—ELECTORS' MEETINGS

Electors' general meetings

5.1 Electors' general meetings are dealt with in the Act.

Footnote

Section 5.27 provides as follows—

" (1) A general meeting of the electors of a district is to be held once every financial year.

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.

(3) The matters to be discussed at general electors' meetings are to be those prescribed."

Matters for discussion at general electors' meeting

5.2 Matters for discussion are dealt with in the Regulations.

Footnote

Regulation 15 provides as follows—

"For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business."

Electors' special meetings

5.3 Electors' special meetings are dealt with in the Act.

Footnote

Section 5.28 provides as follows—

" (1) A special meeting of the electors of a district is to be held on the request of not less than—

- (a) 100 electors or 5% of the number of electors—whichever is the lesser number; or*
- (b) $\frac{1}{3}$ of the number of council members.*

(2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance and regulations.

(3) The request is to be sent to the major or president.

(4) A special meeting is to be held on a day selected by the major or president but not more than 35 days after the day on which he or she received the request."

Requests for electors' special meetings

5.4 Requests for electors' special meetings are dealt with in the Regulations.

Footnote

Regulation 16 provides as follows—

"A request for a special meeting of the electors of a district is to be in the form of Form 1."

Convening electors' meetings

5.5 Convening electors' meetings is dealt with in the Act.

Footnote

Section 5.29 provides as follows—

" (1) The CEO is to convene an electors' meeting by giving—

- (a) at least 14 days' local public notice; and*
- (b) each council member at least 14 days' notice,*

of the date, time, place and purpose of the meeting.

(2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held."

Who presides at electors' meetings

5.6 Who presides at electors' meetings is dealt with in the Act.

Footnote

Section 5.30 provides as follows—

" (1) The mayor or president is to preside at electors' meetings.

(2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.

(3) If the circumstances mentioned in section 5.34(a) or (b) apply and—

- (a) the office of deputy mayor or deputy president is vacant; or*
- (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside."

Procedure for electors' meetings

5.7 The procedure for electors' meetings is dealt with in the Act.

Footnote

Section 5.31 provides as follows—

"The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations."

Procedures at electors' meetings

5.8 Procedures at electors' meetings are dealt with in the Regulations.

Footnote

Regulation 18 provides as follows—

"Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting."

Voting at electors' meetings

5.9 Voting at electors' meetings is dealt with in the Regulations.

Footnote

Regulation 17 provides as follows—

"(1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.

(2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.

(3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret."

Minutes of electors' meetings

5.10 Minutes of electors' meetings are dealt with in the Act.

Footnote

Section 5.32 provides as follows—

"The CEO is to—

(a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

(b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered."

Decisions made at electors' meetings

5.11 Decisions made at electors' meetings are dealt with in the Act.

Footnote

Section 5.33 provides as follows—

"(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable—

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose,

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."

PART 6—ENFORCEMENT**Penalty for contravention of standing orders**

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

Penalty: \$5,000, and a daily penalty of \$500.

Anyone can prosecute

6.2 Who can prosecute is dealt with in the Act.

Footnotes

1. Section 9.24 provides as follows—

"Anyone can commence proceedings for an offence against this Act."

2. The reference to 'this Act' in section 9.24 includes a reference to any subsidiary legislation, including these Standing Orders, made under that Act (see section 46 of the Interpretation Act 1984).

Presiding member to ensure compliance

6.3 The presiding member is authorized to ensure that meetings are conducted in accordance with these Standing Orders.

Dated the 30th day of April 1999.

The Common Seal of the City of Stirling was hereunto affixed by authority of a resolution of the Council in the presence of—

D. C. VALLELONGA, Mayor.
M. J. WADSWORTH, Chief Executive Officer.



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