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LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

**STANDING ORDERS
LOCAL LAW 2003**

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STANDING ORDERS LOCAL LAW 2003

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LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

STANDING ORDERS LOCAL LAW 2003

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Gosnells resolved on 10 February 2004 to make the following Local Law.

PART 1—PRELIMINARY

1.1 Title

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

1.2 Commencement

This Local Law comes into operation fourteen (14) days after the day on which it is published in the *Government Gazette*.

1.3 Repeal of previous Local Law

The City of Gosnells Standing Orders Local Law 1998 published in the *Government Gazette* of 31 August 1998 and amendments, are hereby repealed.

1.4 Intent of Local Law

These Standing Orders are intended to result in—

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

1.5 Interpretation

In this Local Law, unless the context otherwise requires—

“**absolute majority**” means a majority comprising enough of the Members for the time being of the Council for their number to be more than 50% of the number of offices (whether vacant or not) of the Members of Council;

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

“**clause**” means a clause of this Local Law;

“**CEO**” means the Chief Executive Officer of the Local Government of the City of Gosnells;

“**City**” means the Local Government of the City of Gosnells, a corporation established under the Act;

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

“**committee**” means any committee or sub-committee of the Council;

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

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

“**district**” means the metropolitan area of the State declared and designated as the City, including any boundary changes;

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

“**employee**” means a person employed by the City;

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

“**meeting dealing with Council business**” means and includes both meetings of Council and committees of Council delegated with powers or duties by Council;

“**Member**” means the Mayor or a Councillor;

“**Minister**” means the Minister responsible for administering the Act;

“**minor amendment**” in relation to a motion to amend another motion means one which does not alter the original or basic intent of the other motion as determined by the Presiding Member at the meeting;

“**notice paper**” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a special meeting may stand as the notice paper for that meeting;

“**procedural motion**” means any motion moved at a meeting dealing with Council business other than a substantive motion;

“**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 had directed to be entered in the notice paper as an order of the day;

“**Presiding Member**” means the person presiding at the meeting of the Council or a committee;

“**regulation**” means any regulation made under the Act;

“**simple majority**” means more than 50% of the Members present and voting;

“**special majority**” means that if there are more than 11 offices of Member, a decision of a 75% majority of the total number of Members is required, otherwise an absolute majority is required;

“**Standing Orders**” means the clauses of this Local Law entitled City of Gosnells Standing Orders Local Law 2003;

“**substantive motion**” means the principal motion, together with any amendments, which the meeting is dealing with at a given time;

“**without discussion**” means without debate, but does not preclude a Member from asking such questions as the Presiding Member permits, there being no discussion debate or challenge on the ruling of the Presiding Member.

PART 2—COUNCIL MEETINGS

2.1 Presiding Member

The Mayor, or in his or her absence the Deputy Mayor, or in his or her absence a Member chosen by the Council, shall preside at any meeting of the Council.

2.2 Notice of meetings

2.2.1 Notice of ordinary meetings

Notice of ordinary meetings of the Council are to—

- (1) be given to Members in writing;
- (2) be signed by or on behalf of the CEO;
- (3) state the place, date and hour of the meeting;
- (4) state the business to be transacted; and
- (5) be transmitted by post or electronic mail or delivered to the Members at the usual or last known place of residence or business, or to another address any Member may request in writing to the CEO, at least seventy-two (72) hours before the time of the commencement of the meeting.

2.2.2 Notice of adjourned meetings

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

2.2.3 Notice of special meetings

(1) Subject to paragraph (2), the CEO is to convene a special meeting of Council by giving each Member at least 24 hours notice of the date, time, place and purpose of the meeting.

(2) Where there is a need to meet urgently, in the opinion of the Mayor, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause (1).

2.2.4 Failure to receive notice not to invalidate proceedings

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

2.2.5 Notice to the public

Notices must be given to the local public—

- (1) of the place, date and hour of all public ordinary Council meetings, at least once a year; and
- (2) of the date, time and purpose of special meetings, if the special meeting is to be open to the public.

2.3 Availability of notice paper and other documents to the public

The notice paper for any meeting dealing with Council business and reports and documents to be tabled at, or which have been produced for presentation at, any meeting dealing with Council business are to be made available to the public for inspection, except for those parts of information where the CEO is of the opinion that it relates to a part of a meeting which will be closed to the public.

2.4 Quorum

2.4.1 Number of Members required for quorum

The quorum for a meeting of a Council is at least 50% of the number of offices (whether vacant or not) of Members of the Council or committee.

2.4.2 Quorum must be present

The Council shall not transact business at a meeting unless a quorum is present, except in the case of Council, when the Minister reduces the number of offices of Members required for a quorum and in the case of a committee, when an absolute majority of Council reduces the number of offices of Members required for a quorum.

2.4.3 Procedure where absence of quorum

(1) If a quorum has not been established within thirty (30) minutes after a meeting is due to begin, then the meeting is to be adjourned—

- (a) in the case of a Council, by the Mayor or deputy Mayor if the Mayor is not present;
- (b) in the case of a committee, by the Presiding Member, or the Deputy Presiding Member, if the Presiding Member is not present;
- (c) if those in (a) and (b) are not present, then by a majority of Members present; and
- (d) if only one Member is present, by that Member; or
- (e) if no Members are present, the CEO or a person authorised by the CEO.

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

2.4.4 Count out

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

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

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

(4) At any meeting at which there is not a quorum of Members present or there is an adjournment due to the lack of a quorum the names of the Members then present are to be recorded in the minute book.

2.4.5 Debate on motion to be resumed

(1) Where the debate on any motion, is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was interrupted.

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

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

(4) The Members who have spoken on the subject under consideration at the time of the adjournment shall not be entitled to speak at the adjourned meeting, except the mover who shall retain the right of reply.

2.4.6 Names to be recorded

At any meeting at which—

- (1) There is not a quorum of Members present; or
- (2) The Council is counted out for lack of a quorum;

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

2.5 Ordinary and special meetings

(1) Meetings dealing with Council business are to be of two categories, namely “ordinary” and “special”.

(2) A Council is to hold ordinary meetings and may hold special meetings.

(3) Ordinary Council meetings are to be held not more than three months apart.

(4) If the Council fails to meet, as required above, the CEO must notify the Minister of the failure.

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

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

(7) Subject to the provisions of the Act and these Standing Orders relating to the revocation or change of a decision, no business is to be transacted at a special meeting other than that for which the special meeting has been called.

2.6 Calling and convening of ordinary and special meetings**2.6.1 Council or Mayor may call meeting**

(1) The Mayor or at least one third of Council may call an ordinary or special meeting by a notice to the CEO which sets out the date and purpose of the proposed meeting; or

(2) The Council may decide to call a meeting.

2.6.2 CEO to convene meeting

The CEO convenes ordinary and special meetings by notice in accordance with clause 2.2 of the Standing Orders.

2.7 Business at ordinary meetings

No business is to be transacted at any meeting dealing with Council business other than that specified in the notice paper relating to the meeting, except matters permitted to be dealt with without notice permitted by the Standing Orders.

2.8 Order of business

Unless ordered by a decision of the Council, the order of business at any ordinary meeting of the Council shall be as follows—

- (1) Official opening/announcement of visitors/disclaimer;
- (2) Record of attendance/apologies/approved leave of absence;
- (3) Declarations of interest;
- (4) Announcements by the Presiding Member (without discussion);
- (5) Reports of delegates (without debate);
- (6) Question time for the public and the receiving of public statements;
 - (6.1) Question time;
 - (6.2) Public statements;
- (7) Confirmation of minutes;
- (8) The receiving of petitions, deputations and presentations;
- (9) Applications for leave of absence;
- (10) Questions of which due notice has been given (without discussion);
- (11) Items brought forward for the convenience of those in the public gallery;
- (12) Minutes of committee meetings;
- (13) Reports;
- (14) Motions of which previous notice has been given;
- (15) Notices of motion for consideration at the following meeting;
- (16) Urgent business (by permission of Council);
- (17) Confidential matters;
- (18) Closure.

2.9 Applications for leave of absence

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

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

2.10 Presentations

The presentation, at a meeting dealing with Council business, of a gift, grant or an award shall only be made following the approval of the CEO and the Presiding Member being obtained prior to the commencement of the meeting.

2.11 Urgent business

A Member may move a motion to consider an item of urgent business that is not included in the notice paper for that meeting provided that—

- (1) The Presiding Member has first consented to the business raised;
- (2) The Presiding Member considers that either—
 - (a) the urgency of the business is such that the business cannot await inclusion in the notice paper for the next meeting of the Council; or
 - (b) the delay in referring the business to the next meeting of the Council could have adverse legal or financial implications for the City; and
- (3) The item of urgent business is presented in the form of a detailed staff report outlining the social, environmental and financial implications of the proposal, a copy of which is provided to Members prior to the commencement of the meeting.

2.12 Order of business at special meetings

The order of business at any special meeting is that prescribed in the notice paper.

2.13 Business at adjourned meetings

At an adjourned meeting dealing with Council business no business is to be transacted other than that—

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

except in the case of an adjournment to the next ordinary meeting of the Council, when the business unresolved at the adjourned meeting shall have the precedence at the ordinary meeting and is to be dealt with prior to item (13) "Reports" in the order of business at clause 2.8.

2.14 Meetings to be generally open to the public

(1) Subject to paragraphs (2), (3) and (4), meetings dealing with Council business are to be open to the public.

(2) The Council may decide to close a meeting or part of a meeting to the public, if the meeting or part of the meeting deals with any of the following—

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the City and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained by the City and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal—
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
where the trade secret or information is held by, or is about, a person other than the City;
- (f) a matter that, if disclosed, could be reasonably expected to—
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the City's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure of protecting public safety;
- (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
- (h) such other matter as may be prescribed under the Act.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

(4) Where Council resolves to close a meeting to members of the public, it shall transact such business for which the meeting has been closed under item (17) of order of business at clause 2.8 of the Standing Orders.

(5) Where the Council resolves to close a meeting to members of the public—

- (a) the Presiding Member is to direct all persons other than Members and relevant employees or advisers of the Council to leave the Council chamber or meeting room and every person is to promptly comply with that direction; and
- (b) the business at a meeting closed to the public is to be conducted "behind closed doors" until the Council resolves to open the meeting to the members of the public.

(6) If the decision is to conduct specified business at a meeting closed to members of the public, the meeting is to revert open to members of the public upon completion of the matter under consideration.

(7) Upon re-opening a meeting to members of the public, the Presiding Member shall read aloud the resolution of the Council in relation to the business dealt with during the closure.

(8) A person failing to comply with a direction made under paragraph (5)(a), may by order of the Presiding Member, be removed from the Council chamber or meeting room.

2.15 Question time for the public and public statements**2.15.1 Time to be allocated**

Time must be allocated for questions to be raised by members of the public and responded to at—

- (1) every ordinary meeting of a Council; and
- (2) such other meetings dealing with Council business, including every special meeting of Council and every meeting of a committee of Council.

2.15.2 Minimum time

The minimum time to be allocated for the asking of and responding to questions raised by members of the public and for public statements at meetings dealing with Council business referred to in subclause 2.15.1 is fifteen (15) minutes.

2.15.3 Unused time

Once all questions of the public have been asked and responded to the unused part of the minimum question time period of fifteen (15) minutes may be used for other matters.

2.15.4 Procedures for public question time

(1) Procedures for public question time shall be in accordance with policy and guidelines adopted from time to time by the Council and, where the policy or guidelines are silent on the matter, the procedures for that matter are to be determined—

- (a) by the Presiding Member; or
- (b) in the case where the majority of Members present at the meeting disagree with the Presiding Member, by the majority of those present.

(2) The asking of and responding to questions of the public is to precede the discussion of any matter which requires a decision to be made at the meeting but otherwise at item (6.1) of order of business at clause 2.8.

(3) Members of the public are to be given an equal and fair opportunity to ask a question and receive a response.

(4) Nothing in this clause requires—

- (a) a Council to answer a question that does not relate to a matter affecting the City;
- (b) a Council, at a special meeting, to answer a question that does not relate to the purpose of the meeting; or
- (c) A committee to answer a question that does not relate to a function of the committee.

(5) Questions are to be submitted in writing to the CEO prior to the commencement of the meeting;

(6) Questions will be answered by the CEO, relevant Member or employee nominated by the Presiding Member;

(7) The Presiding Member may determine that any complex question requiring research or investigation be answered in writing as soon as is practicable;

(8) A member of the public may ask any number of questions or make public statements, within the time allocated for public question time, however the Presiding Member may direct the order in which the members of the public speak.

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

2.15.5 Public statements

Members of the public may, during the public statements segment of the order of business, with the consent of the Presiding Member speak in accordance with a public statement on any matter that appears on the notice paper for that meeting provided that—

- (a) the member of the public submits to the CEO prior to the commencement of the meeting a public statement in the form determined by the CEO which shall include the name and address of the member of the public;
- (b) the public statement precedes discussion of any matter which requires a decision to be made at the meeting but otherwise at item (6.2) of order of business at clause 2.8;
- (c) the public statement is limited to a maximum period of three (3) minutes, unless otherwise determined by the Presiding Member; and
- (d) no discussion or questions relating to the statement are permitted, unless otherwise determined by the Presiding Member.

2.16 Confidential business

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

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

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

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

- (i) then to be treated as strictly confidential; and
- (ii) is not without the authority of the Council to be disclosed to any person other than Members or the employees of the Council referred to in paragraph (1).

2.17 Visitors and reporters

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

(2) Reporters of the press and other media—

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

2.18 Recording of proceedings prohibited

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

2.19 Disclosure of interests in matters affecting Council decisions

2.19.1 Members to disclose indirect and direct interests

(1) Members of Council or a committee must disclose an interest in any matter to be discussed at a meeting dealing with Council business that will be attended by the Member.

(2) An interest, for the purposes of this clause (except subclause 2.19.4), includes direct financial interests and indirect financial interests which include a financial relationship between a Member and another person who requires a decision of Council.

(3) Members of Council or a committee must disclose direct and indirect financial interests of persons closely associated with them, who include—

- (i) a person in partnership with the Member;
- (ii) the employer of a Member;
- (iii) a person who is beneficiary under a trust, or an object of a discretionary trust, of which the Member is a trustee;
- (iv) a body corporate of which the Member is a director, secretary or executive officer of in which the Member holds shares, the value of which exceeds—
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total nominal value of the issued share capital of the company, whichever is the less;
- (v) a person who is a spouse or child of the Member and is living with the Member;
- (vi) a person who has one of the relationships specified in sub-paragraphs (i) to (v), but with a Member's spouse, in the case where the spouse is living with the Member.

(4) A Member must disclose the nature of the indirect or direct financial interest—

- (i) in a written notice given to the CEO before the meeting; or
- (ii) at the meeting immediately before the matter is discussed.

(5) If a Member has disclosed a direct or indirect financial interest in a notice to the CEO before a meeting then before the meeting—

- (i) the CEO must give the notice to the person presiding at the meeting; and
- (ii) the person presiding at the meeting is to bring the notice to the attention of the persons attending the meeting.

(6) A Member who makes a disclosure must not preside at the part of the meeting relating to the matter, participate in, or be present during any discussion or decision making procedure relating to the matter, unless otherwise decided by the Members at the meeting or by the Minister.

(7) Paragraphs (2) and (3) of subclause 2.19.1 apply to subclauses 2.19.2 and 2.19.3, insofar as they define an interest.

2.19.2 Employees to disclose interests relating to advice or reports

(1) In this subclause and in subclauses 2.19.3 and 2.19.4, "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 must disclose the nature of the interest when giving the advice or report.

(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.

2.19.3 Employees to disclose interest relating to delegated functions

If an employee has been delegated a power or duty by the Council, 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 he or she 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 he or she has the interest in the matter.

2.19.4 Disclosure of interests affecting impartiality

(1) A Member or employee must ensure that there is no actual or perceived conflict or incompatibility between his or her personal interests and the impartial fulfilment of his or her public and professional duties.

(2) Where a Member or employee has a conflict or incompatibility referred to in paragraph (1)—

- (a) that Member or employee must fully disclose the conflict or incompatibility in writing to the CEO in accordance with paragraph (4) of subclause 2.19.1; and
- (b) the CEO and the person presiding at the meeting are to give notice of the interest or incompatibility in accordance with paragraph (5) of subclause 2.19.1.

2.20 Minutes of meetings

2.20.1 The keeping and presentation of minutes

(1) The person presiding at a meeting of a Council or a committee is to cause minutes to be kept of the meeting's proceedings.

(2) The minutes of a meeting of a Council or a committee are to be submitted to the next ordinary meeting of the Council or the committee, as the case requires, for confirmation.

(3) The person presiding at the meeting at which the minutes are confirmed is to certify the confirmation by signing the first page of the minutes and recording the date upon which they were

confirmed. The minutes when confirmed, shall not be altered except by resolution after notice has been given in accordance with the Standing Orders.

(4) The confirmed minutes shall be kept in a Minute Book by binding, pasting or otherwise permanently affixing as pages in a book or alternatively in a suitable form of electronic medium.

2.20.2 Content of minutes

The content of minutes of a meeting dealing with Council business is to include—

- (1) the names of the Members present at the meeting;
- (2) where a Member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (3) details of each motion moved at the meeting, the mover, seconder and the outcome of the motion;
- (4) details of each decision made at the meeting;
- (5) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (6) in relation to each disclosure made under clause 2.19 or by an employee, in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

2.21 Questions

2.21.1 Questions of which due notice has been given

(1) A Member seeking to ask a question at any meeting of the Council under item (10) of Order of Business at clause 2.8 shall give written notice of the specific question to the CEO at least six (6) hours before the meeting of the Council.

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

2.21.2 Question and answer to be brief

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

2.21.3 Question without notice

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

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

2.21.4 No discussion on questions

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

2.22 Reports

2.22.1 Reports to be prepared

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

2.22.2 Late reports

In cases of urgency or other special circumstances, a report prepared or caused to be prepared by the CEO may, with the consent of the Presiding Member, be submitted for the consideration of Council, subject to the provisions of paragraphs (2) and (3) of clause 2.11.

2.23 Presentation of committee reports

(1) Every committee is to cause—

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

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

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

(3) The Presiding Member is to—

- (a) put the question that the report be received;
- (b) call for a motion to be moved by any Member pursuant to subclause 3.5.3, with the exception of item (a) of paragraph (1) of that subclause, with respect to any recommendation contained in that report;
- (c) as to the recommendation contained in the report, apart from a recommendation or recommendations the subject of a motion by a Member pursuant to the preceding item of this paragraph, put the question that the recommendation be adopted;

- (d) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Member or Members pursuant to subclause 3.5.3, the motion or motions are to be debated and dealt with in accordance with these Standing Orders.

2.24 Deputations

- (1) A deputation wishing to be received by the Council or a committee shall apply in writing to the CEO, setting out in concise terms the subject matter to be raised. The CEO is to forward the request to the Mayor or the committee Presiding Member, as the case may be.
- (2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council or if the Council makes an order to that effect, the deputation is to be invited to attend.
- (3) If the Presiding Member of a committee is of the opinion that the request for a deputation is one which should be brought before the committee and the majority of Members are in agreement, the deputation is to be invited to attend.
- (4) A deputation invited to attend a Council or committee meeting—
- (a) shall not exceed five persons, only three of which may address the Council or committee; and
 - (b) shall address the Council or committee for a period not exceeding fifteen (15) minutes, unless otherwise resolved.

2.25 Production of documents

- (1) Any Member may require the production of any of the documents of the Council relating to a motion or matter under discussion if that document is readily available and it is practicable for that document to be produced.
- (2) A Member shall give the CEO at least six (6) hours notice of the request, and the CEO on receiving that notice shall lay the document on the Council table at the commencement of the meeting.

2.26 Petitions

- (1) A petition, in order to be effective, must—
- (a) be addressed to the Mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of the electors making the request;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language and not contain language disrespectful to Council.
- (2) Every petition complying with paragraph (1) shall be presented to the Council by a Member or the CEO at item (8) of order of business at clause 2.8.
- (3) The presentation of a petition, shall be confined to the reading of the petition.
- (4) The only motions that are in order are—
- (a) that the petition be received; or
 - (b) that the petition be received and a report be prepared; or
 - (c) that the petition be received and be referred to a committee for consideration and report; or
 - (d) that the petition be received and be dealt with by the Council.
- (5) Discussion is not permitted on any motion referred to within paragraph (4).

2.27 Notices of motion

2.27.1 Giving notice of motion

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

2.27.2 Exclusion or amendment of notices of motion

- (1) The CEO—
- (a) after consultation with the Mayor, may exclude from the notice paper any notice of motion which is out of order; or
 - (b) may on his or her own initiative make such amendments to the notice of motion, but not alter the substance, which will bring the notice of motion into due form; and
 - (c) shall ensure employee comment, where appropriate, is included in a report accompanying the notice paper outlining the social, environmental and financial implications of the motion.

- (2) No notice of motion is to be deemed out of order by reason of—
- (a) the policy involved being considered objectionable; or
 - (b) its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest or importance.
- (3) Nothing in this subclause is to limit or affect the power of a Member, at an ordinary meeting of the Council to object to a motion pursuant to the Act.

2.27.3 Notice of motion to lapse

Subject to the provisions of subclause 3.10.6 a motion of which notice has been given is to lapse unless—

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

2.27.4 Dealing with a lapsed notice of motion

- (1) If a notice of motion is given and lapses in the circumstances referred to in subclause 2.27.3, the notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.
- (2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council is not to entertain a motion in the same terms or to have the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed.
- (3) The provision in paragraph (2) shall not apply to motions to revoke or alter a decision and to which subclause 3.10.8 applies.

2.27.5 Limitations of notices

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

2.28 Decisions

2.28.1 Decision of Council

A decision of the Council does not have effect unless it has been made by a simple majority or, if otherwise provided for a particular kind of decision, by that kind of majority.

2.28.2 Decisions of committees

A decision of a committee does not have effect unless it has been made by a simple majority or, otherwise provided for a particular kind of decision, by that kind of majority.

2.28.3 This clause does not apply to elections

This clause does not apply to elections of the Mayor, Deputy Mayor, Presiding Member or Deputy Presiding Member, as the case may be.

PART 3—PROCEDURE AND CONDUCT OF MEETINGS

3.1 General procedure

3.1.1 Meeting to proceed to business

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

3.1.2 Members to occupy own seats

- (1) At the first meeting held after each ordinary election day, the CEO is to allot, alphabetically by Ward, a position at the Council table to each Member who is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Members for a re-allotment of positions.
- (2) The allotment of Ward locations is to rotate around the table one position anti-clockwise each ordinary election day.

3.1.3 Titles to be used

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

3.1.4 Members to address Presiding Member

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

3.1.5 Member to rise

At a Council meeting any Member moving a motion or amendment, or taking part in a discussion thereon, shall stand to address the Presiding Member except when prevented from doing so by sickness or infirmity.

3.2 Preserving order

3.2.1 Presiding Member to preserve order

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

3.2.2 Definition of order

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

3.2.3 Breaches of order

The following are to be recognised as breaches of order—

- (1) discussion of a motion which is not before the Council; or
- (2) the use of offensive or insulting language; or
- (3) any violation of the Standing Orders.

3.2.4 Points of order

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

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

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

3.2.5 Precedence of points of order

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

3.2.6 Rulings of points of order by Presiding Member

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

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

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

3.2.7 Ruling out of order

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

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

3.2.8 Serious disorder

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

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

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

3.2.9 Presiding Member may be heard

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

3.2.10 Prevention of disturbances

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

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

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

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

3.3 Rules of debate

3.3.1 Presiding Member may take part in debate

- (1) Subject to the provisions of the Standing Orders, the Presiding Member may, without vacating the chair, take part in the discussion upon any question before the Council.
- (2) The Presiding Member may only speak once and this is to be done before the right of reply.

3.3.2 Priority of speaking

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

3.3.3 Speaking without interruption

- (1) A Member who is speaking on any motion shall not be interrupted except on a point of order.
- (2) In the event of a point of order, the Member speaking shall cease until the Member raising the point of order has been heard and the question of order has been decided. When a decision has been given, the Member so interrupted may, if permitted, proceed to speak again.

3.3.4 Speaking twice

- (1) Subject to subclause 3.3.8, no Member shall speak twice on the same motion, except—
 - (a) in reply upon an original motion of which the Member was the mover; or
 - (b) as the mover of an amendment last moved.
- (2) The mover of any original motion may exercise a right of reply after any amendments have been moved and decided.

3.3.5 Calling to order for speaking twice

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

3.3.6 Personal explanation

The Presiding Member may allow a Member to make a personal explanation if the Member claims that something they said at a meeting has been misunderstood in a material respect. A Member making a personal explanation shall confine that explanation to a brief and concise explanation of that part of their statement which may have been misunderstood.

3.3.7 Mover or seconder deemed to have spoken

- (1) A Member moving a motion or amendment after obtaining a seconder, shall speak first to the motion or amendment.
- (2) A Member seconding a motion or amendment may reserve speaking to the motion or amendment to a later stage in the debate, provided the seconder so indicates after the mover has spoken to the motion or amendment.

3.3.8 Decision to allow speaking twice

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

- (a) there may be a general suspension in which case subclause 3.3.4 is to be suspended until such time as the Council carries a decision to lift the suspension; or
- (b) there may be a specific suspension giving the right to speak twice to specified Members and that suspension shall be automatically lifted when all Members specified have spoken twice or waived the right to do so.

3.3.9 Questions during debate

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

3.3.10 No speaking after motion has been put

- No Member shall speak on any motion or amendment—
- (a) after the mover has replied; or
 - (b) after the motion has been put.

3.3.11 Limitation of speeches

- (1) A Member shall not speak
 - (a) upon any motion or amendment for more than five (5) minutes; or
 - (b) in answer to any motion with or without notice for more than five (5) minutes; or
 - (c) in reply for more than five (5) minutes;

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

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

3.3.12 Speaking in reply

A Member speaking in reply shall not introduce any new matter but is to be strictly confined to answering previous speakers.

3.4 Conduct of Members

3.4.1 *No digression*

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

3.4.2 *No adverse reflection on Council decisions*

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

3.4.3 *No adverse reflection on Member or officer*

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

3.4.4 *Recording of statements*

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

3.4.5 *Withdrawal of offensive language*

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

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

3.4.6 *Disturbances not permitted*

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

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

3.4.7 *Continued irrelevance, repetition, or offensive expressions*

(1) The Presiding Member may—

- (a) 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 Member; and
- (b) direct that Member, if speaking, to stop speaking;

when directed, the Member shall cease speaking.

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

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

3.4.8 *Crossing Council chambers*

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

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

(3) A Member shall not converse with any member of the public in the Council chamber or public gallery during a Council meeting.

3.4.9 *Leaving and entering meetings*

After a meeting of the Council has been formally constituted and the business commenced, no Member shall enter or withdraw from the meeting without first paying due respect to the chair by deferring to the Presiding Member.

3.4.10 *Consumption of alcohol during meetings*

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

3.4.11 *Smoking prohibited*

Smoking in any meeting is prohibited.

3.4.12 *Mobile phones and audible electronic devices*

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

3.5 Motions

3.5.1A *Unopposed business*

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

(2) If no Member signifies opposition to the motion, the Presiding Member may put the motion to the vote without debate.

(3) If a Member signifies opposition to the motion, it is to be dealt with in accordance with subclause 3.5.1B.

3.5.1B Order of call in debate

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

- (a) the speaker to move the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion, if any;
- (f) a speaker for the motion, if any;
- (g) other speakers, if any, against and for the motion, alternating where numbers permit; and
- (h) any speaker who moved the motion exercising the right of reply, which closes the debate.

(2) The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all Members may not have spoken.

(3) The right of reply is governed by the following provisions—

- (a) the mover of the substantive motion has the right of reply;
- (b) after the mover of the substantive motion has commenced the reply, no other Member is to speak on the motion;
- (c) the right of reply is to be confined to rebutting arguments raised by the previous speakers and no new matter is to be introduced;
- (d) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (e) if an amendment is moved to a substantive motion, the mover of the substantive motion may exercise the right of reply only at the conclusion of the debate, unless that person elects to speak to the amendment—in which case he or she forfeits the right of reply on the substantive motion or amended substantive motion; and
- (f) once the right of reply has been exercised, there can be no further discussion, nor any other amendment, and the original motion or the original motion as amended is immediately to be put to the vote.

3.5.2 Dealing with motions

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

3.5.3 Permissible motions on recommendations

(1) The Presiding Member shall—

- (a) put the motion that the report be received;
- (b) call for a motion to be moved by any Member in order shown in paragraph (2) with respect to any recommendation contained in the report;

(2) A recommendation made by or contained in a report shall be—

- (a) adopted by the Council without amendment or modification; or
- (b) rejected by the Council in its entirety, before an alternative motion shall be considered; or
- (c) subject to subclause 3.6.1, amended or modified and adopted with such amendments or modifications.

3.5.4 Division of motions

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

3.5.5 Withdrawal of motions

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

3.5.6 Motion and amendments to be seconded

(1) No motion or amendment shall be discussed or put to the vote of the Council or committee, unless seconded.

(2) A motion or amendment shall not be altered by the mover without the consent of the seconder.

3.5.7 Majority required for motions

Any motion shall be carried in accordance with clause 2.28 of the Standing Orders.

3.6 Amendments

3.6.1 Relevance of amendment

Every amendment is—

- (a) to be relevant to the motion to which it is moved;

- (b) to be worded to indicate precisely which words need to be deleted, added or altered; and
- (c) not to have the effect of negating the original motion or the intent of the original motion.

3.6.2 Amendment to be read

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

3.6.3 One amendment at a time

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

3.6.4 Amended motion treated as original motion

(1) Where an amendment is carried, the original motion as amended shall become the motion before the Council upon which any Member may speak and is, for all purposes of subsequent debate, subject only to subclause 3.6.3, to be treated as if it was the original motion.

(2) Only the mover of the original motion referred to in paragraph (1) is to have the right of reply in respect of the original motion as amended.

(3) The mover of an amendment does not have the right of reply.

3.6.5 Recommendations become decisions

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

3.6.6 Motions and amendments to be in writing

Every substantive motion or amendment proposed by a Member, but not procedural motions, shall be in writing, accompanied by detailed comment clearly outlining the reason for the motion or amendment, signed by the mover and provided to the Presiding Member prior to a vote being taken.

3.7 Voting

3.7.1 Members must vote

At any meeting dealing with Council business, except where a Member has made a disclosure of interest in accordance with clause 2.19 of the Standing Orders, it is prohibited by the Act, a Member present in the Council chamber or meeting room when a motion is put shall—

- (a) vote on the motion; and
- (b) vote openly and not by secret ballot.

3.7.2 Members entitled to one vote

Each member who is present at a meeting dealing with Council business is entitled to one vote.

3.7.3 Method of taking vote

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

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

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

(3) The result of voting openly is to be determined on the count of raised hands.

(4) At any meeting where there is an equal division of votes upon any motion the Presiding Member may cast a second vote.

3.7.4 Recording of votes

The names of all Members voting for and against a motion shall be recorded, adjacent to the respective motion, in the minutes.

3.8 Procedural motions

3.8.1 Permissible procedural motions

Subject to clause 3.5.3, in addition to proposing a properly worded amendment to a substantive motion, when a motion is under debate, it is permissible for a Member to move the following motions—

- (a) that Council adjourn;
- (b) that debate be adjourned;
- (c) that the motion be put;
- (d) that the Council proceed with the next business;
- (e) that the meeting be now closed;
- (f) that the Member no longer be heard;
- (g) that the ruling of the Presiding Member be disagreed with;
- (h) that the motion lie on the table; or
- (i) that the Standing Orders be suspended.

3.8.2 Procedural motions not required in writing

Procedural motions are not required to be presented in writing to the CEO or Presiding Member.

3.9 Effect of procedural motions

3.9.1 Motion that Council adjourn

(1) A Member may—

- (a) at the conclusion of the speech of any other Member; or
- (b) on the conclusion of any business;

move without notice that the Council now adjourn.

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

(3) A motion to adjourn which has been carried, will cause the meeting to stand adjourned until it is reopened at which time the meeting continues from the point at which it was adjourned unless the Presiding Member or the majority of the Members upon vote, determine otherwise.

3.9.1.1 Times for speaking on motion to adjourn

(1) On a motion to adjourn—

- (a) the mover shall not speak for more than five (5) minutes;
- (b) the seconder shall not speak other than formally to second;
- (c) the mover of the motion (if any) which was then under debate shall not speak for more than five (5) minutes; and
- (d) no other debate shall be allowed;

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

3.9.1.2 Subsequent motion to adjourn

If a motion for the adjournment of the Council is lost, 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.

3.9.1.3 Restraint on Member's right to move adjournment

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

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

3.9.1.4 Resumption of debate after adjournment of meeting

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

3.9.1.5 Recording speakers before adjournment of meeting

(1) On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

(2) Those Members to which paragraph (1) applies shall not be permitted to speak on any subsequent consideration of the same subject.

(3) This subclause does not deprive a mover of the right of reply.

3.9.1.6 Adjournment of the Council

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

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

3.9.2 Motion that debate be adjourned

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

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

3.9.2.1 Times for speaking on adjournment debate

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

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

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

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

3.9.2.2 *Restraint on Member's right to move adjournment of debate*

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

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

3.9.2.3 *Resumption after adjournment of debate*

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

3.9.2.4 *Recording speakers before adjournment of debate*

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

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

(3) This subclause does not deprive a mover of the right of reply.

3.9.3 *Motion that the motion be put*

3.9.3.1 *Moving closure*

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

(2) Upon the motion referred to in paragraph (1) being formally seconded, it shall be immediately put, without debate.

3.9.3.2 *Restraint on Member's right to move closure*

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

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

3.9.3.3 *Times for speaking on closure motion*

(1) When it is decided by the Council that the motion under consideration be put, the mover of the motion under consideration is, if the debate has occurred and if otherwise entitled to do so, is to be permitted to speak in reply, but not for more than five (5) minutes before the question is put.

(2) Thereafter the motion shall immediately be put.

3.9.3.4 *The motion to be put on a closure*

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

(2) If the closure referred to in paragraph (1) is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.9.4 *Motion that Council proceed with the next business*

3.9.4.1 *Moving the "next business"*

(1) A Member may, at the conclusion of the speech of any other Member, move without notice and without comment, that the Council do proceed with the next business.

(2) Upon the motion referred to in paragraph (1) being formally seconded, it shall be immediately put, without debate.

3.9.4.2 *Effect of a "next business" decision*

(1) Where the Council decides to proceed to the next business, the motion which was then under discussion is to be considered as lapsed.

(2) The effect of the motion referred to in paragraph (1) thus lapsing is to be the same as if it had been lost on a vote of the Council.

3.9.4.3 *Subsequent "next business" motion*

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

3.9.5 *Motion that the meeting be now closed*

3.9.5.1 *Moving the closure of the meeting*

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

3.9.5.2 *Times for speaking on closure of meeting*

(1) On a motion that the meeting of the Council be now closed—

(a) the mover shall not speak for more than five (5) minutes;

- (b) the seconder shall not speak other than formally to second;
- (c) the mover of the motion (if any) then under debate shall not speak for more than five (5) minutes; and
- (d) no other debate shall be allowed.

(2) The mover of a motion under debate speaking in opposition to the closure of the meeting is not thereby to lose the right of reply.

3.9.5.3 Subsequent motion to close meeting

If a motion that the meeting of the Council be closed is lost, no similar motion is to be moved until—

- (a) after the conclusion of the motion 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.

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

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

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

3.9.5.5 Effect of closure of meeting

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

3.9.5.6 Recording speakers before closure of meeting

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

- (a) a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting; and
- (b) those Members shall not be permitted to speak on any subsequent consideration of the same subject.

(2) This subclause does not deprive a mover of the right of reply.

3.9.6 Motion that the Member be no longer heard

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

3.9.7 Motion that the ruling of the Presiding Member be disagreed with

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

(2) Where the Presiding Member has adjourned the meeting in accordance with clause 3.9.1, the motion, that the Presiding Member be disagreed with, may not be moved.

3.9.8 Motion that the motion lie on the table

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

(2) Any Member may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

(3) Where a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to reintroduce the matter after which debate shall continue according to the Standing Orders.

3.9.9 Suspension of Standing Orders

3.9.9.1 Motion to suspend

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

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

3.9.9.2 No discussion on motion to suspend

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

3.9.9.3 Only specified clauses suspended

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

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

3.10 Motion for revoking or changing decisions

3.10.1 Revoking or changing decisions at the same meeting

The Council may at the same meeting at which it is passed, revoke or change a decision if all Members who were present in the Council chamber at the time the decision was passed are also present in the Council chamber at the time the revoking or changing is proposed subject to subclause (2) of clause 3.10.2.

3.10.2 Revoking or changing decisions at a subsequent meeting

(1) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported—

- (a) in the case where an attempt to revoke or change the decision had been made within the previous three (3) months but had failed, by an absolute majority; or
- (b) in any other case, by at least one third (1/3) of the number of offices (whether vacant or not) of Members of the Council or committee;

inclusive of the mover.

(2) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first mentioned decision must be made—

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

(3) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

3.10.3 Method of submitting motions to revoke or alter

A notice of motion to revoke or alter a decision shall;

- (a) be submitted in writing to the CEO at least seven (7) working days prior to the scheduled meeting at which it is proposed to be moved;
- (b) be duly signed by at least one third (1/3) of the number of offices of Members;
- (c) clearly identify the resolution to be revoked or altered; and
- (d) clearly state the reason or reasons for seeking the revoking or alteration of the decision.

3.10.4 Action by CEO

(1) A resolution shall not be implemented by the CEO or any officer of the Council until 12 noon on the first working day, following the Council meeting at which that resolution was passed.

(2) Where a notice of motion to revoke or alter a resolution is received after the meeting at which the resolution was passed, but before 12 noon on the first working day following that meeting, a resolution shall not be acted upon until the motion to revoke or alter is—

- (a) moved and voted upon by the Council; or
- (b) withdrawn by the proponents of the motion to revoke or alter a resolution.

(3) Where a resolution as referred to in subclause (a) is defeated, the CEO shall, as soon as practicable put into effect the original resolution of Council.

3.10.5 Impact statement

The Council shall not vote on a motion to revoke or alter a decision of the Council whether the motion to revoke or alter is moved, if at the time the motion is moved or notice is given—

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

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

3.10.6 Absence of mover or seconder

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

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

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

3.10.7 No revocation of procedural decision or a decision to revoke

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

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

3.10.8 Repeated revocations by the same Member prohibited

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

PART 4—COMMITTEES**4.1 Standing Orders to apply to committees**

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

4.2 Council may nominate committees

The Council may nominate committees as it deems necessary.

4.3 Duties of committees

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

4.4 Calling of meetings

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

PART 5—MISCELLANEOUS**5.1 Election of the Mayor and Deputy Mayor**

At the first meeting of the Council held after the ordinary elections, the Members shall, by secret ballot, elect Members to the office of Mayor and Deputy Mayor.

5.2 Representation on statutory authorities or public bodies**5.2.1 CEO to refer invitations**

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

5.2.2 Obligations of delegate

A Member appointed by the Council to be its delegate to a statutory authority or public body is, when required to express an opinion or vote on any item of business, to have regard to the decisions, policies and practices of the Council.

5.3 Restriction on voting and speaking at electors meetings

A person who is not an elector—

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

5.4 Cases not provided for in Standing Orders

- (1) The Presiding Member is to decide questions of order, procedure, debate or otherwise in cases where these Standing Orders and the Act and regulations are silent.
- (2) The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under paragraph (g) of subclause 3.8.1.

5.5 Duty of CEO

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

5.6 Complaints

If any person has any complaint concerning the performance, ability, character or integrity of any Member or employee of the Council, or of any act or omission of such Member or employee, and desires to bring such complaint to the notice of the Council, they shall notify the CEO of the complaint in writing giving such details as are available in order that the complaint may be investigated in accordance with the complaints handling procedure adopted by the City from time to time and, if necessary reported upon by the CEO.

5.7 Right of reply

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

5.8 Breach of the Standing Orders

Any person who contravenes any provision of the Standing Orders commits an offence and is liable to a penalty not less than \$200 and not exceeding \$5 000 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

5.9 Presiding Member to ensure compliance

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

5.10 Council may take action

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

5.11 Council's common seal

(1) The CEO is to have charge of the common seal of the Council and shall be responsible for the safe custody and proper use of it.

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

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

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

5.12 Code of Conduct**5.12.1 Interpretation**

In this clause—

“**Code of Conduct**” means the code of conduct for Council Members and staff adopted by the Council on 29 April 1996 as amended or substituted from time to time; and

“**commencement day**” means the day on which this clause comes into operation.

5.12.2 Code of Conduct to have legal status

On and from the commencement day the Code of Conduct shall have the same force and effect as if it was set out in the Standing Orders.

5.12.3 Contravention of the Code of Conduct

Subject to subclause 5.12.4, any person who contravenes any provision of the Code of Conduct commits an offence and is liable to the penalties set out in clause 5.8.

5.12.4 Prosecution by absolute majority decision

Notwithstanding section 9.24 of the Act and clause 5.10, an employee or Member acting on behalf of the City shall not commence proceedings for a contravention of any provision of the Code of Conduct unless by a decision of an absolute majority of the Council.

This local law was made by the City of Gosnells at an ordinary meeting held on the 10th day of February 2004.

Dated this 12th day of February 2004.

The common seal of the City of Gosnells was hereunto affixed in the presence of—

PATRICIA M. MORRIS, AM JP, Mayor.
STUART JARDINE, Chief Executive Officer.

