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LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

**LOCAL LAW RELATING TO
STANDING ORDERS**

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LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Council of the Town of Vincent hereby records having resolved on the 28th day of August 2001 to make the following Local Law.

PART 1—PRELIMINARY**1.1 Short Title**

This Local Law may be cited as the “Town of Vincent Standing Orders Local Law”.

1.2 Commencement

This Local Law comes into operation fourteen (14) days after the date of its publication in the *Government Gazette*. (section 3.14).

1.3 Repeal of previous Local Law

The Town of Vincent Local Law Relating to Standing Orders published in the *Government Gazette* of 20 June 1997 is hereby repealed.

1.4 Intent of Local Law

These Standing Orders are intended to result in—

- (i) better decision making by the Council;
- (ii) the orderly conduct of meetings dealing with Council business;
- (iii) the community understanding the process of conducting meetings dealing with Council business; and
- (iv) the more efficient and effective use of time at meetings.

1.5 Meetings, proceedings and business to be conducted according to Standing Orders

The meetings, proceedings and business of the Council shall be conducted in accordance with the Act or its regulations and where not specifically prescribed, according to this Local Law, the clauses of which shall be referred to as “The Standing Orders”.

1.6 Interpretation

In this Local Law, unless the context otherwise requires—

“absolute majority” 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 the Members of the Council;

“Act” means the *Local Government Act 1995*;

“clause” means a clause of this Local Law;

“CEO” means the Chief Executive Officer of the Council or other Officer who, for the time being, is acting in that capacity;

“closed doors” means a meeting of the Council or committee where no members of the public are present;

“committee” means any committee or sub-committee appointed in accordance with the Act;

“Council” means the Council of the Town of Vincent;

“Councillor” means a person who holds the office of Councillor on the Council other than the Mayor;

“district” means the area of the Town of Vincent;

“document” means a document or record as prescribed in the *Freedom of Information Act 1992*;

“employee” means a person employed by the Town under section 5.36 of the Act;

“Local Government” means the Town of Vincent established under the Act;

“Mayor” means the Mayor or the Deputy Mayor acting in the Mayor’s absence;

“Member” means the Mayor or a Councillor;

“Minister” means the Honourable Minister for Local Government;

- “minor amendment” in relation to a motion to amend another motion (“the primary motion”) means one which does not alter the original or basic intent of the primary motion as determined by the Presiding Member at the meeting;
- “Notice 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 Notice Paper for that meeting;
- “Officer” means an employed person of the staff of the Town;
- “order of the day” means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the Notice Paper as an order of the day;
- “Presiding Member” means the person presiding at the meeting of the Council or a committee, as provided by the Act;
- “regulation” means any regulation made under the *Local Government Act 1995*;
- “simple majority” means more than 50% of the Members present and voting;
- “special majority” means if the number of offices of Member is more than eleven, 75% or more of the total number of places of the Council or a Committee whether they are vacant or not regardless of the number actually present; and
if the number of offices of Member is not more than eleven, an absolute majority;
- “substantive motion” means an original motion, or original motion as amended together with any amendments, which the meeting is dealing with at a given time but does not include an amendment or a procedural motion;
- “Town” means the local government of the Town of Vincent, established under the Act;
- “urgent business” means business dealt with in accordance with the provisions of these Standing Orders;
- “without discussion” means without debate, but does not preclude a Member from asking such questions as the Presiding Member permits, there being no discussion debate or challenge on the ruling of the Presiding Member;

Where a term is not defined in these Standing Orders, the Act or regulations, the terminology is to be taken to be from the Macquarie Dictionary.

PART 2—MEETINGS OF THE COUNCIL

2.1 Mayor to preside

Subject to the Act, the Mayor or in his or her absence the Deputy Mayor, or in his or her absence, a Councillor chosen by the Councillors present, is to preside at any meeting of the Council. (section 5.6).

2.2 Notice of meetings

2.2.1 Notice of ordinary meetings

Notice of Ordinary Meetings of the Council are to—

- (i) be given to Members in writing;
- (ii) be signed by or on behalf of the CEO;
- (iii) state the place, date and hour of the meeting;
- (iv) state the business to be transacted; and
- (v) be transmitted by post, or electronic mail or delivered to the Members at the usual or last known place of residence or business, or to another address any Member may request in writing to the CEO, together with an agenda at least seventy-two (72) hours before the time of the commencement of the meeting. (section 5.5).

2.2.2 Notice of adjourned meetings

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting is to, if time permits, be given in the manner provided by these Standing Orders except that at least twenty-four (24) hours notice is to be given before the time of commencement of the meeting.

2.2.3 Notice of special meetings

Notice of each Special Meeting of the Council is to be given to all Members of the Council in the manner provided by the Act at least twenty-four (24) hours before the time of the commencement of the meeting. (section 5.4).

2.2.4 Failure to receive notice not to invalidate proceedings

Failure to receive notice shall not affect the validity of any meeting, so long as all reasonable steps have been taken to serve such notice.

2.3 Availability of notice paper

The Notice Paper and Agenda for an Ordinary Meeting of the Council is to be made available for inspection by members of the public, at the office of the Council, as prescribed by the Act, (section 5.25 (j)).

2.4 Quorum

2.4.1 Number of members required for a quorum

Except in cases where the Act applies, the quorum for a meeting of a Council or committee is at least 50% of the number of offices (whether vacant or not) of Members of the Council or committee. (section 5.19).

2.4.2 Quorum must be present

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

2.4.3 Procedure where absence of quorum

(1) If a quorum has not been established within thirty (30) minutes after a meeting is due to begin, then the meeting is to be adjourned in accordance with the Act. (section 5.25(c)).

(2) Business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

2.4.4 Count out

(1) If at any time during a meeting of the Council a quorum is not present, the Presiding Member upon becoming aware of that fact is to immediately suspend the proceedings of the meeting for a period of five (5) minutes.

(2) If a quorum is not present at the expiration of the period in paragraph (1), the meeting is deemed to have been counted out, and the Presiding Member is to adjourn it to some future time or date.

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

2.4.5 Debate on motion to be resumed

(1) 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 interrupted.

(2) Where the interruption in paragraph (1) occurs at an Ordinary Meeting the resumption shall be at the next Ordinary Meeting unless a Special Meeting is called earlier for the purpose.

(3) Where the interruption in paragraph (1) 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.

2.4.6 Names to be recorded

At any meeting at which—

- (i) there is not a quorum of Members present; or
- (ii) the Council is counted out for lack of a quorum;

the names of the Members who are present are to be recorded in the minutes.

2.5 Categories of meetings

(1) Meetings of the Council and committees are to be of two categories, namely “Ordinary” and “Special”.

(2) Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and any committees.

(3) Special Meetings are those called to consider special business, the purpose of which is to be specified in the notice convening the meeting.

(4) Subject to the provisions of the Act and these Standing Orders relating to the revoking or a changing of a decision, no business is to be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.6 Calling of special or emergency meetings (section 5.4)

2.6.1 Mayor may convene

The Mayor may convene a Special Meeting of the Council as often as he or she thinks fit by notice in writing signed by the Mayor or the CEO sent to each Councillor, at least twenty-four (24) hours before the commencement of the meeting.

2.6.2 Councillors may convene

A meeting of the Council may be called by at least one third of the Councillors by serving a notice in writing signed by them stating the business to be transacted, on each of the other Members of the Council, at least twenty-four (24) hours before the time of the commencement of the meeting.

2.6.3 CEO may convene

The CEO may convene a special meeting in accordance with the Act. (section 5.5).

2.7 Business at ordinary meetings

No business is to be transacted at any meeting of the Council other than that specified in the Notice Paper and agenda, except matters which these Standing Orders or the Act permits to be dealt with without notice.

2.8 Order of business

(1) Unless ordered by a decision of the Council, the order of business at any Ordinary Meeting of the Council shall be as follows—

- (a) Declaration of Opening;
- (b) Apologies/Members on Leave of Absence;

- (c) Public Question Time and receiving of public statements;
- (d) Applications for Leave of Absence;
- (e) The receiving of Petitions, Deputations and Memorials;
- (f) Confirmation of Minutes;
- (g) Announcements by the Presiding Member (without discussion);
- (h) Declaration of Interests;
- (i) Questions by members of which due notice has been given (without discussion);
- (j) Reports;
- (k) Motions on which previous notice has been given;
- (l) Representation of statutory authorities and public bodies;
- (m) Urgent business;
- (n) Closure.

(2) Unless otherwise decided by the members present, the order of business at any Special Meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

2.9 Applications for leave of absence

(1) A Member seeking the Council's approval to take leave of absence shall give written notice to the CEO at least one hour before the commencement of the meeting.

(2) The notice referred to in paragraph (1) shall include the period of leave of absence required and the reasons for seeking the leave.

2.10 Receiving of tabled correspondence

(1) The CEO, in liaison with the Mayor, is to use discretion in deciding what correspondence to place before the Council or a committee.

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

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

2.11 Urgent business

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

- (i) the Presiding Member has first consented to the business being raised; and
- (ii) the Presiding Member considers that either—
 - (a) the urgency of the business is such that the business cannot await inclusion in the Notice Paper and Agenda for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the Town.

2.12 Order of business at special meetings

The order of business at any Special Meeting of the Council is that prescribed in the notice of the meeting.

2.13 Business at adjourned meetings

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

- (i) specified in the notice of the meeting which had been adjourned; and
- (ii) which remains unresolved;

except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business unresolved at the adjourned meeting shall have the precedence at that Ordinary Meeting and is to be dealt with prior to "Reports".

2.14 Meetings to be generally open to the public (section 5.23)

(1) Subject to the provisions of paragraphs (2) and (3), Council and committee meetings are to be open to the public.

(2) The Council may by decision decide to close to members of the public a meeting or part of a meeting to conduct any specified business as prescribed in the Act. (section 5.23(2)).

2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is—

- (i) to be treated as strictly confidential; and
- (ii) not, without the authority of the Council, to be disclosed to any person other than—
 - (a) the Members; or
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the CEO of a confidential nature, may at his or her discretion be marked as such and—

- (i) is then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).

2.16 Visitors and reporters

(1) If a distinguished visitor or a Minister of the Government is present at a meeting, the Presiding Member may invite the visitor or Minister to sit beside the Presiding Member or at the Council table.

(2) Reporters of the press and other media—

- (i) are to be permitted to attend at meetings of the Council, in such part of the Council Chambers or meeting room as may be set aside for their use;
- (ii) must withdraw from the Council Chamber or meeting room during any period when a meeting is closed to members of the public.

2.17 Recording of proceedings prohibited

No person shall use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council, unless the person has been given prior permission by the Council.

2.18 Declaration of interests*2.18.1 Interests to be declared*

Any person who has an interest, within the meaning of the Act, in a matter proposed to be discussed at any meeting is to declare the interest and the nature of the interest, in accordance with the provisions of the Act. (Section 5.65).

2.18.2 Dealing with a person's interest

The Council shall deal with a person's interest in a matter to be discussed at a Council or committee meeting in accordance with the provisions of the Act. (PART 5 Division 6).

2.18.3 Member with an interest may ask to be present

(1) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, after disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If the request is allowed by the members, the member may return to the meeting and be present during the discussion or decision making procedure related to that matter, but is not permitted to participate in any way.

2.18.4 Member with an interest may ask permission to participate

(1) A member, who discloses both the nature and extent of an interest, may request permission to take part in the consideration or discussion of the matter, or to vote on the matter.

(2) If such a request is made, the member is to leave the room while the request is considered. If it is decided at a meeting that a member who has disclosed both the nature and extent of any interest in a matter, be permitted to participate in the consideration and discussion of the matter or to vote on the matter, or both, then the member may return to participate to the extent permitted.

2.18.5 Invitation to return to provide information

Where a member has disclosed an interest in a matter and has left the room in accordance with the Act, 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 and in such case the member is to withdraw after providing the information.

2.18.6 Disclosures by employees

(1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.

(2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

2.18.7 Separation of Committee recommendations

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or

to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

2.19 Minutes

2.19.1 Confirmation of minutes

(1) The minutes of a meeting of a Council or a committee meeting, not previously confirmed, are where practicable to be submitted to the next Ordinary Meeting of the Council or committee for confirmation. (section 5.22).

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings is not permitted.

(3) Each page of the Minutes shall be dated. The last page of the Minutes must receive a full signature and date by the Mayor or person presiding over the meeting as prescribed in the Act. The Minutes, when confirmed, shall not be altered, except by resolution after notice has been given in accordance with the Act.

(4) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—

- (a) State the item or items with which he or she is dissatisfied; and
- (b) Propose a motion clearly outlining the alternative wording to amend the minutes.

2.19.2 Minute book

(1) The contents of minutes of a meeting shall include details as prescribed by the Act. (section 5.25 (f)).

(2) The binding, pasting or otherwise permanently affixing of the minutes to or as the pages of a book shall be sufficient recording of the minutes in the minute book.

2.19.3 Reading of minutes not required

The reading of the minutes of a previous meeting may be dispensed with, provided Members have been supplied with a copy of the Minutes at least seventy-two (72) hours prior to the holding of the next Ordinary Meeting at which they are presented for confirmation.

2.20 Questions

2.20.1 Questions of which due notice has been given

(1) A 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 four (4) clear working days before the meeting of the Council.

(2) If the question referred to in paragraph (1) is in order, the answer is, as far as practicable, to be provided at that meeting of the Council.

2.20.2 Question and answers to be brief

Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is permitted.

2.20.3 Question without notice

(1) A Member requesting general information from an Officer present at a Council meeting may ask a question without notice. Where possible the appropriate Officer shall endeavour to answer the question. If the information is unavailable or requires research or investigation, the Officer is to have the right to ask that—

- (i) the question be placed on notice for the next meeting of the Council; or
- (ii) the answer to the question be given within seven (7) days to the Member who asked it.

2.20.4 No discussion on questions

No discussion or further question is to be allowed on any question or the answer, unless with the consent of the Presiding Member.

2.20.5 Questions or public statements by members of the public (section 5.24)

(1) Any person, other than a Member, may ask questions or make public statements at a Meeting of the Council or committee, provided that—

- (i) any member of the public who raises a question or makes a public statement during question time is to state their name and address;
- (ii) any member of the public who asks a question or speaks about an item listed on the agenda is to state the Agenda item number (if known);
- (iii) the time allocated to each person to ask a question or make a statement is three (3) minutes;
- (iv) when required by the Presiding Member, questions are to be submitted in writing and will be read by the CEO;
- (v) questions will be answered by the CEO or relevant Officer nominated by the Presiding Member; and
- (vi) the Presiding Member may determine that any complex question requiring research or investigation be answered in writing by the CEO as soon as is practicable and a copy of the response is to be included in the agenda of the next meeting of the Council or Committee as the case requires.

(2) Any items on the agenda which are the subject of a question or statement from a member of the public are to be considered in the order in which they are raised, prior to discussion of other matters.

(3) The Presiding Member or the majority of Members present voting in the affirmative, may determine that the time available for question time is to be limited or extended, as the case may be, however, in any case shall not be less than fifteen (15) minutes.

2.21 Reports

2.21.1 CEO to prepare reports

The CEO shall prepare or cause to be prepared for presentation to any meeting such reports, with recommendations, preamble and information, dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.

2.21.2 Late reports

In cases of urgency or other special circumstances, a report by the CEO may, with the consent of the Presiding Member, be read or otherwise be given to Members at the meeting and be dealt with.

2.22 Presentation of committee reports

(1) Every committee is to cause—

- (i) a report with recommendations and suitable preamble;
- (ii) minutes of the committee's proceedings and transactions;

to be presented to the Council by the Presiding Member of each committee concerned, or in his or her absence, a Member of the committee in the form of a motion "That the report be received and the recommendation be adopted".

(2) No objection to the receipt of a report of any committee, or any part of it, shall be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Presiding Member is to—

- (i) put the question that the report be received;
- (ii) call for a motion to be moved by any Member pursuant to sub-clause 3.6.4, with the exception of item (i) of that clause, with respect to any recommendation contained in the report;
- (iii) put the question that the recommendation be adopted in relation to the recommendations contained in the report, apart from a recommendation or recommendations which are the subject of a motion by a Member pursuant to the preceding item of this paragraph; and
- (iv) ensure that the motion or motions are debated and dealt with in accordance with these Standing Orders in relation to a recommendation or those recommendations in the report which are the subject of motion or motions by a Member or Members pursuant to sub-clause 3.6.4.

2.23 Deputations

(1) A deputation wishing to be received by the Council or a committee shall apply in writing to the CEO, who is to forward the request to the Mayor or the committee Presiding Member, as the case may be.

(2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council or if the Council makes an order to that effect, the deputation is to be invited to attend.

(3) If the Presiding Member of a committee is of the opinion that the request for a deputation is one which should be brought before the committee and the majority of Members are in agreement, the deputation is to be invited to attend.

(4) A deputation invited to attend a Council or Committee Meeting—

- (i) shall not exceed five Members, only two of which may address the Council; and
- (ii) shall address the Council or committee for a period not exceeding fifteen (15) minutes.

2.24 Production of documents

(1) Any Member may require the production of any of the documents of the Council relating to a motion or matter under discussion if that document is readily available and it is practicable for that document to be produced.

(2) A Member shall give the CEO at least four (4) hours notice of the request, and the CEO on receiving that notice shall lay the document on the Council table at the commencement of the meeting.

2.25 Petitions

(1) A petition must—

- (i) be in writing and contain the name, address and signature of each petitioner;
- (ii) have the name of the person who lodged the petition with the Council shown at the top of the first page;
- (iii) be respectful and temperate in its language and not contain language disrespectful to the Council;

but need not otherwise be in any particular form.

(2) Every petition complying with paragraph (1) shall be presented to the Council by a Member or the CEO.

- (3) The presentation of a petition shall be confined to the reading of the petition.
- (4) The only motions that are in order are—
 - (i) that the petition be received; or
 - (ii) that the petition be received and a report be prepared; or
 - (iii) that the petition be received and be referred to a committee for consideration and report; or
 - (iv) that the petition be received and be dealt with by the Council.

2.26 Notices of motion

2.26.1 Giving notice of motion

- (1) Unless the Act or these Standing Orders otherwise provides, a Member may submit for inclusion in the Notice Paper a written motion of which notice shall be given in writing to the CEO, not less than twenty-four (24) hours before the publication of the Notice Paper.
- (2) Every notice of motion is to relate to;
 - (a) the good governance of persons in the District; or
 - (b) any matters affecting the condition, administration or constitution of the Town or the Council.
- (3) All notices of motion shall be entered by the CEO upon the Notice Paper in the order in which they are received.

2.26.2 Exclusion or amendment of notices of motion

- (1) The CEO—
 - (i) after consultation with the Mayor, may exclude from the Notice Paper any notice of motion which is out of order; or
 - (ii) may on his own initiative make such amendments to the notice of motion, but not alter the substance, which will bring the notice of motion into due form.
- (2) No notice of motion is to be deemed out of order by reason of—
 - (i) the policy involved being considered objectionable; or
 - (ii) 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 or importance.
- (3) Nothing in this sub-clause is to limit or affect the power of a Member, at an Ordinary Meeting of the Council to object to a motion pursuant to the Act.

2.26.3 Notice of motion to lapse

Subject to the provisions of sub-clause 3.13.5 a motion of which notice has been given is to lapse unless—

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

2.26.4 Dealing with a lapsed notice of motion

- (1) If a notice of motion is given and lapses in the circumstances referred to in the preceding sub-clause, the notice of motion in the same terms or 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 is not to entertain a motion in the same terms or to have 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.
- (3) The provision in paragraph (2) shall not apply to motions to revoke or alter a decision and to which sub-clause 3.20.7 applies.

2.26.5 Limitations of notices

No Member shall have more than three notices of motion on the Notice Paper unless approval of the Mayor has been obtained.

PART 3—MEETINGS—PROCEDURE AND CONDUCT

3.1 General procedure

3.1.1 Meeting to proceed to business

Subject to Clause 2.4, every meeting is to proceed to business as soon as practicable after the time stated in the notice, provided a quorum is constituted.

3.1.2 Members to occupy own seats

- (1) At the first meeting attended by a Councillor after election, Councillors shall determine their own seating arrangements. If agreement cannot be reached, the CEO shall allot by random draw, a position at the Council table to each Councillor and the Councillor shall, until such time as there is a call by a majority of Councillors for a re-allotment of positions, occupy that position when present at meetings of the Council.
- (2) At meetings of the Council each Councillor shall occupy the place assigned to that Councillor within the Council Chamber or meeting room.

3.1.3 Titles to be used

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

3.1.4 Councillors to address Presiding Member

A Councillor moving a motion or amendment, or taking part in any discussion shall address the Presiding Member.

3.2 Preserving order

3.2.1 Presiding Member to preserve order

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

3.2.2 Definition of order

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

3.2.3 Breaches of order

The following are to be recognised as breaches of order—

- (i) discussion of a motion which is not before the Council; or
- (ii) the use of offensive or insulting language; or
- (iii) any violation of these Standing Orders.

3.2.4 Points of order

(1) Any Councillor may direct the attention of the Presiding Member to any breach of order by any other Councillor, including interrupting the speaker.

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

(3) A Councillor rising to express a difference of opinion or to contradict a speaker shall not be recognised as raising a point of order.

3.2.5 Precedence of points of order

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order at any time arising shall, until decided, suspend the consideration of and decision on every other matter.

3.2.6 Rulings of points of order by Presiding Member

(1) The Presiding Member, when deciding a point of order or practice, is to give his or her decision by either upholding or rejecting the point of order, and argument or comment is not permitted.

(2) The Presiding Member's decision in paragraph (1) is final in that specific case, unless a majority of the Councillors present, upon motion made forthwith without discussion, dissent against the decision. Should the motion be seconded, it shall be put to the vote immediately and the result of the vote whether in support of the decision or otherwise, shall determine the action of the Council.

(3) Notwithstanding the generality of paragraphs (1) and (2) there shall be no dissent against a ruling of the Presiding Member allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling out of order

(1) Whenever the Presiding Member has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected.

(2) Whenever anything said or done by any Councillor is similarly decided to be out of order, that Councillor shall be called upon by the Presiding Member to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued breach of order

(1) Where a Councillor—

- (a) persists in any conduct which the Presiding Member decides is out of order; or
- (b) refuses to make any explanation, retraction or apology required by the Presiding Member under sub-clause 3.4.5;

the Presiding Member may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by complying with the pecuniary interest and voting provisions of the Act. The Councillor shall comply with the direction.

(2) Any Member of the Council who converses aloud, or makes any noise, or disturbance after being called to order by the Presiding Member, or who wilfully obstructs or interrupts the orderly conduct of business shall, upon the request of the Presiding Member cease to do so. In the event of the Member persistently disregarding the authority of the Chair when requested, may by order of the Presiding Member be removed from the Council Chamber or meeting room for the Member remainder of the meeting.

3.2.9 Serious disorder

(1) If at a meeting of the Council the Presiding Member is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the meeting shall be adjourned for a period of not more than fifteen (15) minutes.

(2) After the adjournment in paragraph (1) the Council is to re-assemble and decide whether business is to be proceeded with, and that question is to be decided forthwith and without debate.

(3) Where after any proceedings under paragraphs (1) and (2), the Presiding Member is again of the opinion that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned.

3.2.10 Presiding Member may be heard

Whenever the Presiding Member speaks during debate to raise or rule on a point of order, any Councillor speaking or who is about to speak shall be silent so that the Presiding Member may be heard without interruption.

3.2.11 Prevention of disturbance

(1) No person, other than a Member, shall interrupt or interfere with the proceedings of any meeting of the Council or committee, whether by expressing approval or dissent, or by loudly conversing by any other means.

(2) A person who fails to comply with paragraph (1) when so directed by the Presiding Member, shall immediately leave the Council Chamber or meeting room.

(3) A person directed to leave the Council Chamber or meeting room and failing to do so may, by order of the Presiding Member, be removed from the Council Chamber or meeting room.

(4) The direction of the Presiding Member is final and may not be challenged by moving dissent with the ruling.

3.3 Rules of debate

3.3.1 Presiding Member may take part in debate

(1) Subject to the provisions of these Standing Orders, the Presiding Member may take part in the discussion upon any question before the Council.

(2) The Presiding Member may only speak once and this is to be done before the right of reply.

3.3.2 Priority of speaking

Where two or more Councillors wish to speak at the same time, the Presiding Member is to decide which of them is entitled to priority. The decision is not open to discussion or debate.

3.3.3 Speaking without interruption

(1) No Member is to interrupt another Member of the Council or committee 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 3.3.6; or
- (d) to move a motion under clause 3.6.3(ix).

(2) In the event of a point of order, the Member speaking shall cease until the Councillor raising the point of order has been heard and the question of order has been decided. When a decision has been given, the Councillor so interrupted may, if permitted, proceed to speak again.

3.3.4 Speaking twice

(1) Subject to sub-clause 3.3.7, no Member shall speak twice on the same motion, except—

- (i) in reply upon an original motion of which he or she was the mover; or
- (ii) as the mover of an amendment last moved.

(2) The mover of any original motion may exercise a right of reply after any amendments have been moved and decided.

3.3.5 Calling to order for speaking twice

Subject to sub-clause 3.3.8, the Presiding Member shall call to order any Member proceeding to speak a second time on the same motion, without waiting for the intervention of the Council.

3.3.6 Personal Explanation

(1) The Presiding Member may allow a Councillor to make a personal explanation if the Councillor claims that something he or she has said at a meeting has been misunderstood in a material respect. A Councillor making a personal explanation shall confine that explanation to a brief and concise explanation of that part of his or her statement which may have been misunderstood.

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

(3) The ruling of the Presiding Member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

3.3.7 Mover or seconder deemed to have spoken

(1) A Councillor moving a motion or amendment after obtaining a seconder, shall speak first to the motion or amendment.

(2) A Councillor seconding a motion or amendment may reserve speaking to the motion or amendment to a later stage in the debate, provided the seconder so indicates after the mover has spoken to the motion or amendment.

3.3.8 Decision to allow speaking twice

The Council may, by decision moved without notice, suspend the operation of sub-clause 3.3.4 in the following circumstances—

- (i) there may be a general suspension in which case sub-clause 3.3.4 is to be suspended until such time as the Council carries a decision to lift the suspension; or

- (ii) there may be a specific suspension giving the right to speak twice to specified Members and that suspension shall be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.9 Questions during debate

A Member may ask a question at any time during the debate on a motion before the motion is put, but no discussion on the question is permitted.

3.3.10 No speaking after motion has been put

No Member shall speak on any motion or amendment—

- (i) after the mover has replied; or
- (ii) after the motion has been put.

3.3.11 Limitation of speeches

(1) A Member shall not speak—

- (i) upon any motion or amendment for more than five (5) minutes; or
- (ii) in answer to any motion with or without notice for more than five (5) minutes; or
- (iii) in reply for more than five (5) minutes;

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

(2) The Council shall not consent to the extension of a Member's time for speaking beyond ten (10) minutes of total extensions.

3.3.12 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 strictly confined to answering previous speakers and rebutting arguments raised by previous speakers and no new matter is to be introduced.

3.3.13 Right of reply provisions

The right of reply is governed by the following provisions—

- (i) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (ii) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (iii) the mover of any amendment does not have a right of reply; and
- (iv) 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.

3.4 Conduct of Members

3.4.1 No digression

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

3.4.2 No adverse reflection on Council decisions

A Member shall not reflect adversely upon any decision of the Council except on a motion that the decision be revoked or changed.

3.4.3 No adverse reflection on Member or Officer

A Member shall not reflect adversely upon the character or actions of another Member or Officer nor impute any motive to a Member or Officer, unless the Council resolves, without debate that the motion before the Council cannot otherwise be adequately considered.

3.4.4 Recording of statements

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

3.4.5 Withdrawal of offensive language

(1) Any Councillor who uses an expression which in the opinion of the Presiding Member reflects offensively on any Member or Officer of the Council, shall when required by the Presiding Member, unreservedly withdraw the expression and make a satisfactory apology to the Presiding Member or the Council, whichever is appropriate.

(2) If the Councillor in paragraph (1) declines, or neglects to do so, the Presiding Member may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbances not permitted

A Member shall not make any noise or disturbance or speak aloud while any other person is addressing the Council, except to—

- (i) raise a point of order; or
- (ii) call attention to the lack of a quorum.

3.4.7 Continued irrelevance, repetition, or offensive expressions

(1) The Presiding Member may—

- (i) call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor; and
- (ii) direct that Councillor, if speaking, to stop speaking;

when directed, the Councillor shall cease speaking.

(2) A Councillor may call the attention of the Presiding Member to any continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Member of the Council, and may call upon the Presiding Member to direct the Councillor to cease speaking.

(3) If after a Councillor has drawn the attention of the Presiding Member according to paragraph (2), a Councillor continues without alteration, a Councillor may move that the Councillor ceases to speak. Upon moving this motion the Presiding Member must immediately call for a seconder, but there shall be no debate. If carried by a simple majority of the Council, the Councillor may take no further part in debate on the question before the meeting.

3.4.8 Crossing Council Chambers

(1) When the Presiding Member is putting any motion, a Councillor shall not leave or cross the Council Chamber.

(2) A Councillor shall not pass between the speaker and the Presiding Member, whilst any other Member is speaking.

(3) A Councillor shall not converse with any member of the public in the Council Chamber or public gallery during a Council Meeting.

3.4.9 Leaving and entering meetings

After a meeting of the Council has been formally constituted and the business commenced, no Member shall enter or withdraw from the meeting without first advising or acknowledging the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

3.4.10 Consumption of alcohol during meetings

The consumption of alcoholic beverages in any Council meeting is prohibited.

3.4.11 Smoking prohibited

Smoking in the administration and civic centre or in any meeting is prohibited.

3.4.12 Mobile phones and audible electronic devices

Mobile telephones and audible electronic devices shall not be switched on or be used in the Council Chamber or meeting room.

3.5 Voting

3.5.1 Members must vote (section 5.21)

At any Council or committee meetings, except where he or she is prohibited from voting by the Act and subject to the preceding sub-clause, a Member present in the Council Chamber or meeting room when a motion is put shall—

- (i) vote on the motion; and
- (ii) except where the Act provides otherwise, vote openly and not by secret ballot. (section 5.25(d)).

3.5.2 Method of taking vote

(1) The Presiding Member, in taking the vote on any motion or amendment, shall—

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

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

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

3.5.3 Recording of votes

The names and vote/s of each member shall be recorded in the minutes.

3.6 Motions

3.6.1 Order of call in debate

The Presiding Member shall call speakers to a substantive motion in the following order—

- (i) the speaker to move the motion;
- (ii) a seconder to the motion;
- (iii) the mover to speak to the motion;
- (iv) the seconder to speak to the motion;
- (v) speakers for and against the motion, if any;
- (vi) the mover takes the right of reply, which closes the debate.

3.6.2 Dealing with motions

When a substantive motion is under debate at any meeting, no further substantive motions shall be accepted.

3.6.3 Permissible procedural motions during debate

Subject to sub-clause 3.6.4, when a motion is being debated, it is permissible for a Member to move the following motions—

- (i) that the question be deferred;
- (ii) that the Council adjourn;

- (iii) that the debate be adjourned;
- (iv) that the question be now put;
- (v) that the question lie on the table;
- (vi) that the Council proceed with the next business;
- (vii) that the Council meet behind closed doors;
- (viii) that the meeting be now closed;
- (ix) that the Councillor no longer be heard;
- (x) that the ruling of the Presiding Member be disagreed with; or
- (xi) that the Standing Orders be suspended.

3.6.4 Permissible motions on recommendations

- (1) The Presiding Member shall—
- (i) put the motion that the report be received;
 - (ii) call for a motion to be moved by any Member in order shown in paragraph (2) with respect to any recommendation contained in the report;
- (2) A recommendation made by or contained in a report shall be—
- (i) adopted by the Council without amendment or modification; or
 - (ii) rejected by the Council in its entirety, before an alternative motion shall be considered; or
 - (iii) subject to sub-clause 3.7.1, amended or modified and adopted with such amendments or modifications; or
 - (iv) deferred or referred back for further consideration.

3.6.5 Division of motions

The Presiding Member or the Council by carrying a decision, without debate, may order a motion to be divided and put in the form of two or more motions.

3.6.6 Withdrawal of motions

The Council may, without debate, grant leave for a motion or amendment to be withdrawn by the mover, with the consent of the seconder, provided there is no voice to the contrary by any Member, in which case discussion on the motion or amendment shall continue which is to be signified without debate.

3.6.7 Motion and amendments to be seconded

- (1) A motion or amendment shall not be discussed or put to the vote of the Council or committee, unless seconded.
- (2) A motion or amendment shall not be altered by the mover without the consent of the seconder.

3.6.8 Majority required for motions

Any motion shall be carried upon the majority of Members voting in the affirmative, in accordance with the Act, regulations or these Standing Orders. (section 5.20).

3.7 Amendments

3.7.1 Relevancy of amendment

Every amendment is—

- (i) to be relevant to the motion to which it is moved;
- (ii) to be worded to indicate precisely which words need to be deleted, added or altered; and
- (iii) not to have the effect of negating the original motion or the intent of the original motion.

3.7.2 Amendment to be read

When requested by a Member, every amendment is to be read before being moved.

3.7.3 One amendment at a time

- (1) Only one amendment at a time is to be discussed.
- (2) Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first or previous amendment has been withdrawn, carried or lost.
- (3) In speaking to an amendment a Member may give notice of his or her intention to move further amendments.

3.7.4 Amended motion treated as the substantive motion

- (1) Where an amendment is carried, the original motion as amended shall become the substantive motion before the Council upon which any Member may speak and is, for all purposes of subsequent debate, subject only to sub-clause 3.7.3, to be treated as if it was the original motion.
- (2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

3.7.5 Recommendations become decisions

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

3.7.6 Amendments to be in writing

When requested by the Presiding Member, every amendment shall be written and signed by the proposer and provided to the Presiding Member and CEO immediately upon being seconded.

3.8 Motion that the question be deferred—Effect of motion

- (1) The motion “that the question be deferred”, if carried, causes all debate on the substantive motion and any amendment to cease and for the question to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion that the question be deferred shall not be moved in respect of the election of a Presiding Member or the Deputy Mayor.
- (3) A Member may at the conclusion of the speech of any other Member move without notice that the motion or any part of it be deferred or referred back for further consideration.
- (4) On a motion referred to in paragraph (3)—
 - (i) the mover shall not speak for more than five (5) minutes;
 - (ii) the seconder shall not speak other than to formally second; and
 - (iii) no other debate shall be allowed.
- (5) Where part of a recommendation is deferred back for further consideration, the balance of the recommendation shall be dealt with in accordance with this sub-clause.

3.9 Adjournment

3.9.1 Motion that Council adjourn—Effect of motion

- (1) This motion having been carried, will cause 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 Presiding Member or the majority of the Councillors upon vote, determine otherwise.
- (2) A Member may—
 - (i) at the conclusion of the speech of any other Member; or
 - (ii) on the conclusion of any business;move without notice that the Council now adjourn.

- (3) A motion seeking to adjourn the Council shall state the time and date to which the adjournment is to be made.

3.9.2 Times for speaking on motion to adjourn

- (1) On a motion to adjourn—
 - (i) the mover shall not speak for more than five (5) minutes;
 - (ii) the seconder shall not speak other than formally to second;
 - (iii) the mover of the motion (if any) which was then under debate shall not speak for more than five (5) minutes; and
 - (iv) no other debate shall be allowed;
- (2) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.

3.9.3 Subsequent motion to adjourn

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

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

3.9.4 Restraint on Member's right to move adjournment

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

3.9.5 Resumption of debate after adjournment of meeting

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

3.9.6 Recording speakers before adjournment of meeting

- (1) On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment.
- (2) Those Members to which paragraph (1) applies shall not be permitted to speak on any subsequent consideration of the same subject.
- (3) This sub-clause does not deprive a mover of the right of reply.

3.9.7 Adjournment of the Council

On the motion for the adjournment of the Council being carried—

- (i) the Presiding Member shall adjourn the Council to the time and date specified in the motion; or
- (ii) where no time and date is specified, to a time and date determined by the Presiding Member.

3.10 Motion that debate be adjourned*3.10.1 Motion that debate be adjourned—Effect of motion*

(1) This motion having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

(2) A Member may, at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later time of the same meeting or to a subsequent meeting of the Council.

3.10.2 Times for speaking on adjournment of debate

(1) On a motion that the debate be adjourned—

- (i) the mover shall not speak for more than five (5) minutes;
- (ii) the seconder shall not speak other than formally to second; and
- (iii) the mover of the motion then under debate shall not speak for more than five (5) minutes.

(2) On a motion that the debate be adjourned, no debate shall be allowed other than that provided for in paragraph (1).

(3) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.

3.10.3 Restraint on Member's right to move adjournment of debate

(1) A Member who has spoken on the motion then under debate shall not move the adjournment of the debate.

(2) A Member shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.

3.10.4 Resumption after adjournment of debate

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

3.10.5 Recording speakers before adjournment of debate

(1) On a motion for the adjournment of a debate being carried, a record is to be taken of all those who have spoken on the subject under debate.

(2) Those Members to which paragraph (1) applies, shall not be permitted to speak on any resumption of the debate on that subject.

(3) This sub-clause does not deprive a mover of the right of reply.

3.11 Resumption after counting out

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption is to be in accordance with sub-clause 2.4.5.

3.12 Motion that the question be now put*3.12.1 Motion that the question be now put—Effect of motion*

(1) The motion “that the question be now put” if carried during discussion of a substantive motion without amendment, causes the Presiding Member 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 Presiding Member to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

3.12.2 Moving closure

(1) A Member may, at the conclusion of the speech of any other Member, move without notice and without comment, that the motion or amendment under consideration be now put.

3.12.3 Restraint on Member's right to move closure

(1) A motion that the question under consideration be put shall not be moved by a Member who has already spoken on the question.

(2) At any Meeting, if any Member objects, the motion shall not be carried except by an absolute majority of the Council.

3.12.4 The motion to be put on a closure

(1) Whenever it is decided by the Council that the motion be put, the motion to be put includes the original motion as well as any amendment adopted by the Council.

(2) If the closure motion is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.13 Motion that the question lie on the table—Effect of motion

(1) The motion “that the question lie on the table”, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

(2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.

(3) Where debate on a motion is interrupted by laying a question on the table under subclause (1)—

- (i) the names of Members who have spoken on the matter are to be recorded in the minutes; and
- (ii) the provisions of Clause 3.3.11 apply when the debate is resumed.

- (4) Any Member may raise the motion from the table by giving appropriate notice.
- (5) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to the Standing Orders.
- (6) A motion that the question lie on the table shall not be moved in respect of the election of a Presiding Member or the Deputy Mayor.

3.14 Motion that Council proceed to the next business

3.14.1 Effect of a "next business" decision

- (1) The motion "that the Council or committee proceed to the next business", if carried, causes the debate on the motion under consideration to cease immediately and for the Council or committee to move to the next business of the meeting. No decision will be made on the motion being discussed, nor is there any requirement for the matter to be again raised for consideration. The motion under consideration is to be considered lapsed.
- (2) If the motion to proceed to the next business is carried in respect of an amendment to a substantive motion, or another procedural motion, its effect is to remove that amendment or formal motion from consideration; and debate upon the substantive motion then proceeds. That amendment cannot be further moved at the meeting or at any adjournment of it.
- (3) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.
- (4) A motion that the Council or committee proceed to the next business shall not be moved in respect of the election of a Presiding Member or the Deputy Mayor.

3.14.2 Moving the "next business"

- (1) A Member may, at the conclusion of the speech of any other Member, move without notice and without comment, that the Council proceed to the next business.
- (2) Upon the motion referred to in paragraph (1) being formally seconded, it shall be immediately put, without debate.

3.14.3 Subsequent "next business" motion

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

3.15 Motion that the Council or committee meet behind closed doors—Effect of motion

- (1) Where the Council resolves to close a meeting to members of the public—
- the Presiding Member is to direct all persons other than the Councillors and relevant Officers or advisers of the Council to leave the Council Chamber or meeting room and every person is to promptly comply with that direction; and
 - subject to paragraph (2), the business at a meeting closed to the public is to be conducted "behind closed doors" until the Council resolves to open the meeting to the members of the public.
- (2) If the decision is to conduct specified business at a meeting closed to Members of the public, the meeting is to revert open to members of the public upon the completion of the matter under consideration.
- (3) A person failing to comply with a direction made under paragraph (1), may by order of the Presiding Member, be removed from the Council Chamber or meeting room.

3.16 Motion that the meeting be now closed – Effect of motion

3.16.1 Effect of closure of meeting

On a motion that the meeting be closed being carried, the discussion on the motion (if any) under debate when that motion was moved, is to stand adjourned to its place on the Notice Paper for the next meeting of the Council.

3.16.2 Moving the closure of the meeting

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

3.16.3 Times for speaking on closure of meeting

- (1) On a motion that the meeting of the Council be now closed—
- the mover shall not speak for more than five (5) minutes;
 - the seconder shall not speak other than formally to second;
 - the mover of the motion (if any) then under debate shall not speak for more than five (5) minutes; and
 - no other debate shall be allowed.
- (2) The mover of a motion under debate speaking in opposition to the Closure of the meeting is not thereby to lose the right of reply.

3.16.4 Subsequent motion to close meeting

- If a motion that the meeting of the Council be closed is lost, no similar motion is to be moved until—
- after the conclusion of the motion under discussion at the time the closure was moved; or
 - if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - after the conclusion of any other business allowed precedence by the Council.

3.16.5 Restraint on a Member's right to move closure of meeting

(1) A Member who has spoken on the motion then before the Council shall not move that the meeting be closed.

(2) A Member shall not, at the same meeting of the Council, move or second more than one motion that the meeting be closed.

3.16.6 Recording speakers before closure of meeting

(1) On a motion that the meeting be closed being carried—

(i) a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and

(ii) those Members shall not be permitted to speak on any subsequent consideration of the same subject.

(2) This sub-clause does not deprive a mover of the right of reply.

3.17 Motion that the Councillor be no longer heard – Effect of motion

The motion, that the Councillor be no longer heard, having been carried, will cause the Presiding Member to not allow the Councillor against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

3.18 Motion that the ruling of the Presiding Member be disagreed with—effect of motion

(1) The motion, that the ruling of the Presiding Member be disagreed with, having been carried, will cause the ruling of the Presiding Member about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

(2) Where the Presiding Member has adjourned the meeting in accordance with clause 3.9 of the Standing Orders, the motion, that the Presiding Member be disagreed with, may not be moved.

3.19 Motion that Standing Orders be suspended*3.19.1 Motion to suspend*

(1) In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may, on a motion, be suspended.

(2) If at an Ordinary meeting a Member objects to a motion to suspend a Standing Order, the motion shall not be declared carried unless it is agreed to by an absolute majority of the Council.

3.19.2 No discussion on motion to suspend

A Member moving the suspension of Standing Orders shall state the object of the motion and no other discussion shall take place.

3.19.3 Only specified clauses suspended

(1) A Member moving the suspension of Standing Orders under this clause shall state the specific clause or clauses of the Standing Orders sought to be suspended.

(2) Only the clauses nominated in paragraph (1) are to be affected by any decision to suspend Standing Orders under this clause.

3.20 Motion for revoking or changing decisions*3.20.1 Revoking or changing decisions at same meeting*

The Council may at the same meeting at which it is passed revoke or change a decision if all Members who were present in the Council Chamber at the time the decision was passed are also present in the Council Chamber at the time the revoking or changing is proposed.

3.20.2 Revoking or changing decisions at a subsequent meeting (section 5.25(e))

(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—

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

(ii) in any other case, by at least one third (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—

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

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

(3) This clause 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.

3.20.3 Notices received during same meeting

(1) If the CEO receives a notice of motion to revoke or change a decision before the close of the meeting at which the decision was passed—

(i) the CEO shall immediately deliver the notice to the Presiding Member;

(ii) the Presiding Member shall, at the earliest opportunity, notify the meeting of the notice; and

(iii) thereafter, at the first available opportunity the Presiding Member shall bring on the revocation motion before the close of the meeting.

(2) If the CEO receives a notice of motion to revoke or change a decision after the closure of the meeting at which the decision was passed, the CEO shall ensure that the revocation motion is considered at a Special or Ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive decision was passed.

3.20.4 Multiple revocation notices

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

3.20.5 Absence of mover or seconder

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

- (i) the Member who gave notice of the motion is not present or is not willing to move the motion; and
- (ii) there is no other Member present willing to move the motion;

then the motion is to lapse and a motion to the same effect is not thereafter to be entertained by the Council at that meeting.

3.20.6 No revocation of procedural decision or a decision to revoke

The Council shall not entertain a motion to revoke or change a decision which is—

- (i) merely procedural in its form and effect; or
- (ii) a decision to revoke another decision.

3.20.7 Repeated revocations by the same Member prohibited

If the Council, on a motion moved by any Member, resolved not to revoke or change a substantive motion, then the Council shall not subsequently entertain a motion moved by the same Member to revoke or change the same substantive motion.

3.21 Implementation of a decision

(1) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—

- (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
- (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under Regulation 10 of the Regulations.

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

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

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

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

PART 4—COMMITTEES

4.1 Committees

Committees of the Council shall operate in accordance with the Act, its regulations and these Standing Orders.

4.2 Standing Orders to apply to committees

These Standing Orders shall apply generally to the proceedings of committees of the Council except that the requirement for Members to speak only once shall not be applied in committee meetings.

4.3 Council may nominate committees

The Council may nominate committees as it deems necessary.

4.4 Duties of Committees

The powers and duties of committees are to be such as the Council from time to time defines.

4.5 Calling of Meetings

The CEO shall call a meeting of any committee when requested to do so by the Presiding Member or any two Members of that committee.

4.6 Appointment of Deputy Committee Members

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee, statutory body or group, whenever that member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

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

PART 5—MISCELLANEOUS

5.1 Election of Deputy Mayor

At the first meeting of the Council held after the Ordinary Elections, the Members shall, by secret ballot, elect one of their Councillors to the office of Deputy Mayor, in accordance with the Act. (section 2.15).

5.2 Representation on Statutory Authorities/Public Bodies

5.2.1 CEO to refer invitations

Correspondence inviting the Council to submit nominations for appointment to statutory authorities or public bodies shall be referred by the CEO to the Council.

5.2.2 Obligations of delegate

A Member or Officer appointed by the Council to be its delegate to a statutory authority or public body is;

- (i) when required to express an opinion or vote on any item of business, to have regard to the decisions, policies and practices of the Council;
- (ii) to resign from the position if they cease to be a Member or Officer of the Town, within the term of their appointment.

5.3 Restriction on voting and speaking at electors' meetings

A person who is not an elector—

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

5.4 Cases not provided for in Standing Orders

(1) In cases of procedure where the Standing Orders, the Act or regulations are silent, rulings shall be determined according to a recognised authoritative book on meeting procedure, as determined by the Council.

(2) The Presiding Member shall decide all other questions of order, procedure, debate or otherwise where the approved authority has no provision, or insufficient provision.

5.5 Duty of CEO

It is the duty of the CEO to draw the attention of the Council to any breach or likely breach of the Standing Orders, even if it requires interrupting any person speaking.

5.6 Complaints

If any person has any complaint concerning the performance, ability, character or integrity of any Member, Officer or Employee of the Council, or of any act or omission of such Member, Officer or Employee, and desires to bring such complaint to the notice of the Council, he or she shall notify the CEO of the complaint in writing giving such details as are available in order that the complaint may be investigated and, if necessary reported upon by the CEO.

5.7 Right of reply

If a complaint or criticism is made concerning a Member, Officer or Employee of the Council, that Member, Officer or Employee may reply to the complaint or criticism either in writing to the Mayor or CEO, or with the consent of the Council, to the Council itself.

5.8 Common Seal

(1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and the CEO.

(3) The common seal of the Local Government is to be affixed to any local law, which is made by the Local Government.

(4) The CEO is to record in a register and report to the Council each date on which the common seal of the Local Government was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

5.9 Breach of Standing Orders

Any person who contravenes any provisions of these Standing Orders commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

5.10 Presiding Member to ensure compliance

The Presiding Member is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

5.11 Council may take action

The Council may take proceedings under the Act against any person committing a breach of these Standing Orders.

This local law was made by the Town of Vincent at an Ordinary Meeting held on the 28th day of August 2001.

The Common Seal of the Town of Vincent was affixed in the presence of—

NICK CATANIA JP, Mayor.

JOHN GIORGI JP, Chief Executive Officer.

