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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

**STANDING ORDERS LOCAL
LAW 1999**

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

STANDING ORDERS LOCAL LAW 1999

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

STANDING ORDERS LOCAL LAW 1999

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 City of Perth hereby records having resolved on 9 November 1999 to make the following local law.

PART 1—INTRODUCTORY MATTERS**1.1 Title**

This local law may be cited as the *City of Perth Standing Orders Local Law 1999*.

1.2 Commencement

By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Content and intent

(1) This local law provides the rules and guidelines for the conduct of meetings of the Council, Committees and of electors.

(2) This local law is intended to result in—

- (a) better decision making by the Council;
- (b) the orderly and efficient conduct of meetings dealing with the Council's business; and
- (c) greater community understanding of the business of the Council.

1.4 Previous local law

The City of Perth Standing Orders Local Law 1997 published in the *Government Gazette* on 1 October 1997 is hereby repealed.

1.5 Interpretation

(1) In this local law, unless the contrary intention appears—

“Act” means the Local Government Act 1995 (as amended).

“City” means the City of Perth.

“CEO” means the chief executive officer or acting chief executive officer of the City.

“committee” means a committee of the council appointed in accordance with the Act.

“council” means the Council of the local government of the City of Perth.

“councillor” means a person who holds the office of councillor on the council.

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

“implement”, in relation to a decision, includes to—

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (b) take other action to give effect to the decision.

“Lord Mayor” includes the deputy Lord Mayor in the Lord Mayor's absence.

“member” means the Lord Mayor or a councillor, or in the case of a committee, a member of the committee.

“Minister” means the Minister responsible for administering the Act.

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

“order” in relation to the conduct of meetings means that any member who does anything or behaves in a manner which is not permitted by this local law is taken to be out of order.

“Regulations” means the Local Government (Administration) Regulations 1996

“urgent business” means business dealt with in accordance with the provisions of clause 3.12.

“without discussion” means without debate.

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

PART 2—CALLING AND CONVENING MEETINGS

2.1 Calling council meetings

The calling of Council meetings is dealt with in the Act. Footnote 1

2.2 Calling committee meetings

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

- (a) if called for by either—
 - (i) the Lord Mayor; or
 - (ii) the presiding person of the committee if the Lord Mayor is not the presiding person; or
 - (iii) any 2 members of that committee,
- in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the Council or the committee.

2.3 Convening ordinary and special Council meetings

The convening of ordinary and special Council meetings is dealt with in the Act. Footnote 2

2.4 Convening ordinary and special committee meetings

- (1) The CEO is to convene an ordinary meeting of a committee by giving each member of the committee 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 of a committee by giving each committee member notice, before the meeting, of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the council.

2.5 Meetings open to the public

Meetings that are to be open to the public and circumstances when such meetings can be closed to the public are dealt with in the Act. Footnote 3

2.6 Availability to public of agenda

The availability for inspection of meeting agenda and documents is dealt with in the Regulations. Footnote 4 Sec 5.25 (j)

2.7 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.

2.8 Distribution of reports to the members

- (1) Subject to clause 2.9 the CEO is to send to each member of the Council a copy of any report which is to be presented to any council or committee meeting.
- (2) The report is to be sent to each member at least 24 hours before the commencement of the meeting.

2.9 Late reports

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding person, be read or otherwise given to members at the meeting if it has not previously been sent to members in accordance with clause 2.8.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be specified on the Notice Paper

- (1) Meetings of the Council and committees are to be of two categories, namely "ordinary" and "special". Sec 5.3(1)
- (2) Ordinary meetings are those called at such place and at such times as the council, from time to time, appoints for the transaction of the ordinary business of the Council, and of any committees.
- (3) Special meetings are those called to consider special business, the nature of which is to be specified in the notice convening the meeting.
- (4) No business is to be transacted at any meeting of the Council or a committee other than specified in the notice relating to the meeting, except—
 - (a) matters which the Act permits to be dealt with without notice; and
 - (b) matters which this local law expressly permits to be dealt with without notice.

3.2 Meeting to proceed to business

Subject to clause 5.1, every meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

3.3 Order of business—meetings of the Council

Unless otherwise resolved by the Council, the order of business at any ordinary meeting of the Council is to be as follows—

- (1) prayer;
- (2) declaration of opening;
- (3) apologies;

- (4) question time for the public; Admin Reg 7 (2)
- (5) members on leave of absence and applications for leave of absence;
- (6) confirmation of minutes;
- (7) announcements by the presiding person without discussion;
- (8) disclosure of members' interests;
- (9) questions of which due notice has been given without discussion;
- (10) correspondence;
- (12) petitions;
- (13) reports;
- (14) motions of which previous notice has been given;
- (15) representation on statutory authorities and public bodies;
- (16) urgent business;
- (17) closure.

3.4 Order of business—meetings of Committees

(1) Subject to subclause (2), unless otherwise resolved by the Council, the order of business at any ordinary Committee meeting is to be as follows—

- (1) declaration of opening;
- (2) apologies;
- (3) question time for the public;
- (4) members on leave of absence and applications for leave of absence;
- (5) confirmation of minutes;
- (6) disclosure of members' interests;
- (7) reports;
- (8) general business;
- (9) items for consideration at a future meeting;
- (10) closure.

(2) Unless otherwise resolved by the Council, the order of business at any ordinary Precinct Committee meeting is to be in accordance with subclause (1) above, with the exclusion of Item (8)—general business.

3.5 Question time for the public

(1) Question time for the public is dealt with in the Act and Regulations. Footnote 5

(2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—

- (a) a member of the public who raises a question during question time is to state their name and address;
- (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
- (c) questions are to be answered by the member or employee nominated by the presiding person;
- (d) questions may be answered orally or in writing, at the determination of the presiding person, but the presiding person may determine that any complex question requiring research be answered only in writing; and
- (e) no discussion of a question or answer is to take place.

3.6 Leave of absence

Leave of absence is dealt with in the Act. Footnote 6

3.7 Confirmation of minutes

(1) Confirmation of minutes is dealt with in the Act. Footnote 7

(2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

3.8 Announcements by the person presiding without discussion

At any meeting of the Council the person presiding may announce or raise any matter of interest or relevance to the business of the Council.

3.9 Questions by members with notice

(1) A member desiring to put a question as to the work or procedure of the council is to give notice thereof in writing to the CEO at least 8 ordinary office hours before the commencement of the ordinary council meeting, and the question is to, as far as practicable, be answered in writing at that meeting.

(2) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon, unless with the consent of the presiding person.

3.10 Correspondence

(1) Correspondence placed before the Council must relate to a matter in the business of the meeting.

(2) Correspondence may be placed before the Council in the form of a precis, provided all relevant and material facts are contained in the precis.

(3) Where correspondence contains a matter to be decided by the Council, the CEO is, if the circumstances permit, to recommend a course of action to the Council, or state the alternative.

3.11 Petitions

(1) A petition must—

- (a) contain the name, address and signature of each petitioner; and
- (b) have the name, address and signature of the person who lodged the petition with the council shown at the top of the first page of the petition,

but need not otherwise be in any particular form.

(2) Every properly constituted petition is to be presented to the council by a member or the CEO.

(3) The presentation of a petition is to be confined to the reading of the petition.

(4) The only motions that are in order are that—

- (a) the petition be received;
- (b) a report be prepared; or
- (c) the petition be referred to a committee.

3.12 Representation on statutory authorities/public bodies

Correspondence inviting the Council to submit nominations for appointment to statutory authorities or public bodies is to be referred by the CEO to the council, or if applicable, to a committee considered appropriate, and a member appointed to such a body is, when required to express an opinion or vote on any item of business at a meeting of that body, to have regard to the decision, policies and practices of the Council.

3.13 Urgent business

(1) A member may not move a motion involving urgent business that is not included in the agenda for that meeting unless—

- (a) the presiding person has first consented to the business being raised; and
- (b) the presiding person considers that either—
 - (i) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (ii) the delay in referring the business to the next meeting could have adverse legal or financial implications for the City.

(2) If at an ordinary meeting a member objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business, the motion is to be of no effect unless it is agreed to at the meeting by an absolute majority of the members.

3.14 Order of business at special meeting

The order of business at any special meeting of the council is to be the order in which that business stands in the notice of the meeting.

PART 4—DISCLOSURE OF MEMBERS' INTERESTS

4.1 Disclosure of members' interests

The disclosure of interests by members is dealt with in the Act. Footnote 8

4.2 Meeting to be informed of disclosures

Procedures for informing the meeting of disclosures is dealt with in the Act. Footnote 9

4.3 Disclosure of interest in matter raised without notice

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 is to declare that interest at the earliest possible time and before discussion and voting on the matter takes place.

4.4 Disclosure by members who are observers at committee meetings

The obligation to declare an interest is to apply to all members present at committee meetings including a member attending a committee meeting in the capacity of an observer.

4.5 On-going disclosure required

The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

4.6 Disclosing member not to participate in meetings

The participation of a disclosing member in meetings is dealt with in the Act. Footnote 10

4.7 Permission for disclosing member to participate

The procedures for allowing disclosing members to participate in meetings is dealt with in the Act. Footnote 11

4.8 Invitation to return to provide information

(1) Where a member has declared 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.

(2) A member invited to return under subclause (1) shall withdraw after providing the information.

4.9 Substitution of deputy at committee

Where a disclosing member withdraws from a meeting of a committee during the consideration of a matter the meeting may resolve to invite another member present at the meeting, who is a deputy of the disclosing member for that committee, to participate as a member of the committee in place of the disclosing member during the consideration of that matter only.

4.10 Disclosure of interest in urgent business

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

(a) has an interest in that matter within the meaning of section 5.60 of the Act; and

(b) has not had an earlier opportunity to declare an interest in the matter,

is to declare an interest immediately before the matter comes forward for consideration by the meeting.

4.11 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

4.12 Disclosure of financial interest by employees

The disclosure of financial interests by employees is dealt with in the Act. Footnote 12

PART 5—QUORUM

5.1 Quorum for meetings

The quorum for meetings is dealt with in the Act. Footnote 13

5.2 Procedure if quorum not present

The procedure if a quorum is not present is dealt with in the Regulations. Footnote 14

5.3 Quorum not present during meeting

(1) If at any time during a meeting of the council a quorum is not present, the presiding person upon becoming aware of that fact is to thereupon suspend the proceedings of the meeting for a period of 5 minutes.

(2) If a quorum is not present at the expiration of the period in subclause (1), the presiding person is to adjourn the meeting to a future time and date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

5.4 Debate on motion to be resumed

(1) Where the debate on any motion is interrupted at a council or committee meeting which is adjourned under clause 5.3, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.

(3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

5.5 Names to be recorded

At any meeting—

(a) at which there is not a quorum of members present; or

(b) which is adjourned under clause 5.3,

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

PART 6—CONDUCT OF MEMBERS AND PERSONS AT COUNCIL AND COMMITTEE MEETINGS

6.1 Titles to be used

In referring to any other person present in the capacity of a member or employee of the City, a speaker is to designate that other person by the title of Lord Mayor or councillor, or by the title of the particular employee, as the case may be.

6.2 Members to occupy own seats

(1) At meetings of the council each member is to occupy the place assigned to that member within the council chamber.

(2) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

6.3 Distinguished Visitors

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

6.4 Media attendance

Media persons are to be permitted to attend meetings of the council, in such part of the council chambers or meeting room as may be set aside for their accommodation but must withdraw during any period when the meeting is closed to the public.

6.5 Visual Recording of meeting prohibited

(1) No person is to use any electronic visual recording device to record the proceedings of the council unless the presiding person has given permission to do so.

(2) If the presiding person gives permission under subclause (1), the presiding person is to advise the meeting, immediately before the recording is commenced, that such permission has been given and details of the part of the meeting that is to be recorded.

6.6 Prevention of disturbance

(1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

(2) No person, other than a member, is to interrupt or interfere with the proceedings of any meeting of the council, whether by expressing approval or dissent, by conversing or by any other means.

(3) A person who fails to comply with subclause (1) is, when so directed by the presiding person, to leave the meeting room immediately.

(4) A person ordered to leave the meeting room and failing to do so may, by order of the presiding person, be removed from the meeting room.

6.7 No adverse reflection on decision

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

6.8 No adverse reflection on member or employee

A member is not to reflect adversely upon the character or actions of another member or employee nor impute any motive to a member or employee, unless the council resolves, without debate, that the motion then before the council cannot otherwise be adequately considered.

6.9 Disturbance by member

A member is not to make any noise or disturbance or speak aloud while any other person is addressing the council except to—

- (a) raise a point of order; or
- (b) call attention to the want of a quorum.
- (c) to move a motion under clause 10.1 (j).

6.10 Offensive language

(1) No member of the Council or a committee is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.

(2) Any member who uses an expression which in the opinion of the presiding person reflects offensively on any member or employee of the council, is to, when required by the presiding person, unreservedly withdraw the expression and make a satisfactory apology to the presiding person.

(3) If the member in subclause (2) declines to do so, the presiding person may refuse to hear the member further upon the matter then under discussion and may call upon the next speaker.

PART 7—PRESERVING ORDER**7.1 Presiding person to preserve order**

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

7.2 Breaches of order

Without limitation, the following acts are to be taken as being out of order—

- (a) discussion of a matter not before the meeting; or
- (b) the use of offensive or insulting language; or
- (c) the violation of any written law, including the standing orders of the Council.

7.3 Raising point of order

(1) Any member may direct the attention of the presiding person to any breach of order by any other member.

(2) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.

(3) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

(4) Notwithstanding any provision of this local law to the contrary, all alleged breaches of order at any time arising are, until decided, to suspend the consideration of and decision on every other matter.

7.4 Rulings by presiding person

- (1) The presiding person, when deciding a point of order or practice, is to give his or her decision to uphold or reject it, and argument or comment is not permitted on the decision.
- (2) The presiding person's decision in subclause (1) is final in that particular case, unless a majority of the members then present, upon motion made forthwith without discussion, dissent from the decision.

7.5 Ruling out of order

- (1) Whenever the presiding person has decided that any motion or other matter before the council is out of order, it is to be rejected.
- (2) Whenever anything said or done by any member is decided to be out of order, that member is to be called upon by the presiding person to make such explanation, retraction or apology, as the case may require.

7.6 Continued breach of order

- (1) Where a member—
 - (a) persists in any conduct which the presiding person decides is out of order; or
 - (b) refuses to make any explanation, retraction or apology required by the presiding person under clause 7.5, the presiding person may direct that member to refrain from taking any further part in the meeting other than by recording his or her vote.
- (2) A member is to comply with a direction given under subclause (1).

7.7 Serious disorder

- (1) If at a meeting the presiding person is of the opinion that by reason of disorder or otherwise the business of the council cannot effectively be continued, the meeting may be adjourned for a period of no more than 15 minutes.
- (2) Upon resumption, debate is to continue at the point at which the meeting was adjourned.
- (3) Where after any proceedings under subclauses (1) and (2) the presiding person is again of the opinion that the business of the council cannot effectively be continued, the meeting may be closed or adjourned.

7.8 Presiding person may be heard

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

PART 8—MOTIONS**8.1 Substance of motion to be stated**

Any member wishing to propose a primary motion or amendment is to state the substance of the motion before addressing the meeting on that matter.

8.2 Unopposed business

- (1) Upon a motion being moved and seconded, the presiding person may ask the meeting if any member opposes it.
- (2) If no one signifies opposition to the motion the presiding person may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) If a councillor signifies opposition to a motion the motion is to be dealt with according to this local law.

8.3 Motion and amendments to be seconded

- (1) Subject to clause 8.2 a motion is not to be discussed or put to the vote unless seconded.
- (2) A motion is not to be altered by the mover without the consent of the seconder.

8.4 Giving notice of motion

- (1) Unless Parts 8 or 12 of this local law otherwise provide, a member may submit for inclusion in the agenda a written motion of which notice shall be given in writing to the CEO.
- (2) A notice of motion is to be given at least 121 hours before the meeting at which it is to be raised.
- (3) Every notice of motion is to relate to some matter affecting the constitution, administration or condition of the City or the council.

8.5 Exclusion or amendment of notice of motion

- (1) The CEO—
 - (a) after consultation with the Lord Mayor, may exclude from the agenda any notice of motion which is out of order; or
 - (b) may, after consultation with the mover of the motion, make such amendments to the form but not the substance of the notice of motion as will bring it into due form.
 - (c) may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (2) No notice of motion is informal by reason of—
 - (a) the proposal involved being considered objectionable; or
 - (b) it raising a matter not within the scope of the business of the council, providing that in the opinion of the Lord Mayor such matter is one of significant public interest or importance.

8.6 Motion to lapse

- (1) A motion of which notice has been given is to lapse unless—
- (a) the member who gave the notice or another member authorised by him or her 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.
- (2) If a notice of motion is given and lapses, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the council, but if the motion again lapses, the council is not to consider a motion in the same terms or to have the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.

8.7 Division of motion

The presiding person, or the council by decision passed without debate, may order a motion to be divided and put in the form of 2 or more motions.

8.8 Withdrawal of motion

- (1) The Council or a Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

8.9 Suspension of standing orders

- (1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.
- (3) If a member makes an objection to such a motion to suspend a standing order, the motion is required to be carried by an absolute majority of the members.

PART 9—PROCEDURES FOR DEBATE OF MOTIONS**9.1 Members to address presiding person**

A member moving a motion or taking part in the discussion on a motion, is to address the presiding person.

9.2 Presiding person may take part in debate

Subject to the provisions of this local law the presiding person may take part in the discussion upon any matter before the meeting.

9.3 Priority of speaking

Where two or more members indicate a desire to speak at the same time, the presiding person is to decide which of them is entitled to priority.

9.4 Speaking without interruption

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

9.5 Limitation of number of speeches

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

9.6 Right of reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (3) The right of reply is governed by the following provisions—
- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
 - (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
 - (c) the mover of any amendment does not have a right of reply;
 - (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

9.7 Calling to order for speaking twice

Subject to clause 9.9, the presiding person is to call to order any member proceeding to speak a second time on the same motion.

9.8 Mover or seconder to be deemed to have spoken

(1) A member moving a motion is to be taken to have spoken on the motion.

(2) A member seconding a motion is to be taken to have spoken on the motion unless at the time of seconding it the member reserves the right to speak on the motion later in the debate.

9.9 Decision to allow speaking twice

The council may, by decision moved without notice, suspend the operation of clause 9.5 in the following circumstances—

- (a) there may be a general suspension in which case clause 9.5 is to be suspended until the council by decision resolves to lift the suspension; or
- (b) there may be a specific suspension giving the right to speak twice to specified members and that suspension is to be automatically lifted when all members specified have spoken twice or waived the right to do so.

9.10 Questions during debate

Subject to clause 9.11, a member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the answer to the question is permitted.

9.11 No speaking after motion put

No member is to speak on any motion or ask a question—

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

9.12 Limit of speeches

(1) Unless otherwise specified, a member is not to speak—

- (a) upon any motion for a longer period than 5 minutes; or
- (b) in answer to any question with or without notice for a longer period than 5 minutes; or
- (c) in reply for a longer period than 5 minutes,

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

(2) The council is not to consent to the extension of a member's time for speaking beyond 10 minutes of total extensions.

9.13 No digression

A member is not to speak otherwise than upon, or digress from, the motion then before the meeting.

9.14 Recording of statements

Any member may require the CEO to take down any particular words used by a member immediately upon their being used and to read such words back to the meeting for verification.

9.15 Crossing council chambers or meeting room

(1) When the presiding person is putting any motion to the vote, a member is not to leave or cross the chamber or meeting room.

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

9.16 Voting

Voting is dealt with in the Act. Footnote 15

9.17 Method of taking vote

(1) The presiding person, in taking the vote on any motion, is to—

- (a) put the motion, first in the affirmative and then in the negative;
- (b) determine whether the affirmative or the negative has the majority of votes; and
- (c) declare the result of the vote.

(2) The motion put under subclause (1) may be put as often as is necessary to enable the presiding person to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.

(4) Voting at a council meeting is to be conducted so that no voter's vote is secret, except in the case of the filling of the office of deputy Lord Mayor or the election of the presiding person or deputy presiding person of a committee. Admin reg 9 Sched. 2.3

9.18 Relevancy of amendment

Every amendment is—

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

9.19 Recommendations become decisions

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

9.20 Amendment to be read

Every amendment is to be read before being moved.

9.21 One amendment at a time

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

9.22 Amended motion treated as primary motion

(1) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, subject only to clause 9.21, to be treated as if it was the primary motion.

(2) Only the mover of the primary motion in subclause (1) is to have the right of reply in respect of the primary motion as amended.

PART 10—PROCEDURAL MOTIONS**10.1 Permissible procedural motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions without notice—

- (a) that the question be deferred;
- (b) that the Council (or Committee) now adjourn;
- (c) that the question be adjourned;
- (d) that the question be now put;
- (e) that the question lie on the table;
- (f) that the Council (or Committee) proceed to the next business;
- (g) that the meeting be now closed;
- (h) that the Council (or Committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;
- (i) that the ruling by the presiding person be overruled;
- (j) that the member be no longer heard.

10.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (e), (f), (g), (h) and (i) of Clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (d) and (j) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Procedural Motions—Closing Debate—Who May Move

With the exception of Subclause 10.1 (i), no person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural Motions—Right of Reply on Substantive Motion

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

10.5 The Question be Deferred—Effect of Motion

(1) The motion “that the question be deferred”, if carried, causes all debate on the substantive motion and any amendment to cease and for the question to be resubmitted for consideration at a time and date specified in the motion.

(2) A motion that the question be deferred shall not be moved in respect of the election of a presiding person or the Deputy Lord Mayor.

10.6 The Council (or Committee) now Adjourn—Effect of Motion

(1) The motion “that the Council (or Committee) now adjourn”, if carried, causes the meeting to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person shall declare.

(2) Where debate on a motion is interrupted by an adjournment under Subclause (1)—

- (a) The debate is to be resumed at the next meeting at the point where it was so interrupted; and
- (b) In the case of a Council meeting—
 - (i) The names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) The provisions of Clause 9.5 apply when the debate is resumed.

(3) If a motion for the adjournment of the meeting is negatived, no similar motion is to 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 meeting.
- (4) A member is not, at the same meeting, to move or second more than one motion for the adjournment of the meeting.
- (5) Where the debate on any question moved and seconded is interrupted by the meeting being adjourned, due to a quorum not being present during the meeting, the procedure on resumption is to be in accordance with clause 9.5.

10.7 The Question be Adjourned—Effect of Motion

- (1) The motion “that the question be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time and date specified in the motion.
- (2) If the motion is carried at a meeting of the Council—
- (a) The names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) The provisions of clause 9.5 apply when the debate is resumed.
- (3) A motion that the question be adjourned shall not be moved in respect of the election of a presiding person or the Deputy Mayor.
- (4) On resuming an adjourned debate the member who moved its adjournment is entitled to speak first.
- (5) A member is not, at the same meeting, to move or second more than one motion for the adjournment of the same debate.

10.8 The Question be Now Put—Effect of Motion

- (1) The motion “that the question be now put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further discussion.
- (3) This motion, if lost, causes debate to continue.

10.9 Question Lie on the Table—Effect of Motion

- (1) The motion “that the question lie on the table”, if carried, causes all debate on the substantive motion and any amendment to cease and for the meeting to proceed to the next business.
- (2) Debate on the question laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the question from the table.
- (3) Where debate on a motion is interrupted by laying a question on the table under Subclause (1)—
- (a) The names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) The provisions of Clause 9.5 apply when the debate is resumed.
- (4) A motion that the question lie on the table shall not be moved in respect of the election of a presiding person or the Deputy Mayor.
- (5) A member moving the taking of the question from the table shall be entitled to speak first upon the resumption of the debate thereon.

10.10 Council (or Committee) Proceed to the Next Business—Effect of Motion

- (1) The motion “that the Council (or Committee) proceed to the next business”, if carried, causes the debate on the motion under consideration to cease immediately and for the Council (or Committee) to move to the next business of the meeting. No decision will be made on the motion being discussed, nor is there any requirement for the matter to be again raised for consideration.
- (2) If the motion to proceed to the next business is carried in respect of an amendment to a substantive motion, or another procedural motion, its effect is to remove that amendment or formal motion from consideration; and debate upon the substantive motion then proceeds. That amendment cannot be further moved at the meeting or at any adjournment of it.
- (3) A motion that the Council (or Committee) proceed to the next business shall not be moved in respect of the election of a presiding person or the Deputy Mayor.

10.11 Council (or Committee) Meet Behind Closed Doors—Effect of Motion

- (1) Where the Council resolves to close to members of the public the meeting, or part of the meeting—
- (a) the presiding person is to direct all persons other than the members and relevant employees and advisers of the City to leave the meeting room and every person is to comply with that direction immediately; and
 - (b) Subject to Subclause (2), the meeting is to be closed to the public until the Council resolves to open the meeting to members of the public.
- (2) If the Council resolves to close the meeting to the public the meeting is to revert to being open to the public upon the completion of discussion of, but prior to voting on, the matter under consideration. Members of the public are to be invited back to the meeting prior to voting on the matter.
- (3) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council (or Committee) may make, is suspended unless the Council (or Committee) decides otherwise.

(4) A person who is a Council member, a Committee member, or an officer or employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

(6) A person failing to comply with a direction made under Subclause (1) may, by order of the presiding person, be removed from the meeting room.

10.12 Meeting be now Closed—Effect of Motion

(1) The motion “that the meeting be now closed”, if carried, causes the presiding person to forthwith close the meeting, and no further business may be transacted. Any business outstanding on the notice paper for that meeting shall be carried forward to the notice paper for the next ordinary meeting of the Council (or Committee).

(2) If the motion is carried at a meeting of the Council—

- (i) The names of members who have spoken on the matter are to be recorded in the minutes; and
- (ii) The provisions of clause 9.5 apply when the outstanding business is resumed.

(3) If a motion that the meeting be closed is negatived, no similar motion is to be moved until—

- (a) after the conclusion of the motion under discussion at the time the closure was moved;
- (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 meeting.

(4) A member is not, at the same meeting, to move or second more than one motion that the meeting be closed.

10.13 Ruling by the Presiding Person be Overruled—Effect of Motion

The motion “that the ruling of the presiding person be overruled”, if carried, causes the ruling of the presiding person about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

10.14 Member to be No Longer Heard—Effect of Motion

The motion “that the member be no longer heard”, if carried, causes the presiding person to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

PART 11—ADJOURNMENT OF MEETING

11.1 Notice of adjourned meeting

When a meeting of the council or a committee is adjourned to a day and hour other than the next ordinary meeting of the council or committee, notice of the adjourned meeting is to, if time permits, be given in the manner provided by clauses 2.3 and 2.4.

11.2 Restraint on member's right to move adjournment

(1) A member who has spoken on the motion then before the meeting is not to move the adjournment of the meeting.

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

11.3 Restraint on member's right to move adjournment of debate

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

11.4 Resumption after adjournment of debate

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

11.5 Resumption after adjournment due to no quorum

Where the debate on any motion moved and seconded is interrupted by the meeting being adjourned, due to a quorum not being present during the meeting, the procedure on resumption is to be in accordance with clause 10.6.

11.6 Business at adjourned meeting

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

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

except in the case of an adjournment to the next ordinary meeting of the council, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

PART 12—REVOKING DECISIONS

12.1 Limitations on power to revoke or change decisions

(1) 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 to implement the decision in accordance with clause 12.6; or

- (b) where the decision is procedural in its form or effect.
 - (c) where the decision is to revoke another decision
- (2) The council or a committee may consider a motion to revoke or change a decision of the kind describe in paragraph (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.
- (3) Part 12 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.

12.2 Revocation motion at the same meeting—power Footnote 16

- (1) A decision made at a meeting may be revoked or changed at the same meeting at which it was made if—
- (a) at least 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; and
 - (b) all members who were present in the Council Chamber at the time the decision was passed are also present in the Council Chamber at the time the revoking or changing is proposed.
- (2) the motion to revoke or change is carried—
- (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.

12.3 Revocation motion at the same meeting—procedures

- (1) The member who moves the motion to revoke or change the decision is to—
- (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for seeking the revocation of change;
- (2) 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.
- (3) Where the presiding member is advised of a notice of motion under subclause (2), 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 12.2 (1)) for the motion; and
 - (d) if there is sufficient support, deal with the motion.

12.4 Revocation motion after meeting—power

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 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover;
- (b) 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.

12.5 Revocation motion after meeting—procedures

- (1) The proposed revocation or change is to be set out in a notice of motion which—
- (a) clearly identifies the decision to be revoked or changed; and
 - (b) clearly states the reason for seeking the revocation or change;
- (2) If the CEO receives a notice of motion to revoke or change a decision after the closure of the meeting at which the decision was passed, then provided the notice complies with sections 12.1 and 12.5(1) 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 decision was passed.

12.6 Implementation of a Decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—
- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting to which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a Committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.

(2) Implementation of a decision is only to be withheld under sub-clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant's agent by an employee of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 13—COMMITTEES

13.1 Establishment of committees

(1) Establishment of committees is dealt with in the Act Footnote 17

(2) On establishment of a committee, council must clearly specify—

- (a) the purpose of the committee;
- (b) the powers and duties delegated to the committee; and
- (c) the number, and composition, of members of the committee.

(3) Before the first meeting of the committee, council must determine the names of the persons who are to be members of the committee.

13.2 Types of committees

Types of committees is dealt with in the Act. Footnote 18

13.3 Delegation of some powers and duties to certain committees

Delegation of powers and duties to committees is dealt with in the Act. Footnote 19

13.4 Limits on delegation of powers and duties to certain committees

Limits on delegation of powers and duties to committees is dealt with in the Act. Footnote 20

13.5 Appointment of committee members

The appointment of committee members is dealt with in the Act. Footnote 21

13.6 Tenure of committee membership

The tenure of committee membership is dealt with in the Act. Footnote 22

13.7 Election of presiding person

The election of the presiding person is dealt with in the Act. Footnote 23

13.8 Election of deputy presiding person

The election of the deputy presiding person is dealt with in the Act. Footnote 24

13.9 Who acts if no presiding person

Procedures if there is no presiding person are dealt with in the Act. Footnote 25

13.10 Member attending committee as observer

(1) A member may attend as an observer at meetings of a committee notwithstanding that the member is not a member of that committee.

(2) A member attending a committee meeting as an observer may speak with the leave of the committee, but is not to vote on any motion before the committee unless the member is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons.

(3) Subject to the preceding subclause a member attending a committee as an observer is to sit in an area set aside for observers separated from the committee members.

13.11 Adjournment of committee

Any committee of the council may adjourn from time to time.

13.12 Deputy members of committees Interp. Act Sec 52

(1) The council may appoint a member, employee or other person to be the deputy to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the council.

(2) Where a member of a committee does not attend a meeting thereof any deputy of that member is, subject to subclause (3) entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.

(3) 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 subclause (1).

(4) A person who is a member of a committee is not eligible to be appointed a deputy for a member of that committee.

13.13 Standing orders to apply

- (1) Except insofar as they limit the number of times a member may speak, these standing orders are to be observed at meetings of committees.
- (2) For the purpose of this clause, reference to the Lord Mayor in Parts 2 to 14 inclusive are, where the context permits, to be read as a reference to the presiding person of a committee.

13.14 Committees to report

Committees are answerable to the council and are to—

- (a) report regularly to ordinary meetings of the council;
- (b) report to the council fully on their activities when required by the council to do so.

13.15 Papers for committee meeting to be distributed to all members of the Council

When a meeting of any committee is convened the agenda for the meeting together with copies of all employees' reports relating to matters on the agenda for that meeting are to be forwarded to all members of the council, except those on leave of absence.

13.16 Communications by committees

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

13.17 Resignation of position on committee Sec 5.11(1) Reg 4

- (1) Any member of a committee may resign his or her position on the committee by notice in writing signed by him or her and addressed to the presiding person of the committee or the CEO.
- (2) When the notice referred to in subclause (1) is delivered to the CEO or presiding person of the committee, the seat on the committee of the resigning member is to become vacant.
- (3) The council may from time to time fill a vacancy on a committee.

PART 14—GENERAL**14.1 Vision and mission statement**

Vision statement—

That as the Capital of Western Australia, the City of Perth be widely acclaimed as a City of regional and international significance.

Objectives—

- To provide vision and leadership to all our activities
- To provide a safe, accessible, comfortable and aesthetically pleasant City
- To operate in a financially prudent and ethical manner
- To ensure that services are delivered by best practice standards
- To deliver a high level of service in a friendly and courteous manner
- To ensure our staff work in a safe and fulfilling environment and that they are properly compensated for their contribution.

14.2 Deputations

- (1) A deputation wishing to be received by the council or a committee is to apply in writing to the CEO who is to forward the written request to the presiding member.
- (2) The presiding member may either approve the request to attend a Council or committee meeting, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee, or may instruct the CEO to refer the request to the Council or committee to decide by a simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a council meeting—
- (a) is not to exceed 5 persons, only 2 of whom may address the council or committee although other persons in the deputation may respond to specific questions from the members; and
 - (b) is not to address the council for a period exceeding 15 minutes.
- (4) Any matter which is the subject of a deputation to the council is not to be further considered by the council until the deputation has withdrawn.

14.3 Electors' meetings—standing orders apply Secs 5.26-5.33 Admin Regs 15-18

The standing orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevail.

14.4 Restriction on voting and speaking at electors' meetings Admin Regs 17/18

A person who is not an elector—

- (a) is not entitled to vote at a meeting of electors; and
- (b) may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him or her to do so.

14.5 Presiding person at council meetings

The presiding person at council meetings is dealt with in the Act. Footnote 26

14.6 Election of deputy Lord Mayor

The election of deputy Lord Mayor is dealt with in the Act. Footnote 27

14.7 Presiding person to ensure compliance

The presiding person is authorised and empowered to ensure that meetings are conducted in accordance with this local law.

14.8 Penalty for contravention of standing orders Sec 3.10

Any persons contravening a provision of this local law commits an offence and is liable upon conviction to a fine not exceeding \$5,000 and in the case of a breach of a continuing nature to a further fine not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

14.9 Council may take action for contravention Sec 9.24 9.28

The council may take proceedings under section 9.24 of the Act against any person contravening a provision of this local law.

Footnote 1:

Section 5.4 of the Act provides as follows—

- “5.4. 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 one third of the councillors,
- in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.”

Footnote 2:

Section 5.5 of the Act provides as follows—

- “5.5. (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.”

Footnote 3:

Section 5.23 of the Act provides as follows—

- “5.23. (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 any 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.”

Footnote 4:

Regulation 14 provides as follows—

- “14 (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.”

Footnote 5:

Section 5.24 of the Act provides as follows—

- “5.24. (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.”

Regulation 6 provides as follows—

- “6. (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.”

Regulation 7 provides as follows—

- “7. (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.”

Footnote 6:

Section 2.25 of the Act provides as follows—

- “2.25. (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council—
- (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non-attendance occurs while—
 - (i) the member has ceased to act as a member after written notice has been given to the member under section 2.27 (3) and before written notice has been given to the member under section 2.27 (5);

- (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
- (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

Footnote 7:

Section 5.22 of the Act provides as follows—

- “5.22. (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.”

Footnote 8:

Section 5.65 of the Act provides as follows—

- “5.65. (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest—
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- Penalty: \$10 000 or imprisonment for 2 years.
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know—
- (a) that he or she had an interest in the matter; or
 - (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9 (2) (f).”

Footnote 9:

Section 5.66 of the Act provides as follows—

- “5.66. If a member has disclosed an interest in a written notice given to the CEO before a meeting then—
- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.”

Footnote 10:

Section 5.67 of the Act provides as follows—

- “5.67. A member who makes a disclosure under section 5.65 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 under section 5.68 or 5.69.
- Penalty: \$10 000 or imprisonment for 2 years.”

Footnote 11:

Section 5.68 of the Act provides as follows—

- “5.68. (1) If a member has disclosed, under section 5.65, 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 this section 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 section 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.”

Footnote 12:

Section 5.70 of the Act provides as follows—

“5.70. (1) In this section—

“employee” includes a person who, under a contract for services with the local government, provides advice or a report on a matter.

- (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 must disclose the nature of the interest when giving the advice or report.
- (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.

Penalty: \$10 000 or imprisonment for 2 years.”

Footnote 13:

Section 5.19 of the Act 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.”

Footnote 14:

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 authorised by the CEO.”

Footnote 15:

Section 5.21 of the Act provides as follows—

- “5.21. (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.”

Footnote 16:

Regulation 10 provides as follows :

- “10. (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 one third 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.”

Footnote 17:

Section 5.8 of the Act provides as follows—

“5.8. 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.”

Footnote 18:

Section 5.9 of the Act provides as follows—

- “5.9. (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.”

Footnote 19:

Section 5.16 of the Act provides as follows—

- “5.16. (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.”

Footnote 20:

Section 5.17 of the Act provides as follows—

- “5.17. (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).”

Footnote 21:

Section 5.10 of the Act provides as follows—

- “5.10 (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."

Footnote 22:

Section 5.11 of the Act provides as follows—

- "5.11 (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."

Regulation 4 provides as follows—

- "4. 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."

Footnote 23:

Section 5.12 (1) of the Act provides as follows—

- "5.12 (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".

Schedule 2.3 of the Act provides as follows—

- "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 4.14 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.
3. The CEO is to preside at the meeting until the office is filled.
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.
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."

Footnote 24:

Section 5.12(2) of the Act provides as follows—

- "5.12 (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".

Schedule 2.3 of the Act provides as follows—

- "7. (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 4.14 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 4.14 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.
8. (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, 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.
9. (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 Council members 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 candidate determined, under Schedule 4.1 as if those votes were votes cast at an election".

Footnote 25:

Section 5.14 of the Act provides as follows—

- "5.14. 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."

Footnote 26:

Section 5.6 of the Act provides as follows—

- "5.6 (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."

Footnote 27:

Section 2.15 of the Act provides as follows—

"2.15 The deputy mayor or deputy president is to be elected by the council from amongst the councillors under Schedule 2.3, Division 2."

Schedule 2.3 of the Act provides as follows—

- "7. (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 4.14 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 4.14 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.
8. (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, 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.
9. (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 Council members 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 candidate determined, under Schedule 4.1 as if those votes were votes cast at an election".

Dated this 9th day of November 1999.

Dr PETER NATTRASS, Lord Mayor.
GARRY HUNT, Chief Executive Officer.



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