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LOCAL GOVERNMENT ACT 1995

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**CITY OF NEDLANDS**

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**STANDING ORDERS  
LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995**

## CITY OF NEDLANDS

**STANDING ORDERS LOCAL LAW 2003**

In pursuance of the powers conferred upon it by the *Local Government Act 1995* and of all other powers enabling it, the Council of the Municipality of the City of Nedlands hereby records having resolved on the 9th day of December 2003 to make the following Local Law.

**1. Short Title**

This Local Law may be cited as *City of Nedlands Standing Orders Local Law 2003*.

**2. Commencement**

This Local Law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Content and Intent**

This Local Law provides the rules and guidelines which apply to the conduct of meetings of Council, Committees and Electors.

This Local Law is intended to result in—

- (a) better decision making by Council;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) the community understanding the process of conducting meetings dealing with Council business; and
- (d) the more efficient and effective use of time at meetings.

**4. Previous By-Laws**

The Local Laws published in the *Government Gazette* on 14th January 1999 and all amendments thereafter relating to Standing Orders to be followed at meetings of the Council and at Committee Meetings of the Council are hereby repealed.

**PART 1—PRELIMINARY****5. Definitions**

In this Local Law, unless the context otherwise requires—

- “Agenda Paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the Agenda Paper for that meeting;
- “Business Papers” in relation to any proposed meeting means the Agenda Paper for that meeting and any minute of any previous meeting required to be considered at the proposed meeting and details relating to any Order of the Day for the proposed meeting;
- “CEO” means the Chief Executive Officer or acting Chief Executive Officer of the City;
- “Committee” means any Committee appointed in accordance with the provisions of Part 5 Division 2, Subdivision 2 of the *Local Government Act 1995*;
- “Council delegate” means a Councillor or Officer of the Council appointed as a delegate or representative of the Council on or to any external body, conference or meeting;
- “Councillor” means a Councillor of the Council including the Mayor;
- “Councillor’s Announcements” means a written record of Local Government civic or other business in which a Councillor has participated since the last relevant meeting, and which the Councillor wishes to table for the information of Councillors and which the Councillor desires to include in the Minutes of the meeting at which they are tabled;
- “Director” means an Officer who has been appointed by the Council to take responsibility for the management or supervision of any one or more divisions and who is responsible in that administration directly to the CEO;
- “Mayor” unless the context otherwise requires, includes in the absence of the Mayor, the Deputy Mayor or the Councillor chosen by the Council to preside at a meeting of the Council;
- “Mayoral Announcements” means a written record of Local Government civic or other business in which the Mayor has participated since the last Ordinary Meeting of the Council and which the Mayor wishes to table for the information of Councillors and which the Mayor desires to include in the Minutes of the meeting at which they are tabled;

- “Meeting” includes any Ordinary or Special meeting of the Council or of a Committee held pursuant to the Act;
- “Member” has the same meaning as the term “Councillor”;
- “Minor amendment” in relation to a motion to amend another motion (“the primary motion”) shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting;
- “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 Business Papers as an Order of the Day. In the case of unfinished business at Ordinary Meetings, the provisions of clause 14 shall prevail;
- “Ordinary Meeting” has the meaning given to that term in clause 6;
- “Presiding Member” means the Mayor, or in his or her absence the Deputy Mayor, or in his or her absence a Councillor appointed by the majority of Councillors present at a meeting;
- “Presiding Member’s Announcements” has the same meaning in relation to meetings of committees as the term “Mayoral Announcements” has in relation to meetings of the Council;
- “Representative’s Announcements” means a written record of any Local Government civic or other official conference, seminar or meeting in which a Council representative has participated since the last relevant meeting, and which the representative wishes to table for the information of Councillors and which the representative desires to include in the Minutes of the meeting at which they are tabled;
- “Special Meeting” has the meaning given to that term in clause 6;
- “Substantive Motion” means the original motion and any amendments that have been carried;
- “Urgent business” means business dealt with in accordance with the provisions of clause 40;
- “Without discussion” means without debate but does not preclude a Councillor from asking such questions as the person presiding at the meeting permits, there being no discussion, debate or challenge on the ruling of the person presiding.

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

## **PART 2—REQUIREMENTS OF MEETINGS**

### *Division 1—Types, the Calling and Business of Meetings*

#### **6. Kind of Meeting**

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

#### **7. Procedure for Calling of Meetings**

An ordinary or a special meeting of a council is to be held—  
if called for by—

- (a) the council;
- (b) the mayor; or
- (c) at least 1/3 of the councillors,

in a notice to the CEO setting out the date and purpose of the proposed meeting. (s.5.4)

#### **8. Notice of Ordinary Meeting**

(1) Notice of an Ordinary Meeting of the Council shall be given to Members in writing and shall be signed by the CEO, and shall state the date, time, and place of holding the meeting, and shall contain an Agenda Paper either separately or incorporated in the Business Papers. The notice shall be given to each of the Members together with a copy of the Business Papers (if any) at least 72 hours before the time of the commencement of the meeting.

(2) The Business Papers for an Ordinary Meeting of the Council shall be made available to the public for inspection. Inspection shall be available during normal office hours at the Council offices, provided that it does not take place earlier than the time of service of the Business Papers on Councillors.

#### **9. Calling of Special Meeting**

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

**10. Notice of Adjourned Meeting**

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 shall, if time permits, be sent in the manner provided by clause 8 of this Local Law, to each Councillor, specifying the nature of the business to be transacted.

**11. Business at Meeting to be Restricted to that in the Notice**

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

- (a) matters which the Act permits without notice; and
- (b) matters which this Local Law expressly permits with or without notice.

**12. Order of Business—Ordinary Meeting**

The order of business at any Ordinary Meeting shall be as follows, or as near to as shall be practicable, unless Council determines otherwise—

- (a) Declaration of Opening;
- (b) Present/Apologies/Leave of Absence Previously Approved;
- (c) Request for Leave of Absence;
- (d) Disclosure of Financial Interests;
- (e) Disclosure of Interests Affecting Impartiality;
- (f) Public Question Time;
- (g) Public Address Session;
- (h) Declaration by Councillors;
- (i) Confirmation of Minutes;
- (j) Tabling of Mayoral Announcements without discussion;
- (k) Tabling of Councillors' or Representatives' Announcements without discussion;
- (l) Petitions;
- (m) Divisional Reports and Minutes of Council Committees and Administrative Liaison Working Groups;
- (n) Reports by the CEO;
- (o) Orders of the Day;
- (p) Motions of which previous notice has been given;
- (q) Notices of Motion given at the meeting for consideration at the following ordinary meeting;
- (r) Urgent Business;
- (s) Confidential Business;
- (t) Declaration of Closure.

**13. Order of Business at Special Meeting**

The order of business at any Special Meeting of the Council shall be the order in which that business stands in the notice of the meeting. If the special meeting is to be a public meeting then so much of the business that is required by the Act for public meetings shall be included in the order of business.

The Standing Orders shall apply to Special Meetings.

**14. Business at Adjourned Meeting**

At an adjourned meeting of the Council no business shall be transacted other than that specified in the original notice of the meeting which has been adjourned, and which remains incomplete, save and except in the case of an adjournment to the next Ordinary Meeting of the Council. In this case the incomplete business of the adjourned meeting shall be concluded first prior to dealing with the business of the new ordinary meeting.

**15. Order of Business at Annual General Meeting**

- (a) Attendance and Apologies;
- (b) Introduction;
- (c) Notice of the calling of the Meeting;
- (d) Confirmation of Minutes;
- (e) Annual Report, Financial Statements and Audit Report;
- (f) General Business;
- (g) Declaration of Closure.

**16. Objectionable Business**

(1) If the Mayor or Presiding Member, at any meeting of the Council, is of the opinion that any motion or business proposed is of an objectionable nature, the Mayor/Presiding Member may, either before or after the matter is brought forward, declare that it shall not be considered.

(2) Any member of the council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the Mayor or Presiding Member shall stand.

*Division 2—Quorum***17. Quorum**

(1) Except in cases where the Minister for Local Government may have reduced the number necessary to form a quorum for a council meeting or the council may have reduced the number necessary to form a quorum for a committee meeting, the number of members necessary to form a quorum for a meeting of a Council or Committee is at least 50% of the number of offices (whether vacant or not) of Member of the Council or a Committee. (S.5.19 of the Act).

(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. (S.5.7(2) of the Act).

**18. Quorum Must Be Present**

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

(2) If at the expiration of half an hour from the time fixed for the commencement of a meeting a quorum is not present, the Presiding Member or in her or his absence, the Deputy Mayor, or in her or his absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the foregoing, the CEO or a person authorised by the CEO, may adjourn the meeting.

(3) Business, which could have been transacted, had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting or at the next Ordinary Meeting if that occurs first. If the business is transacted at the next Ordinary Meeting the adjourned meeting shall lapse.

(4) Every meeting shall proceed to business at the time appointed in the notice of meeting.

**19. Lack of Quorum During Meeting—Count Out**

If at any time after the commencement of a meeting a quorum is not present, the Presiding Member, upon becoming aware of that fact, shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Presiding Member shall adjourn it to some future time or date.

**20. Debate On Motion To Be Resumed**

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

**21. Names To Be Recorded**

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

*Division 3—Opening of the Meeting***22. Declaration of Opening**

The Mayor or Presiding Member shall declare the meeting open.

**23. Apologies**

Councillors who will be absent from a meeting must give their apologies to the Chief Executive Officer prior to the commencement of that meeting.

**24. Leave of Absence and Requests for Leave of Absence**

(1) Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

(2) A member who is absent from more than 3 consecutive meetings without obtaining leave is disqualified from office.

*Division 4—Disclosure of Interests***25. Disclosure of Financial Interests****(1) Interpretation**

In this clause the term “member” refers to either a Council member or a member of a Committee.

**(2) Obligation to Disclose an Interest**

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

(b) The disclosure under paragraph (a) should if possible be by a written notice given to the CEO before the meeting.

- (c) If there has not been a disclosure under paragraph (b) the member must disclose the interest at the meeting immediately before the matter is discussed, or if there is no discussion, immediately before the matter is voted upon.
- (d) If a member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the member must disclose that interest at the earliest possible time after the matter is raised, but in any event before discussion or voting on the matter takes place.
- (e) The obligation to disclose an interest shall apply to all members present at the meeting including a Councillor attending a Committee meeting in the capacity of an observer.
- (f) The obligation to disclose an interest applies in regard to each meeting at which the matter, the subject of the interest, arises.
- (g) The obligation to disclose an interest at a meeting immediately before discussion of the matter does not apply to a member who has disclosed the member's interest by written notice in accordance with paragraph (b).

(3) *Meeting to be Informed of Disclosures*

If a member has disclosed an interest by a written notice in accordance with clause 25(2)(b)—

- (a) the CEO shall cause the notice to be given to the person who is to preside at the meeting; and
- (b) the person who is to preside at the meeting shall bring the notice to the attention of the persons who attend the meeting. (S.5.66 of the Act).

(4) *Details of Interest*

- (a) At the time of disclosing an interest, a member is required to disclose the nature of the interest, but is not required to state the extent of the interest including its value and amount, unless the member wishes the meeting to consider and resolve upon the question whether the member—
  - (i) should be allowed to be present during any discussion or decision-making procedure relating to the matter; or
  - (ii) may be allowed to participate in discussions and the decision-making procedures relating to the matter,
 in which case the member shall comply with paragraph (b) hereof.
- (b) If a member wishes the meeting to consider and resolve upon the questions referred to in either (i) or (ii) of paragraph (a) of this clause the member shall first disclose to the meeting the nature and extent of the interest, including its value and amount, in sufficient detail to enable the meeting to make a fair and informed decision on the question.
- (c) If a member wishes the Council or the CEO to apply to the Minister under section 5.69 of the Act the member shall provide to the Council or the CEO, as the case may be, the same details of the nature and extent of the member's interest as referred to in paragraph (a).

(5) *Disclosing Member Not to Participate in Meeting*

- (a) A member who makes a disclosure under clause 25(2)(b) hereof must not—
  - (i) preside at the part of the meeting relating to the matter; or
  - (ii) participate in, or be present during, any discussion or decision-making procedure relating to the matter,
 unless, and to the extent that, the disclosing member is allowed to do so by resolution of the Council under clause 25(7) hereof, or by the Minister under section 5.69 of the Act. (S.5.67 of the Act).
- (b) A member who has disclosed an interest in a matter and who has not been permitted by resolution of the meeting or by the Minister under section 5.69 of the Act to participate in the discussion or decision-making procedures relating to the matter, shall depart from and remain absent from the chamber or room where the meeting is held while the matter is under consideration and until a vote on the matter has been taken.
- (c) If it is resolved at a meeting that a member who has disclosed an interest in a matter be permitted to participate in the discussion or decision-making procedures on the matter or both, then the member may return and participate to the extent permitted.
- (d) Where a member has disclosed an interest in a matter and has departed from the chamber or room, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter, but in such case the member must withdraw after providing the information requested.

(6) *Substitution of Deputy where Member is unable to Participate at Committee*

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

(7) *Meeting Allowing Disclosing Member to Participate*

- (a) If a member has disclosed, under clause 25(2)(b) hereof, an interest in a matter, the members present at the meeting who are entitled to vote on the matter—
  - (i) may allow the disclosing member to be present during any discussion or decision-making procedure relating to the matter; and

- (ii) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision-making procedures relating to the matter, if
    - (I) the disclosing member also discloses the extent of the interest; and
    - (II) those members decide that the interest—
      - (A) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (B) is common to a significant number of electors or ratepayers.
  - (b) A decision under the preceding paragraph of this clause is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the Council or Committee.
  - (c) This subclause does not prevent the disclosing member from discussing, or participating, in the decision-making process on the question of whether an application should be made to the Minister under section 5.69 of the Act. (S.5.68 of the Act).
- (8) *Exemption by Minister*
- (a) Where the Minister allows a member who has disclosed an interest to participate in a meeting in any capacity, in the case of any inconsistency between the provisions of this clause and the Minister's determination, the Minister's determination shall prevail.
  - (b) The terms of any determination by the Minister shall be recorded in the Minutes in the same manner as a disclosure of interest.

(9) *Recording Details of Interest in Minutes*

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

## 26. Disclosure of Employees' Interests

- (1) In this clause the term "employee" includes a person who, under a contract for services with the City, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a Committee shall disclose the nature of the interest when giving the advice or report. (S.5.70(2) of the Act).
- (3) An employee who discloses an interest under this clause must, if required to do so by the Council or Committee, as the case may be, disclose the extent of the interest. (S.5.70(3) of the Act).
- (4) An employee, if called upon to disclose the extent of an interest shall disclose full details, including the value and amount of the interest, so as to enable the meeting to make a fair and informed evaluation of the nature and extent of the employee's interest, and any effect that interest might be thought to have upon the advice or report given.
- (5) The details of the interest of an employee disclosed under the preceding provisions of this clause shall be recorded in the minutes of the meeting relating to the disclosure. (S.5.73 of the Act).
- (6) If, under Division IV of the Act, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and—
  - (a) in the case of the CEO, must disclose to the Mayor the nature of the interest as soon as practicable after becoming aware that the CEO has the interest in the matter; and
  - (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that the employee has the interest in the matter. (S.5.71 of the Act).

## 27. Matters Affecting Impartiality

- (1) In this clause—
 

"interest under this clause" means an interest of a personal nature which a Member or employee has in a matter which is not required to be disclosed under clause 25 or clause 26, but which a reasonable person knowing the facts might assume would influence the consideration of that matter by the Member or employee. (Examples are applications for an approval, consent or licence by a parent, sibling, adult child or close friend of a Member or employee.)
- (2) If a Member or employee attending a meeting of the Council has an interest under this clause in any matter proposed to be considered at that meeting, the Member or employee should disclose that interest at the meeting before the discussion of any matter that requires a decision to be made by the Council.
- (3) A Member or employee expected to disclose an interest under this clause in a matter shall leave the Chamber or room of the meeting while the matter is discussed and voted upon, unless the meeting resolves to request that the person remain to give an explanation or for any other purpose, in which case the person should leave the meeting immediately afterwards until the matter has been voted upon.
- (4) In applying the preceding subclause, a Member must bear in mind the obligation under section 5.21(2) of the Act to vote at meetings where the Member is present, and any problem the Council might have in achieving a quorum or an absolute or special (75%) majority in connection with the matter.



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

*Division 5—The Business of the Meeting*

**28. Public Question Time**

(1) Fifteen (15) minutes shall be allocated for questions to be raised by members of the public and for responses to be given at—

- (a) every Ordinary Meeting of the Council,
- (b) every Special Meeting of the Council,
- (c) every meeting of a Committee to which the Council has delegated a power or duty; and
- (d) every other meeting prescribed for the purpose of section 5.24(1) of the Act.

(2) The public question time shall precede the discussion of any matter that requires a decision to be made by the Council or Committee.

(3) The Council or Committee may extend the question time by resolution on a motion without notice.

(4) Each member of the public who wishes to ask a question at a meeting referred to in paragraph (1) shall be given equal and fair opportunity to ask the question and receive a response. The time allotted for public question time may be extended by resolution of the Council so as to ensure that an equal opportunity of time is granted to each member of the public who wishes to ask a question.

(5) A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question. The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise.

(6) A member of the public having asked a question shall return to a seat in the gallery unless otherwise directed by the person presiding at the meeting.

(7) Nothing in paragraph (5) requires—

- (a) the Council to answer a question that does not relate to a matter affecting the City;
- (b) the Council at a Special Meeting to answer a question that does not relate to the purpose of that meeting; or
- (c) a Committee to answer a question that does not relate to a function of that Committee.

(8) Subject to the procedural matters previously set out in this subclause, the procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in paragraph (1) are to be determined—

- (a) by the person presiding at the meeting; or
- (b) in the case where the majority of members present at the meeting disagree with the person presiding, by the majority of these members.

(9) Every reasonable effort should be made to provide a substantive answer to a question raised by a member of the public, but if the meeting is unable to provide an informative answer to the whole of the question, it may—

- (a) answer that part (if any) for which it has a substantive answer;
- (b) respond otherwise, that the question or part to which no substantive answer has been supplied will be answered substantively in a manner and at a time indicated.

(10) All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon.

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

(12) A question shall not contain any statement reflecting adversely on the integrity of any Councillor or employee.

(13) If in the opinion of a Councillor false information or any adverse reflection is contained in any question then, through the Mayor, the Councillor may offer comment by way of correction. No discussion or further questions shall be allowed on any question or the response.

**29. Public Address Session**

(1) The public address session will follow the conclusion of public question time on the Agenda. The Mayor will announce the public address session and call for members of the public to address the Council in accordance with these rules.

(2) Each person wishing to address the Council is required to give written notice of his/her intention to do so to the Chief Executive Officer prior to the meeting by completing the form prescribed.

(3) The address may relate to any subject that is within the Council's jurisdiction but should be restricted to matters of general community concern. In this regard, the Mayor may rule that the subject matter does not meet these criteria, and that the Public Address not be heard.

(4) The Mayor will announce each person addressing the Council and the subject of the address.

(5) The Mayor will determine the order of speakers addressing the Council.

(6) The public address session is restricted to electors of the City unless the Council, by resolution, decides otherwise.

(7) The public address session will be restricted to fifteen (15) minutes unless the Council, by resolution, decides otherwise.

- (8) Each person is restricted to one address of up to three (3) minutes.
- (9) The Mayor may suspend or adjourn the public address session at any time, and any person addressing the Council will resume their seat when called upon to do so by the Mayor. The Mayor shall suspend the public address session if the person making the address resorts to personal denigration of an elected member or officer of the Council.
- (10) The Mayor may comment on the address given or call upon a Councillor or Officer to comment. They may decline and if the subject matter of the address has not been considered by the Council, no substantive comment shall be offered. Any comments shall not exceed three (3) minutes.
- (11) Any breach of this policy may result in the person being prohibited from addressing the Meeting at which the breach occurs.

### **30. Declaration of Due Consideration**

Any Councillor who is not familiar with the substance of any report or Minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for or otherwise before the meeting considers the matter. In the event that any Councillor makes such a declaration the relevant matter shall be stood down for later consideration at the same meeting under Orders of the Day so as to allow an opportunity for any Councillor making the declaration to become familiar with the relevant report or Minutes or other information.

### **31. Minutes**

- (1) (a) The Minutes of a meeting of the Council, whether of an Ordinary or a Special meeting, shall be submitted to the next Ordinary meeting of the Council for confirmation. (S.5.22(2) of the Act).
- (b) The Minutes of a meeting of a Committee shall be submitted to the next meeting of the Committee for confirmation. (S.5.22(2) of the Act).
- (c) Discussion of any Minutes, other than discussion as to their accuracy as a record of proceedings, shall not be permitted, and when confirmed the Minutes shall thereupon be signed and certified by the Mayor in the case of Council Minutes or by the person presiding in the case of a Committee. That person shall sign and date the confirmation page of the Minutes.
- (2) Minutes are to be taken of the Council, Committee and Elector Meetings and kept in the records of the Council in a manner which ensures that they are permanently and securely recorded, and available for inspection, and copying. Such record of the Minutes is to be referred to as the "Minute Book", whether it is in book form or not.
- (3) In submitting Minutes to a meeting for confirmation the Minutes are to be taken as read.

### **32. Tabling of Mayoral Announcements without Discussion**

The person presiding may make any announcements on any matters that he/she considers of interest or concern to Council. No discussion will take place.

### **33. Tabling of Councillors' or Representatives Announcements without Discussion**

A Councillor may make any announcement on any matter that he/she considers of interest or concern to the Council. No discussion will take place.

### **34. Petitions**

- (1) Every petition shall be respectful and temperate in its language, and may be delivered either to the Mayor, a Councillor, or the Chief Executive Officer who shall accept the petition and present it to the Council at the next Ordinary Council Meeting.
- (2) A petition must—
- (a) contain the name, address and signature of each petitioner; and
- (b) have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form.
- (3) On presentation of a petition, the Chief Executive Officer or the Councillor shall read 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 an Administration report.

### **35. Minutes of Committees and Working Groups**

- (1) Minutes received from Committees must be presented to Council for consideration.
- (2) Matters arising from a Committee requiring a decision to be made by Council shall be presented to Council in a separate report. A report should include a recommendation canvassing all the issues, including sufficient background and detail to enable Councillors to make an informed decision. Additional information not available at the time of the close of Agendas should be distributed by way of a supplementary written report.
- (3) The Chief Executive Officer may request the withdrawal of a report circulated in the Agenda. The reasons for the withdrawal are to be announced to the meeting at the point where the report would otherwise have been considered. If there are no objections from Councillors it may be withdrawn. If there are objections the report is to be considered in the normal manner.
- (4) The Chief Executive Officer may present or cause to be presented to a Committee a report dealing with any matter which, in the opinion of the Chief Executive Officer, falls within the responsibility of that Committee.

**36. Divisional Reports**

(1) The CEO will ensure that reports are prepared on all matters being dealt with by administration in each division, and which require a decision by Council. Such reports will contain an explanation of the matter in question and a recommendation to Council or to a Committee. If the latter is the case, the Committee in turn will make its recommendation to Council.

(2) Any report on a matter that the CEO considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be dealt with when "Confidential Items" are considered in the course of the meeting, at which point the meeting will be closed to the public.

(3) If a staff member preparing a report, or contributing to the preparation of a report, has an interest in a matter the subject of the report, the staff member will disclose the nature of the interest as per clause 26 and clause 27. If a report contains or refers to advice from a person under a contract for services with the City, and that person has an interest in a matter the subject of the report, the nature of that person's interest will be disclosed in the report.

**37. Reports By The CEO**

The CEO may prepare for presentation to any meeting a report dealing with any matter which, in the opinion of the CEO, should be drawn to the attention of the meeting.

**38. Motions of which Previous Notice has been Given**

(1) A member may raise any matter which relates to the good governance of the district providing he or she gives notice of the motion to the Chief Executive Officer for distribution to other members.

(2) Such notice will be given at least 4 clear working days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting.

**39. Notices of Motion**

Any matter to be placed before Council on which Council is to vote is to be presented as a motion to Council in accordance with the requirement of Part 3, Division 3.

**40. Urgent Business**

(1) Urgent business is considered to be that business which cannot wait until the next meeting and failure to deal with it at this meeting could result in legal or financial implications to the City or its constituents.

(2) Urgent business may be considered in the form of a report from the CEO or a request from a Councillor that a matter be considered urgently—

(a) If the matter is considered in a report from the CEO, the report shall include an explanation why the business should be considered urgent business;

(b) If the matter is introduced by a Councillor he or she shall provide a brief explanation for why the matter is thought to be urgent.

In any event the Mayor shall request a motion that the matter be considered as urgent business. The motion shall be put without discussion and shall be determined by absolute majority. If the motion to consider the matter as urgent business is successful, the Mayor shall invite a motion in relation to the matter to be considered.

**41. Confidential Business**

(1) Any item presented to Council for consideration which is considered should be dealt with in confidence, and meets the criteria as stipulated in Section 5.23 of the Act, shall be tabled under Confidential Business.

(2) Council shall consider a motion to proceed behind closed doors prior to considering any item of Confidential Business. If such a motion is not forthcoming, or when voted on is lost, then the item of Confidential Business shall be considered with open doors as if it were not confidential.

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

**42. Closure**

If the business of an ordinary or special meeting of Council is completed and no further matters are to be dealt with, the Presiding Member may declare the meeting closed.

**PART 3—MEETINGS—PROCEDURE AND CONDUCT***Division 1—General Conduct***43. Mayor to Preside**

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

**44. Councillors to Occupy Own Seats**

At meetings of the Council each Councillor shall occupy the place assigned to that Councillor within the Council Chamber.

**45. Distinguished Visitors**

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

**46. Titles to be Used**

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

**47. Councillors to Address Mayor**

(1) Any Councillor moving a motion or amendment or taking part in the debate thereon shall rise, except when prevented from doing so by physical impairment or illness, and address the Mayor, and shall remain standing for as long as he or she continues to speak unless a Councillor raises a point of order pursuant to clause 51

(2) The Mayor at his or her absolute discretion may suspend the operation of the preceding paragraph.

**48. Recording of Proceedings Prohibited**

A person shall not use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given permission by the Council to do so.

*Division 2—Disruption at Council Meetings***49. Disturbance by Members of the Public**

(1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council, including attempting to communicate, whether verbally or by passing written material, with Councillors while a Council meeting is in progress.

(2) A person shall not bring into, display or wear any sign, placard or banner in the Council Chamber or room during the proceedings of Council.

(3) Any person not being a Councillor interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chamber.

(4) Any person, not being a Councillor, ordered to leave the Council Chamber who fails to do so may, by order of the Mayor, be removed from the Council Chamber.

(5) If a person ordered by the Mayor to be removed from the Council Chamber 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 Mayor may adjourn the meeting until the person has been removed.

**50. Disturbance by Councillors**

(1) The Mayor shall preserve order, and may call any Councillor to order whenever, in the Mayor's opinion, there is cause for so doing.

(2) Any Councillor who does anything or behaves in a manner which is forbidden by any of these Standing Orders including but not limited to—

- (a) discussing a question not before the Council;
- (b) using offensive or insulting language;
- (c) violating any Local Law or Standing Order of the Council;
- (d) making an insinuation as to the character, morality, honesty or motives of a Councillor or Officer;
- (e) breaching a provision of the Code of Conduct, or
- (f) Interrupt the proceedings of the Council, including attempting to communicate, whether verbally or by passing written material, with persons other than Councillors, while the Council meeting is in progress,

shall be deemed to be out of order.

**51. Point of Order**

(1) Any Councillor may direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor or draw the attention of the Mayor to any matter of a kind mentioned in clause 50(2).

(2) A Councillor raising a point of order shall specify one of the grounds mentioned in clause 50(2) before speaking further on the matter.

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

(4) Notwithstanding anything contained in these Local Laws to the contrary, once a question of order has been raised no further business shall be proceeded with until the question has been determined.

**52. Mayor may be Heard**

(1) Whenever the Mayor in the capacity of Presiding Member interjects during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak shall be silent so that the Mayor may then be heard without interruption.

(2) When deciding a point of order or practice, the Mayor shall give his or her decision and argument or comment shall not be permitted thereon, and the Mayor's decision is final unless a motion is moved and passed by a majority of the Councillors then present that they dissent from the Mayor's decision.

(3) Subject to paragraph (2) there shall be no dissent from a ruling of the Mayor allowing or disallowing a question on a matter required to be dealt with without discussion.

(4) Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order it shall be rejected, and whenever anything said or done by any Councillor is similarly decided to be out of order that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

(5) Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under clause 52(4), the Mayor may direct that Councillor to refrain from taking any further part in the meeting of the Council other than by recording his or her vote, and the Councillor shall comply with such direction.

### **53. Serious Disorder**

(1) If a Councillor interrupts the proceedings of the Council that Councillor may be named by the Mayor. If the Councillor thereafter continues to interrupt proceedings, the Council may by motion, which may be moved without notice, exclude that Councillor from the Council Chamber for a period of time stipulated but not exceeding the duration of the meeting.

(2) If at a meeting of the Council the Mayor is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, the Mayor may adjourn the meeting for a period of no more than 15 minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

(3) Whereafter any proceedings under paragraph (1) the Mayor is again of the opinion that the business of the Council cannot effectively be continued, the Mayor may close or adjourn the meeting.

## *Division 3—Motions*

### *Subdivision 1—General Provisions*

### **54. Motions Generally**

(1) Subject to any contrary provisions of the Standing Orders the business before Council for discussion or debate shall be in the form of a motion moved and seconded in accordance with the provisions of the Standing Orders.

(2) The motion may be in relation to an item of business included in the Business Papers placed before Council, a matter of which a Councillor has previously given notice, or it may be in relation to an Item of Urgent Business.

(3) A motion or amendment shall not—

(a) be discussed by anyone other than the mover or put to the vote of the Council unless seconded.

(b) be altered by the mover after being seconded without the consent of the seconder.

(4) A nomination to the position of Deputy Mayor or Presiding Member of a committee is not required to be seconded.

(5) Whenever the Council is considering a recommendation from a Committee or Administration, whether the recommendation is a new matter or pursuant to a previous referral from the Council, the only motions other than procedural motions which shall be entertained by the Council thereon shall be—

(a) that the recommendation be adopted;

(b) that the recommendation be referred back to Committee or Administration, in which case Council shall record the reason for the refer back motion;

(c) that the recommendation be adopted subject to alteration or modification as specified;

(d) where part of the recommendation is referred back to Committee or Administration, that the balance of the recommendation be dealt with otherwise in accordance with this subclause; or

(e) that an alternative motion as specified be adopted.

(6) A refer back motion referred to in paragraph 5, is a procedural motion.

### **55. Notices of Motion**

(1) Unless the Act or this Local Law provides otherwise, a Councillor may only bring forward at a meeting such business as he or she considers advisable in the form of a motion of which notice has been given in writing to the CEO.

(2) Except in the case of a Special Meeting of the Council, notice of motion shall be given either—

(a) at a Council meeting in which case, the motion will be considered at the next Council meeting, or such future meeting as the Councillor giving notice stipulates; or

(b) at least 4 clear working days before the meeting at which the Councillor giving notice stipulates is meeting the wishes the matter to be considered.

(3) Every notice of motion shall relate to some question affecting the constitution, administration or condition of the City or the Council, or as otherwise authorised by a written law.

(4) The CEO, with the concurrence of the Mayor, may exclude from the Agenda Paper of the Council any notice of motion which is out of order, or the CEO may on his or her own initiative make such

amendments to the form but not the substance thereof as will bring the notice of motion into due form. The Councillor concerned is to be advised of the exclusion or amendment as soon as practical after the decision to exclude or amend is made.

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

(6) Subject to the provisions of clause 72(12) any motion of which notice has been given shall lapse unless—

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

(7) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.

(8) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to revoke or alter a resolution and to which clause 72 applies.

(9) An amendment other than a minor amendment to a motion of which notice of motion has been given in accordance with clause 55 shall not be considered at a meeting unless notice in writing of the amendment is received by the CEO no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.

(10) A notice of amendment referred to in paragraph 9 of this Clause shall be properly entered on the Business Paper immediately after the notice of the relevant motion.

(11) The Mayor shall decide whether any amendment moved without notice given in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of clause 52(2).

#### **56. Negatived Motion not to be entertained within Three Months**

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

#### **57. Amendment of a Motion**

(1) A motion to amend a motion that is before Council may be moved at any time after the mover of the original motion has spoken for the first time and prior to the mover of the original motion speaking in reply or waiving his or her right of reply.

(2) Every amendment shall be relevant to the motion on which it is moved.

(3) Every amendment shall be read or stated before being moved.

(4) Only one amendment shall 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. There shall be no more than two successful amendments and on the adoption of the second successful amendment the substantive motion as it then stands shall be put.

(5) In speaking to an amendment a Councillor may give notice of his or her intention to move a further amendment.

(6) Where an amendment is carried, the original motion as amended shall, become the substantive motion.

(7) Only the mover of the original motion shall have a right of reply in respect of the original motion as amended.

#### Subdivision 2—Debate

#### **58. Procedure for Debate**

(1) Subject to the provisions of this Local Law it shall be competent for the Mayor to take part in the discussion upon any question before the Council.

(2) The Order of Debate on a motion whether a substantive motion or an amendment that has been moved and seconded shall be—

- (a) The mover has the right to speak first, but may waive this at their discretion in which case the mover shall be held to have spoken.
- (b) Each Councillor other than the mover and including the Mayor may speak once.
- (c) After all those wishing to speak have done so the mover may exercise a right of reply and this will close the debate.

The rules are subject to points of order and procedural motions.

(3) Where two or more Councillors rise to speak at the same time, the Mayor shall decide which of them is entitled to priority.

(4) A Councillor who is addressing the Mayor and the Mayor is participating in the discussion on any question, shall not be interrupted except on a point of order, in which event the Councillor shall be seated until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

(5) Subject to clause 58(6), the Mayor shall, without waiting for the intervention of the Council, call to order any Councillor proceeding to speak a second time on the same question.

(6) The Council may, by resolution moved without notice, suspend the operation of clause 58(5) hereof in the following circumstances—

- (a) there may be a general suspension in which case clause 58(5) shall be suspended until such time as the Council by resolution resolves to lift the suspension; and
- (b) there may be a specific suspension giving the right to speak twice to specified Councillors on a particular motion and that suspension shall be automatically lifted when all Councillors specified have spoken twice or waived the right to do so.

(7) A Councillor may ask a question relevant to the motion under debate at any time during the debate, subject to clause 58(5), on a motion before the motion is put, but no discussion thereon is permitted.

(8) A Councillor, in speaking upon a motion, may give notice to the meeting of the Councillor'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 shall provide to the Mayor the terms of the foreshadowed motion.

(9) If two or more Councillors pursuant to paragraph (8) foreshadow motions on the same subject, the Mayor shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.

(10) If the motion under consideration is lost, 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.

(11) No Councillor shall speak on any motion or amendment—

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

(12) A Councillor shall not speak upon any motion or amendment or in answer to any question with or without notice for a longer period than 5 minutes or speak in reply for a longer period than 3 minutes without the consent of the Council to extend, which shall be signified without discussion. Under this clause the Council shall not consent to the extension of a Councillor's time for speaking beyond 5 minutes of total extensions.

(13) A Councillor speaking in reply shall not introduce any new matter, but the Councillor shall be strictly confined to answering previous speakers.

(14) The Mayor alone, or the Council in dissent by resolution of a motion moved and seconded and passed without debate, may order a motion to be divided and put in the form of two or more motions or not so as the case may be.

(15) A motion or amendment may be withdrawn by the mover with the consent of the Council, which shall be signified without debate, and it shall not be competent for any Councillor to speak upon the motion or amendment after consent to withdrawal has been granted.

#### **59. Conduct of the Debate**

(1) A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council.

(2) Any Councillor who uses an expression which in the opinion of the Mayor reflects offensively on any Councillor or Officer of the Council shall, when required by the Mayor, unreservedly withdraw the expression and make a satisfactory apology to the Chair, and if he or she declines, or neglects to do so, the Mayor may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

(3) A Councillor shall not make any noise or disturbance or, except to raise a point of order, speak aloud while any other person is addressing the Council.

(4) The Mayor may 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 may direct that Councillor, if speaking, to discontinue his or her speech, and thereupon the Councillor shall cease speaking and shall resume his or her seat.

(5) When the Mayor is putting any question a Councillor shall not leave or cross the Chamber, and a Councillor shall not, whilst any other Councillor is speaking, pass between the speaker and the Chair.

#### **60. Personal Explanations**

(1) Where debate is permitted on any motion or proposed amendment to a motion a Councillor may, at any time that a Councillor has concluded speaking in the debate and prior to the next speaker, seek permission from the Mayor or Presiding Member to provide a personal explanation in relation to matters that have been raised by another speaker during the debate.

- (2) Permission for a personal explanation may only be sought—
- (a) Where the Councillor has already spoken in the debate and subsequently at least one other speaker has spoken in response; and
  - (b) Where the personal explanation is to clarify facts or statements already made by the Councillor.
- (3) Permission for a personal explanation may be granted at the sole discretion of the Mayor who if having granted permission then determines during the explanation that the Councillor has departed from providing an explanation only to clarify facts or statements already made by the Councillor may direct the Councillor to cease the explanation and to resume their seat.

#### Subdivision 3—Voting

##### **61. Voting at Council**

- (1) The Mayor shall cast a deliberative vote on any question in respect of which the Mayor is not precluded by the Act or this Local Law from voting.
- (2) If the votes of members present at a Council or Committee meeting are equally divided, the person presiding may cast a second vote. In this case the casting vote may be exercised in a manner entirely at the presiding persons discretion. (S.5.21(3) of the Act).
- (3) Subject to clause 25, each Councillor and each member of a Committee to which a local government power or duty has been delegated who is present at a meeting of the Council or Committee is to vote. (S.5.21 of the Act).
- (4) Voting at a Council or Committee meeting is to be conducted so that no voter's vote is secret. (Admin.Reg.9).

##### **62. Method of Taking Vote**

- (1) The Mayor shall, in taking the vote on any motion or amendment, put the question first in the affirmative, and then in the negative, and the Mayor may do so as often as is necessary to enable the Mayor to form and declare his or her opinion as to whether the affirmative or the negative has the majority.
- (2) The result of voting openly is determined on the count of raised hands.
- (3) The results of all votes shall be recorded and in the case of Councillors voting in the negative, their names shall be recorded.

#### Subdivision 4—Implementing Resolutions

##### **63. Implementing Resolutions**

Subsequent to a meeting of the Council, the CEO shall ensure that the resolutions of Council are implemented as expeditiously as possible. Subject to the specific stipulation of any particular resolution.

#### Subdivision 5—Procedural Motions

##### **64. Procedural Motions during Debate**

Subject to Clause 54(5), when a motion or an amendment to a motion is under debate, no further motion shall be moved except a motion—

- (a) that the item be referred back;
- (b) that the Council do adjourn;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the Council do proceed with the next business;
- (f) that the meeting be now closed; or
- (g) that the Council do sit behind closed doors.

##### **65. Motion that the Item be Referred Back**

- (1) A Councillor may during the debate of an item considering a recommendation from a Committee or Administration, at the conclusion of the speech of any other Councillor, move without notice that the item be referred back to the Committee or Administration stating reasons which shall be recorded.
- (2) A Councillor shall not move a refer back motion during debate on an item—
- (a) if they have already spoken on the item then before Council,
  - (b) if they have already moved a refer back motion during debate on the item, then before Council which has not been carried or lapsed for want of a seconder.
- (3) A refer back motion once seconded, shall immediately be put to the vote without debate.

##### **66. Motion to Adjourn Council**

- (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.



- (2) A Councillor shall not—
- (a) move the adjournment of the Council if they have already spoken on the question then before Council.
  - (b) at the same sitting of the Council, move or second more than one motion for the adjournment of the Council.
- (3) On a motion to adjourn, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, and the mover of the motion (if any) which was then under debate may speak for not more than 5 minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition of an adjournment shall not lose the right of reply.
- (4) On a motion for the adjournment of the Council being carried, the consideration of the business of council shall cease, and if—
- (a) consideration of an item of business had not concluded, a record shall be taken of all those who have spoken on the item of business under consideration at the time of the adjournment, and on resumption of the Council consideration of that item of business shall continue as if there had been no adjournment.
  - (b) the motion for the adjournment of Council was carried immediately after the conclusion of the item of business, and prior to the next item of business on the agenda paper, on resumption of the Council the business of Council shall commence at that next item as if there had been no adjournment.
- (5) On the motion for the adjournment of Council being carried the Mayor shall adjourn Council to such time and date as the motion specifies, or where no time and date is specified, to such time and date as the Mayor shall then declare.
- (6) If a motion for the adjournment of the Council is negatived no similar motion shall be moved until—
- (a) after the conclusion of the business under discussion at the time the adjournment was moved; or
  - (b) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
  - (c) after the conclusion of any other business allowed precedence by the Council.

#### **67. Motion to Adjourn Debate**

- (1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.
- (2) A councillor shall not—
- (a) move the adjournment of the debate if they have already spoken on the question then before Council.
  - (b) at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.
- (3) On a motion that the debate be adjourned, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second, the mover of the motion then under debate may speak for not more than 5 minutes, and if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or in the Chairman's absence a Councillor thereof may speak for not more than 5 minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition to an adjournment shall not thereby lose the right of reply.
- (4) On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the item of business under consideration, and the meeting shall proceed to the next item of business. On resumption of the consideration of that item of business, debate shall continue as if there had been no adjournment.
- (5) On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

#### **68. Motion that the Question be now put**

- (1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put, and upon the motion being formally seconded the question shall subject to paragraph 3 of this Clause immediately be put, without debate.
- (2) A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and the motion shall not be carried except by an absolute majority of the Councillors of the Council.
- (3) When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has occurred, and if otherwise entitled to do so, be permitted to speak in reply for not more than 5 minutes before the question is put, but subject thereto, the question shall at once be put.
- (4) Whenever the Council decides that the question be put, the question to be put is—
- (a) If put during debate on a substantive motion, the original motion, and all amendments that have been carried;
  - (b) If put during debate on an amendment, the amendment only and not the original motion.

**69. Motion that the Council do proceed with the next item of business**

(1) A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the Council do proceed with the next item of business, and upon the motion being formally seconded the question shall subject to paragraph 3 of this Clause immediately be put, without debate.

(2) A motion that the Council do proceed with the next item of business shall not be moved by a Councillor who has already spoken on the question, and the motion shall not be carried except by an absolute majority of the Councillors of the Council.

(3) When it is decided by the Council that the Council do proceed with the next item of business, the mover of the question under consideration shall, if debate has occurred, and if otherwise entitled to do so, be permitted to speak in reply for not more than 5 minutes before the question is put, but subject thereto, the question shall at once be put.

(4) Whenever the Council decides that the Council do proceed with the next item of business consideration of the matter then being debated shall cease, and the all motions, original, amendments, or substantive shall lapse, and the matter will not be again considered at that meeting.

**70. Motion that the Meeting be now Closed**

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

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

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

- (a) After the conclusion of the question under discussion at the time the closure was moved; or
- (b) If the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) After the conclusion of any other business allowed precedence by the Council.

(4) A Councillor shall not—

- (a) Move that the meeting be closed if they have already spoken on the question then before Council.
- (b) At the same meeting of the Council, move or second more than one motion that the meeting be closed.

(5) On a motion for the closing of the meeting being carried, the consideration of the business of Council shall cease and if—

- (a) consideration of an item of business had not concluded a record shall be taken of all those who have spoken on the item of business under consideration at the time of the closure and at the next ordinary meeting of Council, or Special Meeting called for the purpose, the business of Council shall continue with the unfinished item of business followed by the remaining unfinished business of the closed meeting as if there had been no closure of the meeting.
- (b) the motion for the closure of the meeting was carried immediately after the conclusion of an item of business and prior to the next item of business on the Agenda Paper, at the next ordinary meeting of the Council or a Special Meeting calls for purpose, the business of Council shall commence at that next item of unfinished business from the closed meeting as if there had been no closure of the meeting.

**71. Motion that Council Do Sit Behind Closed Doors**

(1) Subject to the provisions of clause 71(2) and clause 71(8) the business of the Council shall be conducted with open doors.

(2) The Council may by resolution decide to conduct behind closed doors any business of a meeting dealing with any of the matters referred to in section 5.23(2) of the Act and outlined in clause 71(8).

(3) Upon the carrying of a resolution referred to in clause 71(2) the Mayor shall direct all persons other than Councillors, the CEO, appropriate staff and any other person nominated in the resolution to leave the Council Chamber and every such person shall forthwith comply with the direction.

(4) Any person who fails to comply with the direction made pursuant to clause 71(3) may, by order of the Mayor, be removed from the Council Chamber.

(5) After the carrying of a resolution referred to in clause 71(2) at a meeting and subject to Clause 71(6), the business of the meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.

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

(7) Any resolution under clause 71(2) may be moved without notice.

(8) The following business shall not be conducted unless Council has resolved to proceed behind closed doors in accordance with clause 71(2), or unless Council in any particular case specifically resolves otherwise—

- (a) matters of a personal nature touching the conduct in employment of an employee of the Council or the relationship or contract with the Council of an employee;

- (b) consideration of legal advice;
  - (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
  - (d) a matter that if disclosed, could be reasonably expected to—
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
- (9) The reason for a decision to proceed behind closed doors in accordance with clause 71(2) or to proceed behind closed doors in accordance with clause 71(7), shall be recorded if the resolution is successful.

#### Subdivision 6—Motion for Revocation

### 72. Motion for Revocation

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

(2) The Council may consider a motion of revocation or change of a substantive resolution at the same meeting at which it is passed, or at a subsequent meeting on notice from a Councillor, which notice shall comply with the requirements for a notice of motion.

(3) The Council may only consider a motion of revocation or change of a substantive resolution, at the same meeting at which it is passed, if all Councillors who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the revocation or change is proposed.

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

- (a) in the case where an attempt to revoke or change the substantive resolution has been made within the previous 3 months but has failed, by an absolute majority; or
- (b) in any other case, by at least one third of the number of offices (whether vacant or not) of Councillor

inclusive of the mover. Otherwise the motion shall not be entertained.

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

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

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

(6) When moving a motion of revocation or change at the same meeting at which the substantive resolution was passed, the Councillor moving the revocation or change shall state in clear terms—

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

The Mayor shall not accept the motion for revocation or change if it does not comply with these requirements, or if it does not have the required support as per paragraph (4) of this clause, which the Mayor will confirm by a show of hands.

(7) When giving notice of motion of revocation or change the Councillor giving notice shall state in writing in clear terms—

- (a) the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed;
- (b) the reason or reasons for seeking the revocation or change; and
- (c) provide or cause to be provided sufficient signed statements of support for the notice of motion of revocation or change as are required by paragraph (4) of this clause, in sufficient time to comply with the requirements for a notice motion, whether at the same time as the notice of motion of revocation or change or separately.

The CEO shall not accept a notice of motion of revocation or change which does not comply with these requirements, and the requirements for a notice of motion.

(8) If the CEO receives a notice of motion to revoke or change a substantive resolution—

- (a) before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses, the CEO shall forthwith deliver the notice to the Mayor who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Mayor shall bring on the motion before the close of the meeting.

- (b) after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses the CEO shall do all things necessary to ensure that the motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.
- (9) If a notice of motion to revoke or change is received by the CEO before any step has been taken to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.
- (10) The CEO shall not receive a notice of motion to revoke or change a substantive resolution if any step has been taken in accordance with this Local Law to implement or give effect to the substantive resolution.
- (11) The Council shall not entertain a motion for revocation or change of a substantive resolution if—
- (a) at the time the motion is moved any step has been taken in accordance with this Local Law by the CEO or any other Officer of the Council to implement the substantive resolution; or
  - (b) the substantive resolution concerns an application for planning consent or a building licence or for any consent approval or licence of a similar nature, where notification of the resolution to grant the consent approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representative by an employee of the Council having authority to give such notification in ordinary circumstances.
- (12) The CEO may receive more than one notice of motion to revoke or change the same substantive resolution.
- (13) If a motion to revoke or change a substantive resolution fails to be considered by the Council by reason that at the time the motion is called on—
- (a) the Councillor who gave notice of the motion is not present or is not willing to move the motion; and
  - (b) there is no other Councillor present willing to move the motion; or
  - (c) if the motion is not supported by the number of Councillors required by the preceding provisions of this clause,
- then the motion shall lapse.
- (14) The Council shall not entertain a motion that is a revocation of a previous motion, which is merely procedural in its form and effect.
- (15) If a motion to change a substantive resolution in its form or effect would amount to a motion to revoke the substantive resolution then it shall be treated as if it was a motion to revoke the substantive resolution.

## PART 4—GENERAL REQUIREMENTS

### *Division 1—Provisions Regarding Documents*

#### **73. Production of Document**

##### *(1) Interpretations*

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 “other thing” means any thing whatsoever other than a document as defined in (a), which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and
  - (c) the term “laid on the table” means laid or deposited at a place within the Council's Administrative Building designated from time to time for that purpose by the CEO and at which place a tabled document or other thing may be perused or inspected by a Councillor during Council office hours or at other times on application to the CEO and inflections of that term shall have a like meaning.
- (2) On giving to the CEO not less than 4 hours notice, a Councillor is entitled to have laid on the table a document or other thing which is under consideration by Council and the CEO on receiving that notice shall lay the document on the table for a period of 24 hours commencing as soon as practicable after the receipt by the CEO of the notice.
- (3) The CEO shall comply with a request made pursuant to clause 73(2) unless the CEO is of the opinion that it would not be in order to do so, in which case the CEO shall refer the request to the Mayor for determination.
- (4) On the reference to the Mayor of a request made pursuant to clause 55(4), 55(5) or clause 73(3), the Mayor shall rule whether it is in order and accordingly whether it should be granted or refused and the ruling is final, but where the request is refused the CEO shall report the fact to the Council at the next meeting.
- (5) Any document or other thing relevant to the business to be considered at a meeting of a Committee shall be laid on the table by the CEO at least 72 hours prior to an ordinary meeting of the Committee and 24 hours prior to a special meeting of such Committee, or as soon as received by the CEO where it is received less than 72 hours or 24 hours respectively before the meeting.

(6) When a document or other thing is laid on the table in accordance with this clause then that document or other thing may be perused or inspected by a Councillor in the place designated at any time during Council's office hours or at any other reasonable time on application to the CEO, but the document or other thing shall not be copied or removed.

(7) 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 the CEO's discretion, be marked as such, and shall then be treated as strictly confidential and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors or Officers of the Council, as per section 5.93 of the Act.

*Division 2—When Standing Orders may be Suspended*

**74. Suspension of Standing Orders**

(1) A Councillor may, at the conclusion of the speech of any other Councillor, or prior to the commencement of any business, move without notice that Council suspend one or more of the Standing Orders.

(2) A Councillor moving the suspension of Standing Orders shall state the object of the motion, but other than a seconder formally seconding the motion, it shall be put to the vote without debate.

(3) A Councillor moving the suspension of Standing Orders under this clause shall state the specific clause or clauses of the Standing Orders sought to be suspended. Only the clauses so nominated shall be affected by any resolution to suspend Standing Orders under this clause, and unless the duration of the suspension is specified, the Standing Orders shall remain suspended until a motion to resume Standing Orders is carried.

(4) If any Councillor makes an objection to such a motion, the motion to suspend Standing Orders shall not be declared carried unless it is agreed to by an absolute majority of the Council, and no Standing Order shall be suspended which requires the passing of a resolution by an absolute or special (75%) majority.

**75. Resumption of Standing Orders**

(1) Standing Orders that have been suspended will resume following the prior specified period of suspension at which point the resumption of Standing Orders will be declared by the Presiding Member and recorded in the minutes.

(2) If the resolution to suspend Standing Orders did not specify the period of suspension, a Councillor may at the conclusion of any business, move without notice, that Standing Orders be resumed which motion other than for a seconder to formally second the motion shall be put to the vote without debate.

**PART 5—COMMITTEES**

**76. Standing Orders Apply to Committees**

These Standing Orders shall apply to all Committees of Council, unless expressly stated otherwise.

A committee established by Council may be disbanded by an absolute majority of Councillors voting on a motion to disband the committee.

**77. Committees**

(1) The Council may establish Committees of 3 or more persons including a Committee of the whole comprising all 13 Council members to assist the Council and to exercise the powers and discharge the duties of the Council that can be delegated to Committees. (S.5.8 of the Act).

(2) Any resolution to establish a Committee or to appoint members or deputise requires an absolute majority of the Council, except for the appointment of members to a committee of the whole where if such a Committee is resolved to be established, it shall be deemed that all Council members are Committee members without a resolution to specifically appoint each Council member being required.

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

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

A Committee is to comprise—

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

(5) At any given time each Councillor is entitled to be an ordinary member of at least one Committee referred to in item (a) of the preceding paragraph, and if a Councillor 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 paragraph (4)(a) to at least one of those committees as the local government decides. (S.5.10(2)).

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

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

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

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

(8) The Council may appoint a deputy—

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

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

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

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

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

(13) A deputy who is one of two or more deputies of a member of a Committee is not entitled to attend a meeting of the Committee in place of that member if the meeting is attended by another deputy of that member who has precedence over that deputy in the order of seniority determined under clause 77(10).

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

#### **78. Councillor Attending Committee as Observer**

A Councillor may attend as an observer at meetings of a Committee notwithstanding that the Councillor is not a member of that Committee. A Councillor attending a Committee meeting as an observer may speak with the leave of the Committee, but shall not vote on any question before the Committee unless the Councillor is a deputy of a member excluded from a meeting pursuant to clause 25 and he or she is invited by the Committee to participate pursuant to clause 25(7).

#### **79. Term of Appointment**

(1) Whenever possible Committees should be established at the second ordinary meeting of the Council held after the ordinary Election Day.

(2) Where a person is appointed as a member of a Committee under clause 77(6) or clause 77(7), the person's membership of the Committee continues until—

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

whichever happens first. (S.5.11(1) of the Act).

(3) Where a person is appointed as a member of a Committee as ordinary member or deputy member other than under clause 77(6), or clause 77(7), or item (b) of clause 77(8) the person's membership of the Committee continues until—

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

whichever happens first. (S.5.11(2) of the Act).

**80. Resignation of Committee Member**

- (1) A Committee member may resign from membership of the Committee by giving the CEO or the Committee's Presiding Member written notice of the resignation. (Admin.Reg.4).
- (2) A resignation takes effect upon the delivery of the notice to the CEO or the Presiding Member, or on a later date if specified in the notice.

**81. Committee Membership may be Changed**

The Council may, by an absolute majority, change the membership of any Committee provided that the Council may not remove as members persons appointed pursuant to clause 77(6) and clause 77(7).

**82. Terms of Reference of Committee**

A Council resolution to establish a committee may specify its Terms of Reference including the powers and duties of the committee which may from time to time by absolute majority be amended or changed, or may direct the preparation of Terms of Reference for the consideration of Council at a subsequent meeting of Council, but in any event, a Committee established by Council, shall not meet until Council has adopted terms of reference for the Committee.

**83. Delegation of Powers and Duties**

- (1) Subject to the next following subclause the Council by absolute majority may delegate to a Committee powers and duties other than this power of delegation. (S.5.16(1) of the Act).
- (2) The procedure associated with the making of the delegation its duration and revocation by the Council shall be that provided in s.5.16 of the Act.
- (3) The Council may delegate—
  - (a) to a Committee comprising Council members only, any of the Council's powers or duties under the Act except—
    - (i) any power or duty that requires a decision of an absolute majority or a special (75%) majority of the Council; and
    - (ii) any other power or duty that is prescribed under the Act;
  - (b) to a Committee comprising Council members and employees, any of the Council's powers or duties that can be delegated to the CEO under Division 4 of the Act; and
  - (c) to a Committee which includes any Council member or employee, any of the Council's powers or duties that are necessary or convenient for the proper management of—
    - (i) the City's property; or
    - (ii) an event in which the City or the Council is involved.
- (4) The Council cannot delegate any of its powers or duties to a Committee which does not include a Councillor or employee in its membership. (S.5.17 of the Act).
- (5) The Council shall keep a register of the delegations made under the preceding subclause and shall review the delegations at least once every financial year. (S.5.18 of the Act).

**84. Meetings of Committees**

- (1) Unless stated otherwise in the Terms of Reference the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings.
- (2) The quorum for meetings of Committees shall be as provided in clause 17(1).
- (3) Meetings of a Committee to which a power or duty of the Council has been delegated shall be open to the public, except where that Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case the provisions of clause 71(2) to clause 71(9) inclusive, apply.

**85. Unfinished Business of Former Committees**

Upon Committees being re-established by Council after the Ordinary Election Day, every Committee of Council will take up the unfinished matters that had been referred to the preceding Committee by the Council.

**86. Voting by Committees**

- (1) A decision of a Committee does not have effect unless it has been made by a simple majority, or if another kind of majority has been prescribed by regulations or these Standing Orders for the particular kind of decision by that kind of majority. (S.5.20(3) of the Act).
- (2) If the votes of members present at a Committee meeting are equally divided, the Presiding Member may cast a second vote. (S.5.21(3) of the Act).

**87. Committees to Report**

- (1) A Committee is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council.
- (2) Receipt of Minutes of a Committee shall not constitute acceptance of any of the recommendations of that Committee.
- (3) In order for Committee recommendations to be considered by Council, the Chief Executive Officer or relevant Director shall cause the recommendations of the Committee to be included in the business papers presented to Council, including if considered necessary, a report on the recommendations.

(4) The outstanding business of a Committee shall be listed as an item of business in the minutes of that Committee and against each item of business the Committee will briefly indicate when it expects to complete each item.

### **88. Reports of Committees**

Subject to clause 31 the CEO shall enter the minutes of all Committees in the Minute Book. The minutes of each Committee shall be deemed to be the report of the Committee to Council.

## **PART 6—OTHER MEETINGS**

### **89. Representation on Public Bodies**

A Councillor appointed by Council to be its delegate to a body shall when required to express an opinion or vote on any item of business, have regard to the resolutions, policies and practices of the Council. Where Council has by resolution determined its position on a matter or directed how its delegate is to vote on all or any issue, the delegate is bound to vote in accordance with Council's position or direction.

### **90. Electors Meetings**

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

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

## **PART 7—ENFORCEMENT**

### **91. Notices**

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

- (a) delivered to the Councillor personally or to the Councillor's ordinary residence in Western Australia within the minimum time stipulated; or
- (b) be sent by facsimile transmission or posted to the ordinary residence or the usual place of business (if any) of the Councillor within the District.

(2) Where the notice, paper or thing is sent—

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

### **92. Codes of Conduct**

(1) The Code of Conduct adopted and amended from time to time by Council shall form part of these Standing Orders and the enforcement and penalty provisions of the Standing Orders pertain to the Code of Conduct and operate equally as if it were a breach of the Standing Orders.

(2) Amendments to the Code of Conduct shall be made by a resolution of Council.

(3) The Council shall ensure that any Code of Conduct adopted by it pursuant to section 5.103 of the *Local Government Act 1995* ("Code of Conduct") is consistent with the provisions of these Standing Orders, and consistent with regulations made under section 5.103(3) of the Act.

(4) A Council Member, Committee Member or employee who acts in a breach of a Code of Conduct is entitled to receive one warning of the breach before any penalty for the breach applies.

(5) The warning referred to in the preceding subclause shall be given—

- (a) in the case of a breach by the Mayor, by a special (75%) majority of the Council;
- (b) in the case of a breach by a Councillor or a Committee Member, by the Mayor or the person presiding at a meeting where the breach occurs;
- (c) in the case of the CEO, by the Mayor; and
- (d) in the case of any other employees, by the CEO.

(6) A Council member, Committee member or employee who breaches any provision of the Code of Conduct referred to in clause 92(1), after having been warned of the breach, shall be considered to be in breach of these Standing Orders, and the penalties provided for the breach of these Standing Orders shall apply.

(7) Where a Council member, Committee member or employee is deemed to have breached the Code of Conduct, no prosecution will be undertaken or penalty applied until the nature of the breach and the question of proceeding with prosecution is brought before a meeting of full Council and determined by an Absolute Majority of Council.



(8) For the purpose of this clause, the provisions of any Code of Conduct referred to in clause 92(1) shall have the same effect as if they were expressly included in these Standing Orders.

(9) Prior to the initiation of any prosecution against any elected member or employee, the CEO is to obtain written legal advice to protect the interests of the City and the Councillor or Employee alleged by Council to have breached the Code of Conduct.

**93. Penalties**

(1) The maximum penalty in respect of an offence involving a breach of this Local Law shall be \$5,000.

(2) Subject to clause 93(1), any person who commits a first offence under this Local Law shall be liable, if no inconsistent penalty is provided by this Local Law or any other law;

(a) to a minimum penalty of \$100 and a maximum penalty of \$1,000; and

(b) in addition, if the Court thinks fit, to a minimum daily penalty of \$10 per day and a maximum daily penalty of \$100 per day.

(3) A minimum penalty or a minimum daily penalty referred to in paragraph (2) shall increase in severity by one tenth for each successive breach of the same provision by the same offender but shall not in any event exceed the maximum provided in clause 93(1).

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Passed at a meeting of the Council of the City of Nedlands on 9 December 2003.

Dated this 18th day of December 2003.

The Common Seal of the City of Nedlands was hereunto affixed in the presence of—

LAURENCE GEORGE TAYLOR, Mayor.  
SHAYNE SILCOX, Chief Executive Officer.

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