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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

**STANDING ORDERS
LOCAL LAWS 2000**

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STANDING ORDERS LOCAL LAWS 2000

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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

STANDING ORDERS LOCAL LAWS 2000

In pursuance of the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the abovementioned Local Government hereby records having resolved on 21 November 2000 to make the following Standing Orders Local Laws.

PART 1—PRELIMINARY**1.1 Title**

- (1) This local law may be cited as the *City of Mandurah Standing Orders Local Laws 2000*.
(2) In the clauses that follow, this local law is referred to as “these Standing Orders”.

1.2 Commencement

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

1.3 Content and Intent

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

1.4 Previous local laws repealed

Part XVIII of the City of Mandurah Consolidated Local Laws is repealed.

1.5 Definitions

- (1) In these Standing Orders, unless the contrary intention appears—

“**Act**” means the Local Government Act 1995 and includes regulations and other subsidiary legislation made under the Act;

“**absolute majority**” has the same meaning as given to it in the Act;

Footnote—

Section 1.4 of the Act defines “absolute majority” to mean—

- “(a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*
(b) *in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;*”

“**City**” means the City of Mandurah;

“**CEO**” means the Chief Executive Officer;

“**committee**” means a committee of the council established under the Act;

“**council**” means the council of the City;

“**mayor**” means the mayor of the City;

“**meeting**” means a meeting of the council or a committee;

“**member**” has the same meaning as given to it in the Act;

Footnote—

Section 1.4 of the Act defines “member” to mean—

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

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

“Orders of the Day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the Business Papers as an Order of the Day. In the case of unfinished business at Ordinary Meetings, the provisions of clause 4.19 shall prevail;

“presiding member” means—

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

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

“Standing Committee” means the Finance and General Purposes Committee and the Planning, Development and Community Services Committee.

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

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

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

Establishment of committees is dealt with in the Act.

Footnote—

1. Section 5.8 provides as follows—

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

**Absolute majority required.”*

2. In addition to establishing committees under the Act, the council may, from time to time, form non-statutory working parties to provide it with advice.

2.2 Types of committees

Types of committees are dealt with in the Act.

Footnote—

Section 5.9 provides as follows—

“(1) In this section—

“other person” means a person who is not a council member or an employee.”

(2) A committee is to comprise—

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

2.3 Delegation of some powers and duties to certain committees

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

Footnote—

Section 5.16 provides as follows—

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

**Absolute majority required.*

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

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

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

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

2.4 Limits on delegation of powers and duties to certain committees

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

Footnote—

Section 5.17 provides as follows—

- (1) A local government can delegate;*
- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except—*
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) any other power or duty that is prescribed.*
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—*
 - (i) the local government's property; or*
 - (ii) an event in which the local government is involved.*
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in sections 5.9(2)(f)."*

2.5 Appointment of committee members

Appointment of committee members is dealt with in the Act.

Footnote—

Section 5.10 provides as follows—

- (1) A committee is to have as its members—*
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).*
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) Section 52 of the Interpretations Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish—*
- (a) to be a member of the committee; or*
 - (b) that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee."*

*Absolute majority required

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

Footnote—

Section 5.11 provides as follows—

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until—*
- (a) the person no longer holds the office by virtue of which the person became a member; or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) the person resigns from membership of the committee;*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
- whichever happens first.*
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until—*
- (a) the term of the person's appointment as a committee member expires;*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;*

- (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
- whichever happens first."*

2.7 Resignation of committee members

Resignation of committee members is dealt with in the Regulations.

Footnote—

Regulation 4 provides as follows—

"A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation."

2.8 Register of delegations to committees

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

Footnote—

Section 5.18 provides as follows—

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

PART 3—COUNCIL AND COMMITTEE MEETINGS

Division 1—Calling and Convening Meetings

3.1 Ordinary and special council meetings

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

Footnote—

Section 5.3 provides as follows—

- "(1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure."*

3.2 Calling council meetings

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

Footnote—

Section 5.4 provides as follows—

- "An ordinary or a special meeting of a council is to be held—*
 - (a) if either called for by either—*
 - (i) the mayor or the president; or*
 - (ii) at least 1/3 of the councillors,*
 - in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
 - (b) if so decided by council."*

3.3 Convening council meetings

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

Footnote—

1. Section 5.5 provides as follows—

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

2. The reference to "72 hours' notice" in section 5.5 does not mean 3 business days.

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

- (a) personally handing the notice to a member; or
- (b) sending it by post to the last known address of the member.

4. The sections referred to in Footnote 3 do not derogate from other acceptable forms of service.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested to do so in writing by the mayor, or the presiding member of a committee or any 2 members of the committee.

3.5 Public notice of meeting

Public notice of meetings is dealt with in the Regulations.

Footnote—

Regulation 12 provides as follows—

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which—
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the time, place and purpose of the special meeting.*
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable."*

3.6 Production of documents

(1) Upon the request of a member made at least 8 hours before a meeting, the CEO is to lay on the table, at the commencement of the meeting, any document of the City that relates to an item on the agenda for the meeting.

(2) In this clause—

- (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 "lay on the table" means lay or deposit at a place within Council's administrative building designated from time to time for that purpose by the CEO and at which place a tabled document may be perused or inspected by a member during office hours or at other times on application to the CEO.

(3) Notwithstanding subclause (1) and (2) any document considered to be of a confidential nature by the CEO in accordance with the provisions of the Act or any other relevant legislation will only be produced in an environment considered by the CEO as adequate toward maintaining the integrity of that document.

3.7 Conference of committees

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

3.8 Committees to report

A committee—

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

Division 2—Minutes and other documents

3.9 Ordinary and special council meetings

Minutes of meetings are dealt with in the Act.

Footnote—

Section 5.22 provides as follows—

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation."*

3.10 Content of minutes of meetings

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

Footnote—

1. Regulation 11 provides as follows—

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

- (a) the names of the members present at the meeting;*
- (b) where a member enters or leaves the meeting during the course of the meetings, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;*
- (c) details of each motion moved at the meeting, the mover and outcome of the motion;*

- (d) details of each decision made at the meeting;
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 of 5.70 in relation to the meeting where the extent of the interest has also been disclosed, the extent of the interest."

2. The contents of minutes may include matters additional to those specified in Regulation 11.

3.11 Public inspection of unconfirmed minutes

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

Footnote—

Regulation 13 provides as follows—

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

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

3.12 Public inspection of other documents

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

Footnote—

Regulation 14 provides as follows—

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

- (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting, and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public."*

PART 4—CONDUCT OF MEETINGS

Division 1—Who presides

4.1 Who presides at council meetings

Who presides at council meetings is dealt within the Act.

Footnote—

Section 5.6 provides as follows—

- (1) *The mayor or president is to preside at all meetings of the council.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.*
- (3) *If the circumstances mentioned in section 3.34(a) or (b) apply and—*
 - (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president;**then, the council is to choose one of the councillors present to preside at the meeting.*

4.2 When the deputy mayor can act

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

Footnote—

Section 5.34 provides as follows—

"If—

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

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

4.3 Who acts if no mayor

(1) Who acts if there is no mayor is dealt with in the Act.

(2) A councillor appointed under section 5.35(1) to perform the functions of the mayor shall be referred to, in any meeting, as the acting mayor".

Footnote—

Section 5.35 provides as follows—

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

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

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of the mayor or president, as the case requires.

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

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

and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.”

4.4 Election of presiding members of committees

Election of presiding members and deputies is dealt with in the Act.

Footnote—

Section 5.12(1) provides as follows—

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

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

Clause 2 to 5 inclusive of Schedule 2.3 provides as follows—

“When The Council Elects The Mayor Or President

2. (1) The office is to be filled as the first matter dealt with—

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

(2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

CEO to Preside

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

How The Mayor Or President Is Elected

4. (1) The council is to elect a councillor to fill the office.

(2) The election is to be conducted by the CEO.

(3) Nominations for the office are to be given to the CEO in writing.

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

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

(6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.

Votes May be Cast A Second Time

5. (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days

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

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

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

When The Council Elects The Deputy Mayor Or President

6. (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with—

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 3.4 election or after an ordinary elections day; and*

- (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled—
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 3.4 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

How the Deputy Mayor or Deputy President is Elected

- 7. (1) The council is to elect a councillor (other than a mayor or president) to fill the office.
- (2) The mayor or president is to conduct the election.
- (3) Nominations for the office are to be given to the mayor or president in writing.
- (4) If a councillor is nominated by another councillor the mayor or president is not to accept the nomination unless the nominee has advised the mayor or president, orally or in writing that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were cast at an election.

Votes may be cast a second time

- 8. (1) If when the votes cast under subclause (2) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the councillors are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidates determined, under section 4.1 as if those votes were votes cast at an election."

4.5 Election of deputy presiding members of committees

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

Footnote—

Section 5.12(2) provides as follows—

- "(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule—
- (a) to "office" were references to "office of deputy presiding member";
 - (b) to "council" were references to "committee";
 - (c) to "councillors" were references to "committee members"; and
 - (d) to "mayor or president" were references to "presiding member".

4.6 Functions of deputy presiding members

Functions of deputy presiding member are dealt with in the Act.

Footnote—

Section 5.13 provides as follows—

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

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

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

4.7 Who acts if no presiding member

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

Footnote—

Section 5.14 provides as follows—

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

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

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

*Division 2—Quorum***4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

Footnote—

Section 5.19 provides as follows—

“The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.”

4.9 Reduction of quorum and certain majorities for council meetings.

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

Footnote—

Section 5.7 provides as follows—

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.*
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.”*

4.10 Reduction of quorum for committee meetings

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

Footnote—

Section 5.15 provides as follows—

“The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

**Absolute majority required.”*

4.11 Procedure where no quorum to begin a meeting

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

Footnote—

Regulation 8 provides as follows—

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

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

4.12 Procedure where quorum not present during a meeting

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

- (a) immediately to suspend the proceedings of the meeting for a period of 5 minutes; and*
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.*

4.13 Names to be recorded

At any meeting—

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

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

*Division 3—Meeting business***4.14 Business at a meeting**

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

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

4.15 Objectionable business

(1) If at any meeting the presiding member is of the opinion that any proposed motion or business is—

- (a) objectionable in nature;*

- (b) objectionable in form or content;
- (c) offensive or scurrilous,

then the presiding member, either before or after the motion or business is brought forward, may declare that it is not to be dealt with.

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

- (a) a member may move a motion of dissent and if a seconder is obtained then the motion is put without discussion; and
- (b) if the motion of dissent is carried, the proposed motion or business is to be dealt with.

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

4.16 Order of business at a council meeting

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

1. attendances, apologies and recording leave of absence;
2. question time (firstly, questions with notice and, secondly, questions without notice;
3. questions by Councillors without discussion (firstly, questions with notice, and, secondly, questions without notice);
4. Orders of the Day;
- 5 confirmation of minutes;
6. applications for leave of absence;
7. petitions;
8. motions, of which notice was given before the meeting;
9. report of the CEO;
10. reports of committees;
11. late and urgent business;
12. confidential business;
13. motions, of which notice was given during the meeting, to be considered at a later meeting.

Footnote—

Refer to clauses 4.26, 4.27, 4.28 and 4.29 for Public Question Time.

4.17 Urgent business at a council meeting

(1) If a member has urgent business to place before a meeting of the council, that is not included on the agenda paper, then the member may move that the business be dealt with under "late and urgent business" and, if agreed to by resolution of the council, that business may be so dealt with.

(2) In considering whether a member should be permitted to move a motion involving urgent business for that meeting, the council shall have regard inter alia to the following—

- (a) the urgency of the business is such that the business cannot await inclusion in the agenda paper for the next meeting of the committee that has the oversight of the subject matter of the business; and
- (b) if the business was to be deferred to the next meeting of the appropriate committee, such delay could result in legal or financial implications to the City.

Footnote—

Clause 4.86 of these Standing Orders deals with the procedures that apply to a motion to suspend standing orders.

4.18 Order of business at a special council meeting

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

4.19 Business at an adjourned meeting

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

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

4.20 Personal explanation

(1) Any member or employee of the City may, at any time with the leave of the presiding member, make a personal explanation.

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

(3) A personal explanation—

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

4.21 Presentation of committee reports

- (1) This clause deals with the presentation of committee reports at council meetings.
- (2) A report of a committee may be presented to the council by the presiding member of the committee or, in the absence of the presiding member, a member of that committee in the form of a motion that the report be received.
- (3) No objection, other than an objection relating to an apparent recording error, is to be made to the reception of a committee report.
- (4) If—
- (a) an objection is made to an apparent recording error in a committee report; and
 - (b) all members of the committee then present at the meeting agree that the error was made and agree on the way it should be corrected,
- the error is to be corrected in that way.
- (5) If—
- (a) an objection is made to an apparent recording error in a committee report; and
 - (b) all members of the committee then present at the meeting do not agree that the error was made and, if so, how it should be corrected,
- then—
- (c) if the apparent error is in the recommendation part of the report, then the council is to deal with the recommendation under clause 4.71(2); or
 - (d) if the apparent error is not in the recommendation part of the report, then the report is to be referred back to the committee for any correction that the committee may wish to make.
- (6) After it receives a committee report, the mayor is to ask members to identify any recommendation that they wish to have considered by the council.
- (7) Before considering—
- (a) each of the recommendations identified under subclause (6); and
 - (b) any recommendation that requires an absolute majority,
- the council is to adopt the remaining resolutions contained in the report.

*Division 4—Public participation***4.22 Meetings generally open to the public**

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

Footnote—

Section 5.23 provides as follows—

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

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

where the trade secret or information is held by, or is about, a person other than the local government;

- (f) a matter that if disclosed, could be reasonably expected to—*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”*

4.23 Meetings not open to the public

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

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

(a) the presiding member is to direct everyone to leave the meeting except—

(i) the members;

(ii) the CEO; and

(iii) any officer specified by the presiding member; and

(b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the council or the committee, by resolution, decides otherwise.

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

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

4.24 Distinguished visitor

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

4.25 Prevention of disturbances

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

(2) A person shall—

(a) not interrupt the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means;

(b) not enter or remain in any part of the chamber or meeting room reserved for members and employees;

(c) not misconduct himself or herself;

(d) withdraw when members of the public are directed to withdraw;

(e) not obstruct the approaches to the chamber or meeting room;

(f) not create a disturbance within the precincts of the chamber or meeting room.

(3) The presiding member may direct a person acting in contravention of subclause (2), to—

(a) refrain from interrupting; or

(b) leave the meeting.

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

(a) shall immediately leave the meeting; and

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

(5) If a person ordered by the presiding member to be removed from the meeting cannot be removed without the application of physical force then a member or members of the Police Force shall be called to the council chamber to effect the removal of the person and the meeting may be adjourned until the person has been removed.

4.26 Question time for the public

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

Footnote—

Section 5.24 provides as follows—

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

(a) every ordinary meeting of a council; and

(b) such other meetings of councils or committees as may be prescribed.

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

4.27 Question time for the public at certain meetings

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

Footnote—

Regulation 5 provides as follows—

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

(a) every special meeting of a council;

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

4.28 Minimum question time for the public

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

Footnote—

Regulation 6 provides as follows—

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.”

4.29 Procedures for question time for the public

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

Footnote—

Regulation 7 provides as follows—

- (1) *Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined—*
 - (a) *by the person presiding at the meeting; and*
 - (b) *in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2) and (3).*
- (2) *The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.*
- (3) *Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*
- (4) *Nothing in subregulation (3) requires—*
 - (a) *a council to answer a question that does not relate to a matter affecting the local government;*
 - (b) *a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or*
 - (c) *a committee to answer a question that does not relate to a function of the committee.”*

4.30 Restrictions on questions and answers

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

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

4.31 Questions with notice at council meetings

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

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

4.32 Questions without notice

With the consent of the presiding member, a member may put any question on any matter which is relevant to the business of the meeting, without notice.

*Division 5—Petitions and Deputations***4.33 Deputations**

(1) Any person or group wishing to be received as a deputation by a committee shall send to the CEO an application, setting out the subject matter to be raised by the deputation in concise terms, but in sufficient detail to enable the council to have a general understanding of the purpose of the deputation.

(2) Where the CEO receives an application, which complies with subclause (1), but not otherwise, the CEO shall refer it to the presiding member of the committee considered relevant to the CEO and—

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

(3) In the event that the presiding member of the relevant committee indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the committee at its next meeting.

(4) The agenda for meetings of committees shall include as a final item of business, an item titled "Matters Deferred from Deputations".

(5) A deputation shall not exceed 5 in number and only 2 may address the committee except in reply to questions from members and the matter shall not be further considered by the Committee, until all other business of the meeting has been finalised.

(a) Deputations to Committees or at Ordinary Council Meetings shall not exceed five (5) minutes.

(b) An extension of time with regard to subclause 5(a) may be granted by resolution of the Committee or the Council.

(6) The council or a committee shall not discuss or make a recommendation arising from the subject of a deputation at the meeting at which the deputation is received, unless the matter is the subject of an officer report contained in the agenda of the meeting.

(7) The council may resolve to ask a deputation to meet with the council either instead of, or additional to a deputation to a committee.

(8) A request by any person wishing to present a deputation on the same subject previously dealt with within a period of 2 months and at the absolute discretion of the presiding member, may or may not be accepted.

(9) Deputations are not to involve bad language or adverse reflection on the integrity of any member or employee, and—

(a) in submitting any deputations, no bad language shall be used or offered, and no facts stated, except so far as may be necessary to explain the context of the deputation;

(b) a deputation shall not contain any statement reflecting adversely on the integrity of any member or employee; and

(c) if, in the opinion of a member, false information or any adverse reflection is contained in any deputation, then through the mayor, the member may offer comment by way of correction.

4.34 Petitions

(1) A petition is to be—

(a) expressed in respectful and temperate terms; and

(b) presented to the council only by a member who is to—

(i) acquaint himself or herself with its contents;

(ii) ensure that his or her name appears at the beginning of the petition, together with the number of signatures it contains; and

(iii) ensure that it complies with these Standing Orders.

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

(3) Where Council determines that a petition presented contains an error in form only, then the council may resolve to receive the petition notwithstanding the error.

Division 6—Motions and notices of motion

4.35 Notices of motion

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

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

(a) at the last previous council or committee meeting, as the case may be; or

(b) at least 3 clear business days before the meeting at which it is brought forward.

4.36 Exclusion of notices

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

4.37 Motion to lapse

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

(a) any other member, authorised in writing by the member who gave notice of it, is present to move the motion when called on; or

(b) the meeting agrees to defer consideration of the motion to a later stage or date.

4.38 Amendments to notice of motion

Where a notice of amendment to a notice of motion is received by the CEO at least 3 clear business days before the meeting at which the notice of motion is to be considered, the notice of amendment is to be entered on the agenda immediately after the notice of motion.

4.39 Substance of motion to be stated

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

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

4.40 Procedure on moving motion

(1) In this clause, and in clauses 4.41 and 4.42, a reference to a motion includes a reference to an amendment to a motion.

(2) A person who wishes to move a motion—

- (a) is first to state the terms of the motion; and
- (b) may, if the motion is seconded, speak to it, and if the motion is carried, the proposed motion or business is to be dealt with.

4.41 Unopposed motions

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

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

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

4.42 Opposed motions

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

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

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

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

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

4.43 Division of motions

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

4.44 Withdrawal of motions

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

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

Division 7—General conduct of debate

4.45 Members to be in their proper places

A member shall occupy the place assigned to that member within the meeting room.

4.46 Respect to the presiding member

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

4.47 Members to address the presiding member in council meetings

(1) A member moving a motion or amendment, or taking part in the discussion—

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

(2) The council may suspend the requirement to stand under subclause (1).

4.48 Priority of speaking at council meetings

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

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

(3) In event that Council has suspended, the provision to “stand” in clause 4.47(2), then the presiding person is to decide who of those councillors speaking is to take priority.

4.49 Titles to be used

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

4.50 Presiding member to be heard

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

4.51 Speak twice

- (1) A member is not to speak twice on the same question, except—
 - (a) in reply to an original motion moved by the member; or
 - (b) in reply on an original motion on which the member moved the last carried amendment.
- (2) The presiding member, without waiting for the intervention of the meeting, is to call to order any member proceeding to speak a second time contrary to subclause (1).
- (3) For the purposes of this clause, a member moving or seconding a motion or amendment is taken to have spoken on that motion, but nevertheless the mover shall be entitled to a right of reply.

4.52 Questions during debate or points of clarification

A councillor may ask a question or seek clarification of any matter relevant to a motion at any time during the debate on the motion before it is put, but no discussion thereon is permitted.

4.53 Foreshadowed motion

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

4.54 No speaking after reply or motion put

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

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

4.55 Limit of speeches

- (1) A member is not to speak on any motion or amendment or in reply for a longer period than 5 minutes without the consent of the council which, if given, is to be given without debate.
- (2) An extension is not to be permitted under this clause beyond a total of 15 minutes.

4.56 Speaking in reply

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

4.57 Personal explanation

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

4.58 No adverse reflection on members or officers

- (1) A member is not to—
 - (a) reflect adversely on the character or actions of another member or officer; or
 - (b) impute any motive to a member or officerunless the council resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (2) A member may require the CEO to record any words used by a member immediately after they are used and to read the words back to the meeting for verification.

4.59 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which —
 - (a) in the absence of a resolution under clause 4.58(1)—
 - (i) reflects adversely on the character or actions of another member or officer; or
 - (ii) imputes any motive to a member or officer; or
 - (b) is offensive or insulting,must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may—
 - (a) refuse to hear the member further on the matter then under discussion and call on the next speaker; or
 - (b) give a direction to the member under clause 4.70.

4.60 Disturbance by members

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

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

4.61 Continued irrelevance, etc.

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

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

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

4.62 Crossing council chamber

A member is not to—

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

4.63 Recording of statement

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

*Division 8—Point of order***4.64 Point of order**

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

- (a) any of these Standing Orders;
- (b) any other written law; or
- (c) any provision of a code of conduct adopted by Council under the Act.

4.65 Definition of order

A member is out of order if he or she commits any breach referred to in clause 4.64.

4.66 Precedence given to points of order

Despite anything in these Standing Orders to the contrary—

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

4.67 Procedures on a point of order

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

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

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

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

4.68 Presiding member may call to order

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

4.69 Calling attention to breach

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

4.70 Rulings by the presiding member

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

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

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

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

4.71 Continued breach of order

If a member—

- (a) persists in any conduct which the presiding member has ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 4.70(2),

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

4.72 Serious disorder

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

(2) When the meeting reconvenes after the adjournment—

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

Division 9—Permissible motions during debate

4.73 Permissible motions during debate

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

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

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

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

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

4.74 Motion that “the motion be amended”

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

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

(3) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved, before the original motion is put to the vote.

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

(5) Where an amendment is carried—

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

4.75 Motion that “the meeting adjourn”

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

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

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

(4) On a motion that “the meeting adjourn”—

- (a) the mover may speak for not more than 5 minutes;
- (b) the seconder, if any, is not to speak other than formally to second;
- (c) the mover of the motion, (if any), which was then under debate may speak for not more than 5 minutes; and

- (d) there is to be no other debate.
- (5) Where a motion that “the meeting adjourn” is negatived, a similar motion is not to be moved until the meeting has completed its consideration of—
 - (a) the question then under discussion;
 - (b) the next item on the agenda; or
 - (c) any other matter which may be given precedence.
- (6) If a motion that “the meeting adjourn” is carried at a time when the meeting had not completed its consideration of a question then before it—
 - (a) the meeting’s consideration of that question is to be continued immediately after the meeting resumes following the adjournment; and
 - (b) the presiding member is to ensure that a record is to be taken of all those members who have spoken on that question and, apart from a mover having a right of reply, those members may not speak again on that question when the meeting’s consideration of it resumes.
- (7) If a motion that “the meeting adjourn” is carried, the presiding member is to adjourn the meeting to the time and date specified in the motion.

4.76 Motion that “the debate be adjourned”

- (1) Subject to subclause (2) and (3), a member may, at the conclusion of the speech of any other member, move without notice that “the debate be adjourned” either—
 - (a) to a later time at the same meeting; or
 - (b) to another meeting of the council or committee, as the case may be.
- (2) A member who has spoken on the question then under debate is not to move the adjournment of the debate.
- (3) A member, at the same meeting, is not to move or second more than one motion for the adjournment of the same debate.
- (4) On a motion that “the debate be adjourned”—
 - (a) the mover may speak for not more than 5 minutes;
 - (b) the seconder is not to speak other than formally to second; and
 - (c) no other debate is to be allowed unless the question is then before the council and the question is a recommendation from a committee, in which case the presiding member of the committee or, at his or her request in his or her absence, a member of the committee, may speak for not more than 5 minutes.
- (5) If a motion for the adjournment of debate is carried, a record is to be taken of those members who have spoken on the subject of the debate and, apart from a mover having a right of reply, those members may not speak again on that debate when the meeting’s consideration of it resumes.
- (6) On the resumption of an adjourned debate, the member who moved its adjournment is entitled to speak first.
- (7) If the debate on a motion that has been moved and seconded is interrupted by an adjournment of the meeting, the debate, on a motion with notice, is to be resumed at the next meeting, at the point where it was interrupted.

4.77 Motion that “the question now be put”

- (1) Subject to subclause (2), at the conclusion of the speech of another member, a member may move without notice and without any discussion that “the question [then under consideration] now be put” and, if that motion is seconded, it is immediately to be put without debate.
- (2) A motion that “the question now be put”—
 - (a) is not to be moved by a member who has already spoken on the question; and
 - (b) is not to be carried without the consent of an absolute majority.
- (3) If the motion that “the question now be put” is carried—
 - (a) the mover of the question under consideration may, if debate has begun and if otherwise entitled to do so, speak in reply for up to 5 minutes;
 - (b) the question is then to be put; and
 - (c) the question to be put includes any amendment to the relevant motion.

4.78 Motion that “the question not now be put”

- (1) A motion that “the question not now be put”—
 - (a) may be moved to avoid a decision on the substantive motion, but it cannot be moved while an amendment to the substantive motion is before the meeting;
 - (b) cannot be moved by a member who has moved, seconded or spoken to the substantive motion or any amendment to it; and
 - (c) cannot be moved during the election of a presiding member at a particular meeting.
- (2) If a motion that “the question not now be put” is carried, the substantive motion in respect of which it has been moved cannot again be brought forward at that meeting or any adjournment of the meeting.
- (3) If a motion that “the question not now be put” is not carried, the substantive motion is to be put to the vote immediately without further discussion or amendment.

4.79 Motion that “the question (or communication) lie on the table”

- (1) If moved in respect of a motion or an amendment to a motion, this motion takes the form “that the question lie on the table”.
- (2) If moved in respect of a letter, report or other document, its form is “that the communication lie on the table”.
- (3) A motion that “the question lie on the table” or that “a communication lie on the table”—
- may be moved by a member to adjourn the debate if further information is needed from the City’s records or if it is proposed that action not be taken on a particular matter but there should not be a motion to that effect;
 - cannot be moved by a member who has moved, seconded or spoken to the question then before the meeting;
 - cannot be amended; and
 - does not give the mover a right of reply.
- (4) If a motion that “the question lie on the table” or “the communication lie on the table” is carried then—
- in respect of a document or a motion, further debate on the matter is adjourned until the meeting resolves to take the question from the table; and
 - in respect of an amendment, both the amendment and the substantive motion to which it relates are adjourned until the meeting resolves to take the question from the table.

4.80 Motion that “the meeting proceed to the next item of business”

- (1) At the conclusion of the speech of any other member, a member may move, without notice and without comment, that “the meeting proceed to the next item of business” and, if that motion is seconded, it is to be put immediately without debate.
- (2) If a motion that “the meeting proceed to the next item of business” is carried—
- the meeting is to proceed to the next item of the agenda; and
 - the question which was then under discussion is not to be further considered at that meeting.
- (3) If a motion that “the meeting proceed to the next item of business” is negatived, a similar motion is not to be moved during debate on the same question within one hour.

*Division 10—Revoking or changing decisions***4.81 Majorities required for decisions**

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

Footnote—

Section 5.20 provides as follows—

- “(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.*
- (3) This section does not apply to elections—*
- by a council of the local government’s mayor or president under section 2.11;*
 - by a council of the local government’s deputy mayor or president under section 2.15; or*
 - by a committee of the committee’s presiding member or deputy presiding member under section 5.12.”*

4.82 Majorities required to revoke or change decisions

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

Footnote—

Regulation 10 provides as follows—

- “(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported—*
- in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made—*
- in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”*

4.83 Consideration of impact by the council

The council should not vote on a motion to revoke or change a decision of the council, whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the grant of an authorisation and where notice of that authorisation has been communicated by the City in writing to the applicant or the applicant's agent,

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

4.84 Mover to state reasons

If a decision has been made at a council or committee meeting and a motion is put to revoke or change the decision, then the member who moves the motion to revoke or change the decision is to—

- (a) clearly identify the decision to be revoked or changed; and
- (b) clearly state the reason for seeking the revocation of change.

4.85 Revocation motion at the same meeting—procedures

(1) If the CEO receives a notice of motion, which complies with the requirements of these Standing Orders, to rescind a decision made at a meeting before the close of that meeting, then the CEO is immediately to advise the presiding member of the notice of motion.

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

- (a) advise the meeting of the notice;
- (b) bring on the rescission motion;
- (c) determine whether there is sufficient support (under Regulation 10) for the motion; and
- (d) if there is sufficient support, deal with the motion.

4.86 Revocation motion after meeting—procedures

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

- (a) is to provide each member of the council or committee, as the case may be, with a copy of the notice of motion; and
- (b) if he or she receives the written support required under Regulation 10 paragraph (a), is to include a notice of motion in the agenda—
 - (i) of the special meeting, if any, convened for the purpose of considering the motion; or
 - (ii) if no special meeting is to be convened, of the next meeting of the council or committee, as the case may be.

4.87 Implementing a decision

(1) In this clause—

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

(2) Unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until 10.30 am on the day after the commencement of the meeting at which the decision was made.

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

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

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

Division 11—Suspension of Standing Orders

4.88 Suspension of standing orders

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

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

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

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

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

Footnote—

It is clause 4.51 which restricts a member speaking twice.

Division 12—Voting

4.89 Voting

Voting is dealt with in the Act.

Footnote—

Section 5.21 provides as follows—

- “(1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.*
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.*
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding may cast a second vote.*
- (4) If a member of a council or a committee specifically requests that there be recorded—*
- (a) his or her vote; or*
- (b) the vote of all members present,*
- on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.”*

4.90 Voting at meetings

Voting at meetings is dealt with in the Regulations.

Footnote—

Regulation 9 provides as follows—

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

4.91 Method of taking vote

- (1) In taking the vote on any motion or amendment, the presiding member—
- (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is determined on the count of raised hands.
- (3) For every decision the CEO is to cause to be recorded in the minutes—
- (a) the number of the members who voted in the affirmative and in the negative; and
 - (b) the names of those who voted in the negative.

PART 5—ELECTORS’ MEETINGS

5.1 Electors’ general meetings

Electors’ general meetings are dealt with in the Act.

Footnote—

Section 5.27 provides as follows—

- “(1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors’ meetings are to be those prescribed.”*

5.2 Matters for discussion at general electors’ meeting

Matters for discussion are dealt with in the Regulations.

Footnote—

Regulation 15 provides as follows—

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

5.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

Footnote—

Section 5.28 provides as follows—

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

(a) 100 electors or 5% of the number of electors—whichever is the lesser number; or

(b) 1/3 of the number of council members.

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

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

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

5.4 Requests for electors' special meetings

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

Footnote—

Regulation 16 provides as follows—

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

5.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

Footnote—

Section 5.29 provides as follows—

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

(a) at least 14 days' local public notice; and

(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

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

5.6 Who presides at electors' meetings

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

Footnote—

Section 5.30 provides as follows—

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

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

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

(a) the office of deputy mayor or deputy president is vacant; or

(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president;

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

5.7 Procedure for electors' meetings

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

Footnote—

Section 5.31 provides as follows—

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

5.8 Procedures at electors' meetings

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

Footnote—

Regulation 18 provides as follows—

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

5.9 Voting at electors' meetings

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

Footnote—

Regulation 17 provides as follows—

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

- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*"

5.10 Minutes of electors' meetings

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

Footnote—

Section 5.32 provides as follows—

"The CEO is to—

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered."*

5.11 Decisions made at electors' meetings

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

Footnote—

Section 5.33 provides as follows—

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable—*
- (a) *at the first ordinary council meeting after that meeting; or*
- (b) *at a special meeting called for the purpose,*
whichever happens first.
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

PART 6—ENFORCEMENT

6.1 Penalty for contravention of standing orders

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

Penalty: \$5,000

6.2 Presiding member to ensure compliance

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

Dated this 23rd day of November 2000.

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

KEITH HOLMES, Mayor.

STEPHEN GOODE, Chief Executive Officer.

Dated: 23rd November 2000.

