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LOCAL GOVERNMENT ACT 1995

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**TOWN OF CLAREMONT**

**STANDING ORDERS  
LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995**

TOWN OF CLAREMONT

**STANDING ORDERS LOCAL LAW**

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**LOCAL GOVERNMENT ACT 1995**

## TOWN OF CLAREMONT

**STANDING ORDERS LOCAL LAW**

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Town of Claremont hereby records having resolved on the 29th day of February 2000, to repeal its Local Laws Relating to Standing Orders, as published in the *Government Gazette* on 29 January, 1998, and adopt the following new Local Law—"Standing Orders Local Law".

**PART 1—PRELIMINARY****1.1 SHORT TITLE**

The proceedings and business of the Council shall be conducted according to this Local Law, the Sections of which shall be referred to as "the Standing Orders"

**1.2 INTERPRETATION**

In these Local Laws, unless the context otherwise requires—

"Act" means the Local Government Act 1995;

"Absolute Majority" (a) in relation to a Council, means a majority comprising enough of the Members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of Member of the Council;

(b) in relation to any other body, means a majority comprising enough of the person for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

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

"Business Papers" in relation to any proposed meeting means the Agenda Paper for that meeting and any minute of any previous meeting required to be considered at the proposed meeting and details relating to any Order of the Day for the proposed meeting;

"CEO" means the Chief Executive Officer of the Council;

"Committee" means any Committee appointed in accordance with the provisions of Part 5 Division 2, Subdivision 2 of the Local Government Act 1995;

"Council delegate" means a Councillor or officer of the Council appointed as a delegate or representative of the Council on or to any external body, conference or meeting;

"Councillor" means a Councillor of the Council;

"Mayor" unless the context otherwise requires, includes in the absence of the Mayor the Deputy Mayor or the Councillor chosen by the Council to preside at a meeting of the Council;

"Meeting" includes any Ordinary or Special meeting of the Council or of a Committee held pursuant to the Act;

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

"Minor amendment" in relation to a motion to amend another motion ("the primary motion") shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting;

"Negatived motion" means a motion which, having been voted upon, is declared as lost.

"Ordinary Meeting" has the meaning given to that term in Clause 2.2;

"Special Meeting" has the meaning given to that term in Clause 2.2;

"Special Majority" applying to a power conferred by the Act, means that—

(a) if there are more than 11 offices of Member of the Council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the Council;

(b) if there are not more than 11 offices of Member of the Council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council;

"Town" means the Town of Claremont;

"Urgent business" means business dealt with in accordance with the provisions of Clause 4.12;

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

### 1.3 REPEAL

The Standing Orders of the Town of Claremont published in the Government Gazette on 29 January 1998 are repealed.

## PART 2—MEETINGS OF COUNCIL

### 2.1 MAYOR TO PRESIDE

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

### 2.2 KIND OF MEETING AND CALLING OF MEETING

(1) Meetings of the Council shall be of two kinds, "Ordinary" and "Special".

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

### 2.3 CALLING OF MEETING PROCEDURES

- (1) An Ordinary or Special Meeting shall be held if so decided by the Council. (***S5.4(b)***)
- (2) An Ordinary or Special Meeting of the Council shall also be held if called for by either—
  - (i) the Mayor; or
  - (ii) at least one third of the Councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting. (***S5.4(a)***)

### 2.4 NOTICE OF ORDINARY MEETING

- (1) Notice of an Ordinary Meeting of the Council shall be given to Members in writing and shall be signed by the CEO, and shall state the date, time, and place of holding the meeting, and shall contain an Agenda Paper either separately or incorporated in the Business Papers. The notice shall be given to each of the Members together with a copy of the Business Papers (if any) at least 72 hours before the time of the commencement of the meeting. (***S5.5(1)***)
- (2) The Business Papers for an Ordinary Meeting of the Council shall be made available for inspection by a ratepayer or elector of the Town during office hours at the office of the Council from the time of service of the Business Papers on Members. (***S5.25(J)***) and ***Admin. Reg. 14***

### 2.5 CALLING OF SPECIAL MEETING

- (1) The CEO is to convene a Special Meeting by giving each Member notice, before the meeting, of the date, time, place and purpose of the meeting. (***S5.5(2)***)
- (2) Notice of a Special Meeting may be given at any time prior to the time of the meeting given in the notice.
- (3) Notice of a Special Meeting should be given in writing if the time available for giving notice and the circumstances permit.

### 2.6 NOTICE OF ADJOURNED MEETING

When a meeting of the Council is adjourned by Council to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting shall, if time permits, be sent in the manner provided by subsection 2.5(1) of these Local Laws, to each Councillor, specifying the nature of the business to be transacted.

### 2.7 NOTICES

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

- (a) delivered to the Member personally or to the Member's ordinary residence or other designated place in Western Australia within the minimum time stipulated; or
- (b) sent by facsimile or other means of electronic transmission as may be operable from time to time or posted to the ordinary residence or the usual place of business (if any) of the Member within the District.

Where the notice, paper or thing is sent—

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



### PART 3—QUORUM

#### 3.1 NUMBER REQUIRED FOR QUORUM

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

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

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

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

#### 3.2 QUORUM MUST BE PRESENT

(1) The Council shall not transact business at a meeting unless a quorum is present.

(2) Subject to the provisions of Clause 3.2(3) every meeting shall proceed to business at the time appointed in the notice of meeting.

(3) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in the Mayor's absence, the Deputy Mayor, or in the Deputy Mayor's absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the CEO or a person authorised by the CEO, may adjourn the meeting to some future time or date. Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next Ordinary Meeting if that occurs first. If the business is transacted at the next Ordinary Meeting the adjourned meeting shall lapse.

#### 3.3 LOSS OF QUORUM DURING MEETING

##### (1) Count Out

If at any time during a meeting of the Council a quorum is not present, the Mayor upon becoming aware of that fact shall thereupon suspend the proceedings of the meeting for a period of ten (10) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future time or date.

##### (2) Debate on Motion to be Resumed

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

#### 3.4 NAMES TO BE RECORDED

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

### PART 4—BUSINESS OF THE MEETING

#### 4.1 BUSINESS AT ORDINARY MEETING

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

- (a) matters which the Act permits to be dealt with without notice; and
- (b) matters which these Local Laws expressly permit to be dealt with without notice.
- (c) the order of business at an Ordinary Meeting of the Council shall, unless for the greater convenience of the Council, altered by resolution to that effect, be nearly as practicable to the order, as detailed in Clause 4.2

#### 4.2 ORDER OF BUSINESS

1. Declaration of Opening.
2. Appointment of Presiding Member (if required).
3. Disclaimer (to be read aloud by Presiding Member).
4. Acknowledgment of receipt of written declarations of financial interests (by Presiding Member).
5. Apologies and Leave of Absence.
6. Action taken on previous public questions taken on notice.
7. Public question time.
8. Community Submissions.
9. Confirmation of Minutes.
10. Written requests for leave of absence.
11. Deputations and petitions.
12. Business left over from previous meeting (if adjourned).
13. Reports of Committees and Officers.
14. Motions of which previous notice has been given.

15. Notices of motion given at the Meeting for consideration at next Meeting.
16. Questions of which due notice has been given
17. New business of an urgent nature introduced by decision of Meeting—
  - 17.1 Members
  - 17.2 Officers
18. Confidential Business.
19. Closure of Meeting.

#### **4.3 ORDER OF BUSINESS AT SPECIAL MEETING**

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

#### **4.4 BUSINESS AT ADJOURNED MEETING**

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

#### **4.5 PUBLIC QUESTION TIME**

##### **(1) Public Question Session**

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

##### **(2) Questions and Answers to be Brief**

All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon. Questions requiring a written response shall be taken on notice and responded to as soon as practicable thereafter. Action taken shall be noted on the Order of Business at the following Ordinary Meeting of the Council in relation to written responses.

##### **(3) Issues Not to Involve Bad Language, Argument or Opinion, or Adverse Reflection on Integrity of any Councillor or Employee**

1. In submitting any issues, no bad language, argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain the issue. The Mayor may modify a question to make it comply with this subsection.

2. An issue shall not contain any statement reflecting adversely on the integrity of any Councillor or employee.
3. If in the opinion of a Member, false information or any adverse reflection is contained in any issue raised, then through the Mayor, the Member may offer comment by way of correction.

#### **(4) No Discussion on Questions**

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

#### **4.6 COMMUNITY SUBMISSIONS**

Any member of the public may during the Public Comments segment of the Agenda, with the consent of the person presiding, speak on any matter on the meeting agenda provided that—

- (a) the person has requested the right to do so in writing addressed to the CEO by noon on the day of the meeting.
- (b) The person's speaking right to be exercised before Council debates the particular Agenda item.
- (c) The person speaking during Public Comments will be limited to a maximum period of three minutes (3), unless extended by the consent of the meeting which will be decided without debate.

#### **4.7 DEPUTATIONS**

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

(2) Where the CEO receives a memorial in terms of the preceding subsection but not otherwise, the CEO shall refer it to the Presiding Member of the appropriate meeting, and

- (a) give a precis of the memorial to that person;
- (b) recommend, with an explanation, whether or not the deputation should be received; and
- (c) request advice from the Presiding Member within a stated time whether or not he or she considers the deputation should be received.

(3) In the event that the Presiding Member indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Council at its next meeting.

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

(5) A Council shall not make a resolution arising from the subject of a deputation at the meeting at which the deputation is received unless the matter is the subject of an officer report contained in the Business Papers of the meeting.

#### **4.8 PETITIONS**

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

In addition, any individual may present a petition in the form mentioned in Clause 4.8(2) direct to the CEO who shall inform the Mayor and Ward Councillors in which the subject matter relates of the content of the petition and any action taken in response to the subject matter contained in the petition.

(2) A petition must—

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

(3) On the presentation of a petition, the Councillor presenting it shall be confined to reading the petition, and the only motions that are in order are that the petition be received and if necessary that it be referred for officer report.

#### **4.9 MINUTES**

##### **(1) Confirmation of Minutes**

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

##### **(2) Keeping of Minutes**

1. Minutes may be pasted or otherwise permanently affixed to or as the leaves of a book which may be known as the "Minute Book".
2. Minutes may be otherwise kept in the records of the Council in a manner which ensures that they are permanently and securely recorded, and available for inspection, copying, and

production in evidence in any court. Such record of the Minutes may be referred to as "Minute Book", whether it is in book form or not.

**(3) Reading of Minutes May be Dispensed With**

In submitting Minutes to a meeting for confirmation, the Minutes shall be read at that meeting, but the reading of Minutes at a meeting may be dispensed with when Members have been supplied with copies of the Minutes at least 24 hours before the holding of the meeting at which they are to be submitted, or otherwise by resolution of the Council.

**(4) Content of Minutes**

In addition to the matters contained in Regulation 11 of the Local Government (Administration) Regulations 1996, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

**(5) Preservation of Minutes**

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the Local Government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time

**4.10 NOTICES OF MOTION**

**(1) Giving Notice of Motion**

1. Unless the Act or these Local Laws otherwise provide, a Member may only bring forward at a meeting such business as he or she considers advisable in the form of a motion of which notice has been given in writing to the CEO.
2. Except in the case of a Special Meeting of the Council, notice of motion shall be given either—
  - (a) at the last previous Council meeting; or
  - (b) at least 7 clear days before the meeting at which it is brought forward.
3. Every notice of motion shall relate to some question affecting the constitution, administration or condition of the Town or the Council, or as otherwise authorised by a written law.

**(2) Exclusion or Amendment of Notices**

1. The CEO, with the concurrence of the Mayor, may exclude from the agenda paper of the Council any notice of motion which contravenes, or may potentially contravene, any provision of the standing orders or any provision of any legislation, or which may have the potential to expose Council, Councillors or staff to legal action.

The CEO may, on his or her own initiative, make such amendments to the form, but not the substance, of the notice of motion as will bring it into due form.

If any notice of motion is excluded under this clause, the CEO is to provide the reason for so doing to all Members as soon as practicable.

2. No notice of motion shall be deemed informal by reason of the question or issue involved being considered objectionable, or by reason of its having relation to a matter not within the scope of the ordinary work of the Council, so long as, in the opinion of the Mayor, such matter is one of public interest, utility or importance.

**(3) Motion to Lapse**

Subject to the provisions of Clause 16.12 any motion of which notice has been given shall lapse unless—

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

**(4) Dealing with Lapsed Motion**

1. If a notice of motion is given and lapses in the circumstances referred to in the preceding subsection, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.
2. If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to revoke or alter a resolution and to which Clause 22.3 applies.

**(5) Amendments to Notice of Motion**

1. An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subsection 4.10(1) shall not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.
2. The Mayor shall decide whether any amendment moved without notice given in accordance with the preceding paragraph of this subsection is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of Clause 10.18.

**4.11 QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

(1) Any Member seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the CEO at least seven (7) days before the hour fixed for the commencement of the meeting.

(2) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed on them. In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

(3) The CEO may refer a question to the Mayor for determination by the Mayor when the CEO believes the question may be considered to contravene, or potentially contravene, any provision of the standing orders or any provision of any legislation, or which may have the potential to expose Council, Councillors or staff to legal action. If the Mayor concurs with this belief, the question shall be rejected.

(4) If any question of which due notice has been given is excluded under this clause, the CEO is to provide the reason for so doing to all members as soon as practicable.

(5) If the question referred to in subclause (1) is considered to be in order, the answer is, as far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

**4.12 URGENT BUSINESS****(1) When Introduced**

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

- (a) the person presiding at the meeting has requested the Member to move the motion or has first consented to the business being raised having taken due regard to;
  - (i) the urgency of the business is such that the business cannot await inclusion in the Agenda Paper for the next meeting of the Council; or
  - (ii) if the business was to be deferred to the next meeting, such delay could result in legal or financial implications to the Town; or
- (b) the business could not normally be dealt with by an officer of Council during Council office hours.

**(2) When Absolute Majority Required**

If, at an Ordinary Meeting, a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with urgent ordinary business within the meaning of that term in Clause 4.12(1)(a)(i) or (ii) of these Local Laws, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Councillors of the Council.

**4.13 CONFIDENTIAL BUSINESS****(1) Obligation of Confidentiality**

Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors, or employees of the Council (and in the case of employees, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

**(2) CEO Restricting Documents**

Any report, document or correspondence which is to be placed before the Council and which is in the opinion of the CEO of a confidential nature may at the CEO's discretion be marked as such and shall then be treated as strictly confidential and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors or officers of the Council.

**4.14 CLOSURE OF MEETING**

Should a Meeting of Council still be in progress three (3) hours after the opening of the meeting, the Presiding Member shall request the meeting for an extension of time to enable the business of the meeting which remains unresolved to be considered. A motion must be carried to this effect and stipulate a time to a maximum extension of 1 (one) further hour up until which business of the meeting may be considered, at which time the Presiding Member may close the meeting. Any business remaining unresolved shall be adjourned and re-considered to a day and time as determined by Council or at the next Ordinary Meeting of the Council.

**PART 5—PUBLIC ACCESS TO AGENDA MATERIAL****5.1 INSPECTION ENTITLEMENT**

(1) 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 shall be 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 clause 5(1) entitles members of the public to inspect the information referred to in that clause if, in the opinion of the CEO, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.

## **5.2 CONFIDENTIALITY OF INFORMATION WITHHELD**

(1) Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be—

- (a) identified in the agenda of a Council or committee meeting under the item “Matters for which the meeting may be closed”; and
- (b) marked “confidential” in the agenda.

(2) A Member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Penalty of up to a maximum of \$5,000 (*Admin Reg 14*)

## **PART 6—PRODUCTION OF DOCUMENT**

### **6.1 INTERPRETATIONS**

In this section—

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

### **6.2 MEMBER MAY REQUIRE PRODUCTION**

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

### **6.3 CIRCUMSTANCES IN WHICH CEO TO COMPLY**

The CEO shall comply with a request made pursuant to Clause 6.2 unless the CEO is of the opinion that it contravenes, or may potentially contravene any provision of the standing orders, any provision of any legislation, or which may have the potential to expose Council, Councillors or staff to legal action.

If an item is excluded under this clause, the CEO is to provide the reason for so doing to all members as soon as practicable.

### **6.4 ACCESS BY MEMBER TO TABLED DOCUMENTS**

When a document or other thing is laid on the table in accordance with this section then that document or other thing may be perused or inspected by a Member in the place designated at any time during Council’s office hours or at any other reasonable time on application to the CEO. The document or other thing shall not be removed and subject to S5.96 and S5.97 of the Act, shall not be copied. (*S5.91 & S5.92*)

## **PART 7—OPEN DOORS—EXCEPT AS PROVIDED**

### **7.1 GENERAL OBLIGATION**

Subject to the provisions of Clause 7.2 and 7.3 the business of the Council shall be conducted with open doors. (*S5.23(1)*)

### **7.2 RESOLUTION TO CLOSE DOORS**

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

### **7.3 PERSONS TO LEAVE CHAMBER**

Upon the carrying of a resolution referred to in Clause 7.2 the Mayor shall direct all persons other than Councillors, the CEO and any other person nominated in the resolution to leave the Council Chamber and every such person shall forthwith comply with the direction.

### **7.4 REMOVAL OF PERSON BY ORDER**

Any person who fails to comply with the direction made pursuant to Clause 7.3 may, by order of the Mayor be removed from the Council Chamber.

### **7.5 DURATION OF CLOSURE**

(1) After the carrying of a resolution referred to in Clause 7.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.

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

### **7.6 NOTICE OF MOTION NOT REQUIRED**

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

### **7.7 CONDUCT OF BUSINESS BEHIND CLOSED DOORS**

(1) The following business shall be conducted behind closed doors unless the Council in any particular case resolves otherwise—

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

(2) The Council may in any case resolve to conduct behind closed doors any other matter referred to in section **S5.23(2)** of the Act.

### **7.8 RECORDING DECISION IN MINUTE**

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

## **PART 8—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS**

### **8.1 OFFICIAL TITLES TO BE USED**

Members and employees of the Council are to speak of each other at Council meetings by their respective titles.

### **8.2 MEMBERS TO OCCUPY OWN SEATS**

At the first meeting held after each ordinary elections day, the CEO is to allot 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.

### **8.3 LEAVING MEETINGS**

During the course of a meeting of the Council or a committee no member is to enter or leave the meeting without first an acknowledgment to the person presiding, in order to facilitate the recording in the minutes of the time, and at the specific place of the Agenda of entry or departure.

### **8.4 ADVERSE REFLECTION**

(1) No member of the Council is to reflect adversely upon a decision of the Council except on a motion that the decision be revoked or changed.

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

(3) If a member of the Council specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

### **8.5 PREVENTION OF DISTURBANCE**

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

Penalty of up to a maximum of \$1,000

(2) No person observing a meeting, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty of up to a maximum of \$1,000

### **8.6 DISTINGUISHED VISITORS**

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

**8.7 OBJECTIONABLE BUSINESS**

(1) If the Mayor at any meeting of the Council is of the opinion, or a Councillor draws to the Mayor's attention, that any motion or business proposed to be made or transacted thereat is of an objectionable character, the Mayor either before or after the same is brought forward may declare that the same shall not be entertained.

(2) Any Member of the Council may move dissent from the declaration made from the Chair, whereupon the motion to dissent shall forthwith be put without debate.

(3) In the event of the dissent being carried by a majority of the Members present, the business referred to shall thereupon be entertained but not otherwise.

**PART 9—CONDUCT OF MEMBERS DURING DEBATE****9.1 MEMBERS TO INDICATE**

(1) Any Member wishing to speak shall indicate by standing. When invited by the Mayor to speak, the Member shall address the Council through the Mayor.

(2) Any Member unable to stand conveniently because of sickness or disability shall be permitted to sit while speaking.

**9.2 PRIORITY**

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

**9.3 THE PERSON PRESIDING TO TAKE PART IN DEBATES**

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council as the case may be.

**9.4 RELEVANCE**

Every member of the Council is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

**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 LIMITATION OF DURATION OF SPEECHES**

All addresses are to be limited to a maximum of five (5) minutes. One five minute extension of time is permissible only with the agreement of a simple majority of members present.

**9.7 MEMBERS NOT TO SPEAK AFTER CONCLUSION OF DEBATE**

No member of the Council is to speak to any question after it has been put by the person presiding.

**9.8 MEMBERS NOT TO INTERRUPT**

No member of the Council is to interrupt another member of the Council whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under Clause 10.16; or
- (d) to move a motion under Clause 11(1).

**9.9 RE-OPENING OF DISCUSSION ON DECISIONS**

No member of the Council is to re-open discussion on any decision of the Council taken at the same meeting, except for the purpose of moving that the decision be revoked or changed.

**PART 10—PROCEDURES FOR DEBATE OF MOTIONS****10.1 MOTIONS TO BE STATED**

(1) Any member of the Council who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

(2) Where in the opinion of the Presiding Member, an amendment or modification of a recommendation is significantly different and alters the substance or effect of the recommendation from a Committee or an employee, the Presiding Member shall, where practicable, require the proposed motion to be in writing and ready to be handed to the Chief Executive Officer, for recording in the Minutes of the Meeting.

(3) Such written notice shall also contain the reason for the proposed significantly different amendment or modification, as required by regulation 11(da) of the Local Government (Administration) Regulations 1996.

(4) "employee" in this section, also includes a person under contract with the local government who provides advice or a report on a matter.



**10.2 MOTIONS TO BE SUPPORTED**

No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council meeting, unless the motion has the support required under Regulation 10 of the Local Government (Administration) Regulations 1996, as detailed in Clause 16(4) of these Standing Orders.

**10.3 UNOPPOSED BUSINESS**

(1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the person presiding may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council.

(4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part (Part 10).

(5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council meeting.

**10.4 ONLY ONE SUBSTANTIVE MOTION CONSIDERED**

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

**10.5 BREAKING DOWN OF COMPLEX QUESTIONS**

The person presiding may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

**10.6 ORDER OF CALL IN DEBATE**

The person presiding is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) A speaker against the motion;
- (e) A speaker for the motion;
- (f) Other speakers against and for the motion, alternating in view, if any;
- (g) Mover takes right of reply which closes debate.

**10.7 LIMIT OF DEBATE**

The person presiding may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

**10.8 MEMBERS MAY REQUIRE QUESTIONS TO BE READ**

Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

**10.9 CONSENT OF SECONDER REQUIRED TO ACCEPT ALTERATION OF WORDING**

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

**10.10 ORDER OF AMENDMENTS**

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 amendment has been withdrawn or determined.

**10.11 AMENDMENTS MUST NOT NEGATE ORIGINAL MOTION**

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

**10.12 MOVER OF MOTION MAY SPEAK ON AMENDMENT**

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

**10.13 SUBSTANTIVE MOTION**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

**10.14 WITHDRAWAL OF MOTION AND AMENDMENTS**

Council 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.

**10.15 LIMITATION OF WITHDRAWAL**

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.

**10.16 PERSONAL EXPLANATIONS**

No Member or employee is to speak at any meeting of the Council, except upon the matter before the council, unless it is to make a personal explanation. Any Member or employee of the Council who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a Member or employee of the Council is invited to speak, no reference is to be made to matters unnecessary for that purpose.

**10.17 PERSONAL EXPLANATIONS—WHEN HEARD**

A Member or employee of the Council wishing to make a personal explanation of matters referred to by any Member of the Council then speaking, is entitled to be heard immediately, if the Member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

**10.18 RULING ON QUESTIONS OF PERSONAL EXPLANATION**

The ruling of the person presiding on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

**10.19 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.

**10.20 RIGHT OF REPLY PROVISIONS**

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) the mover of any amendment does not have a right of reply;
- (c) 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.

**PART 11—PROCEDURAL MATTERS****11.1 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—

- (a) that the question be adjourned;
- (b) that the Council now adjourn;
- (c) that the question now be put;
- (d) that the Council 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;
- (e) that the question be referred back to Committee;
- (f) that the ruling of the presiding person be disagreed with.

**11.2 NO DEBATE ON PROCEDURAL MOTIONS**

(1) The mover of a motion stated in each of paragraphs (a), (b) and (d) of Clause 11.1 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 paragraph (c) of Clause 11.1 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.

**11.3 PROCEDURAL MOTIONS—CLOSING DEBATE—WHO MAY MOVE**

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.

**11.4 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.

**PART 12 —EFFECT OF PROCEDURAL MOTIONS****12.1 QUESTION TO 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 stated 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.

**12.2 COUNCIL TO NOW ADJOURN—EFFECT OF MOTION**

- (1) The motion “that the Council now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.
- (2) Where debate is to be resumed at the next meeting at the point where it was so interrupted;
  - (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 to apply when the debate is resumed.

**12.3 QUESTION TO BE PUT—EFFECT OF MOTION**

- (1) The motion “that the question now be 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 debate.
- (3) This motion, if lost, causes debate to continue.

**12.4 COUNCIL TO MEET BEHIND CLOSED DOORS—EFFECT OF MOTION**

- (1) Subject to any decision under Clause 7.7 or other decision of the Council, this motion, if carried, causes persons to leave the room pursuant to Clause 7.3.
- (2) 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 may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the person presiding, unless the Council decides otherwise, is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (4) A person who is a Council member, or an 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.

Penalty of up to a maximum of \$5,000.

**12.5 THAT THE QUESTION BE REFERRED BACK TO COMMITTEE—EFFECT OF MOTION**

- (1) Where the question before Council is a recommendation from a Committee of Council, a Member may at the conclusion of the speech of any other member, move without notice that the question be referred back to Committee.
- (2) On any such motion being moved and seconded, the mover shall speak for no more than five (5) minutes detailing his or her reasons for seeking to refer the question back to Committee.
- (3) The procedures for the conduct of debate on any such motion shall be in accordance with Part 10 of these Standing Orders

**12.6 THAT THE RULING OF THE PRESIDING MEMBER BE DISAGREED WITH—EFFECT OF MOTION**

- (1) This motion, having been carried, will cause the ruling of the person presiding about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
- (2) Where the presiding person has given a ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the person presiding has adjourned the meeting in accordance with clause 15.9 of these Standing Orders, this motion may not be moved.

**PART 13—MAKING DECISIONS****13.1 QUESTION—WHEN PUT**

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

**13.2 QUESTION—METHOD OF PUTTING**

If a decision of the Council is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon by the Council before declaring the decision.

**PART 14—VOTING****14.1 PROCEDURE**

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

(2) Subject to Part 19, the Mayor and each Councillor and each member of a Committee to which a local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote. ***(S.5.21)***.

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

**14.2 METHOD OF TAKING VOTE**

(1) The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority by a show of hands or other method agreed upon by the Council.

(2) The result of voting openly is determined on the count of raised hands.

(3) Upon a vote on a show of hands being taken, a Member may call for;

(a) his or her vote; or

(b) the vote of all Members present to be recorded in the Minutes, whereupon the Mayor shall cause the vote or votes to be so recorded. ***(S.5.21(4))***

(4) Voting at all meetings is to be conducted so that no voter's vote is secret. ***(Admin.Reg.9)***.

(5) The dissenting vote of the Mayor and each Councillor is on each occasion to be recorded in the minutes of that particular meeting.

**PART 15—PRESERVING ORDER****15.1 THE PERSON PRESIDING TO PRESERVE ORDER**

The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

**15.2 DEMAND FOR WITHDRAWAL**

A Member at a meeting of the Council may be required by the person presiding, or by a decision of the Council, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an employee, and if the member declines or neglects to do so, the person presiding may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

**15.3 POINTS OF ORDER—WHEN TO RAISE—PROCEDURE**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the person presiding listens to the point of order.

**15.4 POINTS OF ORDER—WHEN VALID**

The following are to be recognised as valid points of order—

(a) that the discussion is of a matter not before the Council;

(b) that offensive or insulting language is being used;

(c) drawing attention to the violation of any written law, or policy of the Local Government, provided that the member making the point of order states the written law or policy believed to be breached.

**15.5 POINTS OF ORDER—RULING**

The person presiding is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

**15.6 POINTS OF ORDER—RULING CONCLUSIVE, UNLESS DISSENT MOTION IS MOVED**

The ruling of the person presiding upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

**15.7 POINTS OF ORDER TAKE PRECEDENCE**

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

**15.8 PRECEDENCE OF PERSON PRESIDING**

(1) When the person presiding rises during the progress of a debate, any member of the Council then speaking, or offering to speak, is to immediately sit down and every member of the Council present shall preserve strict silence so that the person presiding may be heard without interruption.

Penalty \$500

(2) Subclause (1) is not to be used by the person presiding to exercise the right provided in Clause 9.3, but to preserve order.

**15.9 RIGHT OF THE PERSON PRESIDING TO ADJOURN WITHOUT EXPLANATION TO REGAIN ORDER**

(1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the person presiding has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under Sub-clause (1), in the case of a Council meeting—

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded; and
- (b) the provisions of Clause 9.5 apply when the debate is resumed.

**PART 16—MOTION FOR REVOCATION****16.1 “SUBSTANTIVE RESOLUTION” DEFINED**

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

**16.2 REVOCATION OR CHANGE**

The Council may, at the same meeting at which it is passed, revoke or change a resolution if all Councillors who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the revocation or change is proposed and that number of persons who are, in accordance with Clause 16.4 required to support the motion, indicate their support by a show of hands.

**16.3 REVOCATION OR CHANGE**

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

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

**16.4 SUPPORT FOR REVOCATION OR CHANGE**

(1) If a substantive resolution has been passed at a meeting then any motion to revoke or change the substantive resolution must be supported—

- (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous three (3) months but has failed, by an absolute majority; or
- (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of Councillor inclusive of the mover. Otherwise the motion shall not be entertained.

(2) If a substantive resolution has been passed at a meeting then any resolution to revoke or change the substantive resolution must be passed—

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special (75%) majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

(3) This subsection does not apply to the change of a substantive resolution unless the effect of the change would be that the substantive resolution would be revoked or would become substantially different. (*Admin.Reg.10*).

**16.5 TERMS OF AND REASONS FOR REVOCATION OR CHANGE AT THE SAME MEETING TO BE STATED**

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

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

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

**16.6 TERMS AND REASONS FOR REVOCATION AT SUBSEQUENT MEETING TO BE STATED IN NOTICE**

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

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

The CEO shall not accept a notice of motion of revocation or change which does not comply with the above mentioned requirements and is not supported in accordance with Clause 16.4(1).

**16.7 WRITTEN NOTICES RECEIVED DURING SAME MEETING**

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

(2) If the CEO receives a written notice of motion to revoke or change a substantive resolution after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subsections the CEO shall do all things necessary to ensure that the motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

**16.8 DELAY IN IMPLEMENTING SUBSTANTIVE RESOLUTION**

Neither the CEO nor any Member or employee of the Council shall take any step to implement or give effect to a substantive resolution until midday on the following working day after the close of the meeting at which the substantive resolution was passed.

If a notice of motion to revoke or change is received by the CEO before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

**16.9 RESTRAINTS ON NOTICES OF REVOCATION OR CHANGE**

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

**16.10 RESTRAINTS ON MOTIONS FOR REVOCATION OR CHANGE**

Without affecting the generality of the preceding subsection, the Council shall not entertain a motion for revocation or change of a substantive resolution if—

- (a) at the time the motion is moved any step has been taken in accordance with these Local Laws by the CEO or any other officer of the Council to implement the substantive resolution; or
- (b) the substantive resolution concerns an application for planning consent or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representative by an employee of the Council having authority to give such notification in ordinary circumstances.

**16.11 MULTIPLE NOTICES TO REVOKE OR CHANGE**

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

**16.12 ABSENCE OF MOVER OR SECONDER**

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

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

then the motion shall lapse.

**16.13 NO REVOCATION OF PROCEDURAL RESOLUTION OR A RESOLUTION TO REVOKE**

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

**16.14 MOTION TO CHANGE HAVING EFFECT OF REVOCATION**

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

**PART 17—COMMITTEES****17.1 STANDING ORDERS APPLY TO COMMITTEES**

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

**17.2 COMMITTEES**

- (1) 1. The Council may establish Committees of three (3) or more persons to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to Committees. **(S.5.8)**.
2. Any resolution to establish a Committee or to appoint members requires an absolute majority of the Council. **(S.5.8)**

(2) In addition to such other Committees as may from time to time be appointed Council may nominate such Standing Committees as it from time to time deems necessary.

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

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

2. A Committee is to comprise—

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

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

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

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

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

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

(8) The Council may appoint a deputy as referred to in Clause 17.2(3)—

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

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

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

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

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

(13) 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 Clause 17.2 (10).

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

(15) An absolute majority of the Council is required for the appointment of any member to a Committee including a deputy member, with the exception of members appointed pursuant to Clause 17.2(6) and 17.2(7) ***(S.5.10(1))***

### **17.3 MEMBER ATTENDING COMMITTEE AS OBSERVER**

(1) A Member may attend as an observer at meetings of a Committee notwithstanding that the Councillor is not a member of that Committee. A Member attending a Committee meeting as an observer may speak on nominated issues by resolution of the Committee, but shall not vote on any question before the Committee unless the Member is a deputy of a member excluded from a meeting pursuant to Clause 19 or he or she is invited by the Committee to participate pursuant to Clause 19.5.

(2) Subject to the preceding subsection a Member attending a Committee as an observer shall sit in an area set aside by the Chief Executive Officer for observers separated from the Committee members.

#### 17.4 TERM OF APPOINTMENT

(1) Whenever possible Committees should be established at the first meeting of the Council held after the ordinary election day.

(2) Where a person is appointed as a member of a Committee under Clause 17.2(6) or 17.2(7), the person's membership of the Committee continues until—

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

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

(3) Where a person is appointed as a member of a Committee as ordinary member or deputy member other than under Clause 17.2(6) or 17.2(7), (or item (b) of Clause 17.2(8)) the person's membership of the Committee continues until—

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

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

#### 17.5 RESIGNATION OF COMMITTEE MEMBER

(1) A Committee member may resign from membership of the Committee by giving the CEO or the Committee's presiding member written notice of the resignation. **(Adm.Reg.4).**

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

(3) If received by the Presiding Member, any letter of resignation is to be passed to the CEO for record keeping purposes.

#### 17.6 COMMITTEE MEMBERSHIP MAY BE CHANGED

The Council may by an absolute majority, change the membership of any Committee provided that the Council may not remove as members persons appointed pursuant to Clause 17.2(6) or 17.2(7).

#### 17.7 CONSTITUTION OF COMMITTEE, OTHER THAN STANDING COMMITTEE

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

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

#### 17.8 POWERS AND DUTIES OF STANDING COMMITTEES

Subject to any resolution of the Council to the contrary passed after the coming into operation of these Standing Orders, the Standing Committees shall have the power and duty to make recommendations to the Council in respect of such matters as shall be determined by the Council at the first meeting of the Council convened after the ordinary election day in any year.

#### 17.9 DELEGATION OF POWERS AND DUTIES

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

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

(3) The Council may delegate—

- (a) to a Committee comprising Council members only, any of the Council's powers or duties under the Act except—
  - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the Council; and
  - (ii) any other power or duty that is prescribed under the Act;
- (b) to a Committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the CEO under Division 4 of the Act; and
- (c) to a Committee which includes any Council member or employee, any of the Council's powers or duties that are necessary or convenient for the proper management of—
  - (i) the Town's property; or
  - (ii) an event in which the Town or the Council is involved. **(S5.17(1))**

(4) The Council cannot delegate any of its powers or duties to a Committee which does not include a Councillor or employee in its membership. **(S.5.17(2)).**

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



**17.10 MEETINGS OF COMMITTEES****(1) Election of Presiding Member**

The Members of a Committee are to elect a Presiding Member from amongst themselves. *(S.5.12(1))*

**(2) Quorum**

The quorum for meetings of Committees shall be as provided in Clause 3.1(1) and 3.1(4).

**(3) Meetings**

A meeting of a Committee shall be held in accordance with Clause 17.11 when called by the Presiding Member or as determined by the Committee or Council.

(4) Meetings of a Standing Committee or other Committee to which a power or duty of the Council has been delegated, shall be open to the public except where that Committee decides by resolution to conduct its business or any specified part thereof behind closed doors in which case the provisions of Clauses 7.2 to 7.8 inclusive apply, with necessary changes.

**17.11 CALLING MEETING OF COMMITTEE****(1) CEO to Call Meeting**

The CEO shall call a meeting of any Committee when requested to do so by the Presiding Member of the Committee or in accordance with a resolution of the Committee or Council. The CEO shall give Notice of the meeting to every member of the Committee and to any Member who is not a member.

**(2) Papers for Committee Meeting to be put to all Members of Council**

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

**17.12 QUORUM OF COMMITTEES****(1) Quorum Required**

No meeting of a Committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provisions of Clause 17.10(2).

**(2) Failure of Quorum**

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

**17.13 UNFINISHED BUSINESS OF FORMER COMMITTEES**

It shall be competent for every Committee of the Council to take up matters referred by the Council to the preceding Committee which may not have been entered upon or fully discharged at the time such Committee went out of office.

**17.14 VOTING BY COMMITTEES**

(1) A decision of a Committee does not have effect unless it has been made by a simple majority, or if another kind of majority has been prescribed by regulations or these Standing Orders for the particular kind of decision by that kind of majority. *(S.5.20(2))*.

(2) If the votes of members present at a Committee meeting are equally divided, the presiding member may cast a second vote. *(S.5.21(3))*.

**17.15 CONFERENCE OF COMMITTEES**

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

**17.16 MINUTES OF COMMITTEES**

The Presiding Member of a Committee shall cause minutes of the proceedings of the Committee to be recorded and kept in a minute book. *(S.5.22(1))*

**17.17 COMMITTEES TO REPORT****(1) Obligation to Report**

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

**(2) Preparation of Report**

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

**17.18 REPORTS OF COMMITTEES****(1) Minutes to be Report**

Subject to Clause 4.9 the Chief Executive Officer shall enter the minutes of all Committees in the Minute Book. The minutes of each Committee shall be deemed to be the report of the Committee to Council, where issues contained in such minutes require a resolution of Council to be effective.

**(2) Committee Minutes to be Sent to Councillors**

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

**(3) Presentation of Reports**

1. Minutes of a Committee shall be presented to the Council by the Presiding Member of the Committee for that meeting.
2. The Presiding Member shall—
  - (a) call for requests by any Member or the Chief Executive Officer to withdraw any recommendation contained in the report, and where such a request is made the subject recommendation shall be withdrawn;
  - (b) put the question that the recommendations be adopted with the exception of any recommendations withdrawn pursuant to item (a) of this paragraph;
 and in relation to a recommendation or those recommendations in the report which are the subject of a request by a Councillor pursuant to item (a), those recommendations shall be individually dealt with in accordance with these Local Laws.
3. Any Member may direct questions on the report as submitted to the relevant Presiding Member through the Mayor. All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon.
4. Where the Presiding Member referred to in clause 17.18(3) 1,2 or 3 above, is absent or where he or she is the Presiding Member, the minutes shall be presented by another Member of the Committee that was present at that meeting.

**PART 18—ELECTORS' MEETINGS****18.1 STANDING ORDERS APPLY**

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

**18.2 RESTRICTION ON VOTING AND SPEAKING**

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

**PART 19—DISCLOSURE OF MEMBERS' INTERESTS****19.1 INTERPRETATION**

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

**19.2 OBLIGATION TO DISCLOSE AN INTEREST**

(1) Any member who has an interest within the meaning of **section 5.60** but subject to **section 5.63** of the Act ("interest") in a matter to be discussed at any meeting that will be attended by the member must disclose the nature of the interest. **(S5.65)**

(2) The member must disclose the interest at the meeting immediately before the matter is discussed, or if there is no discussion, immediately before the matter is voted upon.

(3) The obligation to disclose an interest at a meeting immediately before discussion of the matter does not apply to a member who has disclosed the member's interest by written notice in accordance with section 5.66 of the Act, nor to a member who has an interest in any matter raised during Public Question Time, except if a question is directed to that member, in which case another member or employee present not having an interest pursuant to these Local Laws, is allowed to respond to the question.

(4) Where a member has provided written notice of an interest pursuant to paragraph (3), the person presiding at the meeting is to bring the notice and its contents to the attention of persons present immediately before the relative disclosure matters are discussed.

(5) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member must disclose that interest at the earliest possible time after the matter is raised, but in any event before discussion or voting on the matter takes place.

(6) The obligation to disclose an interest shall apply to all members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.

(7) The obligation to disclose an interest applies in regard to each meeting at which the matter the subject of the interest arises.

**19.3 DETAILS OF INTEREST**

(1) At the time of disclosing an interest, a member is required to disclose the nature of the interest, but is not required to state the extent of the interest including its value and amount, unless the member wishes the meeting to consider and resolve upon the question whether the member—

- (a) should be allowed to be present during any discussion or decision-making procedure relating to the matter; or
- (b) may be allowed to participate in discussions and the decision-making procedures relating to the matter,

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

(2) If a member wishes the meeting to consider and resolve upon the questions referred to in either (a) or (b) of paragraph (1) of this section the member shall first disclose to the meeting the nature and

extent of the interest, including its value and amount, in sufficient detail to enable the meeting to make a fair and informed decision on the question.

(3) If a member wishes the Council or the CEO to apply to the Minister under **section 5.69** of the Act the member shall provide to the Council or the CEO as the case may be the same details of the nature and extent of the member's interest as referred to in paragraph (2).

#### **19.4 DISCLOSING MEMBER NOT TO PARTICIPATE IN MEETING**

(1) A member who makes a disclosure under Clause 19.2 hereof must not;

- (a) preside at the part of the meeting relating to the matter; or
- (b) participate in, or be present during, any discussion or decision-making procedure relating to the matter;

unless, and to the extent that, the disclosing member is allowed to do so by resolution of the Council under Clause 19.6 hereof, or by the Minister under section 5.69 of the Act. **(S.5.67)**.

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

(3) If it is resolved at a meeting that a member who has disclosed an interest in a matter be permitted to participate in the discussion or decision-making procedures on the matter or both, then the member may return and participate to the extent permitted.

(4) Where a member has disclosed an interest in a matter and has departed from the chamber or room, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter, but in such case the member must withdraw after providing the information requested.

#### **19.5 SUBSTITUTION OF DEPUTY AT COMMITTEE**

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

#### **19.6 MEETING ALLOWING DISCLOSING MEMBER TO PARTICIPATE**

(1) If a member has disclosed, under Clause 19.3 hereof, an interest in a matter, the members present at the meeting who are entitled to vote on the matter—

- (a) may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and
- (b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter—if
  - (i) the disclosing member also discloses the extent of the interest; and
  - (ii) those members decide that the interest—
    - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
    - (II) is common to a significant number of electors or ratepayers. **(S5.68(1))**

(2) A decision under the preceding paragraph of this subsection is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the Council or Committee. **(S5.68(2))**

(3) This subsection does not prevent the disclosing member from discussing, or participating in the decision-making process on, the question of whether an application should be made to the Minister under section 5.69 of the Act. **(S.5.68(3))**.

#### **19.7 EXEMPTION BY MINISTER**

(1) Where the Minister allows a member who has disclosed an interest to participate in a meeting in any capacity, in the case of any inconsistency between the provisions of this section and the Minister's determination, the Minister's determination shall prevail.

(2) The terms of any determination by the Minister shall be recorded in the Minutes in the same manner as a disclosure of interest.

#### **19.8 RECORDING DETAILS OF INTEREST IN MINUTES**

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

### **PART 20—DISCLOSURE OF EMPLOYEE'S INTERESTS**

#### **20.1 INTERPRETATION**

(1) In this section the term "employee" includes a person who, under a contract for services with the Town, provides advice or a report on a matter. **(S5.70(1))**

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

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

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

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

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

(a) in the case of the CEO, must disclose to the Mayor the nature of the interest as soon as practicable after becoming aware that the CEO has the interest in the matter; and

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

(7) The requirement to disclose an interest under this Part does not apply to the Public Question Time period of a meeting unless a question is directed to an employee with an interest in the matter being the subject of the question. In these circumstances, the employee will declare the interest and another employee present at the meeting will be allowed to respond to the question.

## **PART 21—DISCLOSURE OF CONFLICT OF INTEREST**

### **21.1 WHEN TO BE CONSIDERED**

(1) In this section—

“interest under this section” means an interest of a personal nature which a Member or employee has in a matter which is not required to be disclosed under Part 19 or Part 20, but which a reasonable person knowing the facts might assume would influence the consideration of that matter by the Member or employee. (Examples are applications for an approval consent or licence by a parent, sibling, adult child or close friend of a Member or employee.)

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

(3) A Member or employee having disclosed an interest under this section in a matter may leave the Chamber or room of the meeting while the matter is discussed and voted upon. If a Member or employee having disclosed an interest under this section elects to leave, unless the meeting resolves to request that the person remain to give an explanation or for any other purpose, the person shall leave the meeting immediately afterwards until the matter has been voted upon.

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

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

(6) Details of any disclosure by a Member or employee or Committee member of a conflict of interest shall be recorded in the minutes of that meeting.

## **PART 22—ADMINISTRATIVE MATTERS**

### **22.1 SUSPENSION OF STANDING ORDERS**

(1) The Council 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.

### **22.2 CASES NOT PROVIDED FOR IN STANDING ORDERS**

The person presiding is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the person presiding in these cases is final.

### **22.3 NEGATIVED MOTION NOT TO BE ENTERTAINED WITHIN THREE MONTHS**

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

**22.4 DEPUTATIONS BY COUNCIL**

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

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

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Dated: 1 March 2000.

The Common Seal of the Town of Claremont was affixed by authority of a resolution of the Council in the presence of—

PETER OLSON JP, Mayor.  
ARTHUR KYRON, Chief Executive Officer.

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