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LOCAL GOVERNMENT ACT 1995

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**TOWN OF VINCENT**

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**STANDING ORDERS  
LOCAL LAW 2008**



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**LOCAL GOVERNMENT ACT 1995****TOWN OF VINCENT****STANDING ORDERS LOCAL LAW 2008**

In pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Council of the Town of Vincent hereby records having resolved on the 23rd of September 2008 to make the following Local Law—

**PART 1—PRELIMINARY****1.1 Citation**

- (1) This Local Law may be cited as the “Town of Vincent Standing Orders Local Law 2008”.
- (2) In the clauses to follow, this local law is referred to as “the Standing Orders”.

**1.2 Objective and Intent**

- (1) The objective of this local law is to provide rules, procedures and guidelines to assist in the good conduct of meetings of the Council, committees and the standards to be observed by persons attending such meetings.
- (2) The effect of these Standing Orders are intended to result in—
  - (a) better decision making by the Council;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) the community understanding the process of conducting meetings dealing with Council business;
  - (d) the more efficient and effective use of time at meetings; and
  - (e) more open and accountable local government.

**1.3 Commencement**

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

**1.4 Repeal**

The Town of Vincent Local Law Relating to Standing Orders published in the *Government Gazette* of 11 September 2001 and as amended and published on 25 June 2004 and 14 January 2005 is repealed.

**1.5 Application**

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and these Standing Orders.

**1.6 Interpretation**

- (1) In these Standing Orders, unless the context otherwise requires—
  - “**Act**” means the *Local Government Act 1995*;
  - “**CEO**” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Town of Vincent;
  - “**closed doors**” means a meeting of the Council or committee where no members of the public are present;
  - “**committee**” means a committee of the Council appointed in accordance with the Act;
  - “**Council**” means the Council of the Town of Vincent;
  - “**document**” means a document or record as prescribed in the *Freedom of Information Act 1992*;
  - “**employee**” means a person employed by the Town under section 5.36 of the Act;
  - “**minor amendment**” in relation to a motion to amend another motion (“the primary motion”) means one which does not alter the original or basic intent of the primary motion as determined by the presiding member at the meeting;
  - “**notice paper**” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the Notice Paper for that meeting;

“**presiding member**” means the presiding member at the meeting of the Council or a committee, or the deputy presiding member, or a member of the committee when performing a function of the presiding member in accordance with the Act;

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

“**Regulations**” means the *Local Government (Administration) Regulations 1996*;

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

“**substantive motion**” means an original motion, or original motion as amended, which the meeting is dealing with at a given time, but does not include an amendment or a procedural motion;

“**Town**” means the local government of the Town of Vincent, established under the Act;

“**urgent business**” means business dealt with under clause 2.11, in accordance with the provisions of these Standing Orders;

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

- (2) (a) Unless otherwise defined herein the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.
- (b) Where a term is not defined in these Standing Orders, the Act or Regulations, the terminology is to be taken to be from the Macquarie Dictionary.

## PART 2—MEETINGS AND BUSINESS OF THE COUNCIL

### 2.1 Mayor to preside

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

### 2.2 Notice of meetings

(1) Notice of ordinary meetings of the Council are to—

- (a) be given to members in writing;
- (b) be signed by or on behalf of the CEO;
- (c) state the place, date and hour of the meeting;
- (d) state the business to be transacted; and
- (e) be transmitted by post, or electronic mail or delivered to the members at the usual or last known place of residence or business, or to another address any member may request in writing to the CEO, together with an agenda at least seventy-two (72) hours before the time of the commencement of the meeting.

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

(3) Notice of each special meeting of the Council is to be given to all members of the Council in the manner provided by the Act at least twenty-four (24) hours before the time of the commencement of the meeting.

### 2.3 Availability of notice paper

The notice paper and agenda for an ordinary meeting of the Council is to be made available for inspection by members of the public, at the office of the Town, as prescribed by the Regulations.

### 2.4 Quorum

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

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

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

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

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

(6) If a quorum is not present at the expiration of the period in sub-clause (5), the meeting is deemed to have been “counted out”, and the presiding member is to adjourn it to some future time or date.

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

(8) 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.

(9) Where the interruption in sub-clause (8) occurs at an ordinary meeting the resumption shall be at the next ordinary meeting unless a special meeting is called earlier for the purpose.

(10) Where the interruption in sub-clause (8) 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.

(11) At any meeting at which—

- (a) there is not a quorum of members present; or
- (b) the Council is “counted out” for lack of a quorum;

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

### **2.5 Categories of meetings**

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

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

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

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

### **2.6 Calling of meetings**

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

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

(3) The CEO may call a Special meeting of the Council, in accordance with the Act.

### **2.7 Business at ordinary meetings**

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

### **2.8 Order of business**

(1) Unless ordered by a decision of the Council, the “Order of Business” at any ordinary meeting of the Council shall be as follows—

- (a) Declaration of Opening;
- (b) Apologies/Members on Leave of Absence;
- (c) Public question time and receiving of public statements;
- (d) Applications for leave of absence;
- (e) The receiving of petitions, deputations and presentations;
- (f) Confirmation of minutes;
- (g) Announcements by the presiding member without discussion;
- (h) Declaration of Interests;
- (i) Reports;
- (j) Motions of which previous notice has been given;
- (k) Questions by members of which due notice has been given (without discussion);
- (l) Representation on Committees and public bodies;
- (m) Urgent business;
- (n) Matters for which the meeting may be closed (“behind closed doors”).
- (o) Closure.

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

(3) Notwithstanding sub-clauses (1) and (2), in the “Order of Business” for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding sub-clause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the “Order of Business” any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

(5) Notwithstanding sub-clauses (1) and (2), reports listed in the agenda are to be considered in the new order in which they are raised and include;

- (a) unopposed items which will be moved “En Bloc”;
- (b) items which are the subject of a question or statement from members of the public;
- (c) items which members wish to discuss, items which members or officers have declared a financial or proximity interest and items which require an absolute majority decision.



**2.9 Applications for leave of absence**

- (1) A member seeking the Council's approval to take leave of absence shall give written notice to the CEO at least one (1) hour before the commencement of the meeting.
- (2) The notice referred to in sub-clause (1) shall include the period of leave of absence required and the reasons for seeking the leave.

**2.10 Receiving of tabled correspondence**

- (1) The CEO, in liaison with the Mayor, is to use discretion in deciding what correspondence to place before the Council or a committee.
- (2) Correspondence may be placed before the Council or a committee in the form of a precis, provided all relevant and material facts are contained in the precis.
- (3) Where correspondence contains a matter to be decided by the Council or committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or committee, or state the alternative courses of action available.

**2.11 Urgent business**

A member may move a motion involving urgent business that is not included in the notice paper for that meeting provided that—

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

**2.12 Business at adjourned meetings**

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

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

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

**2.13 Meetings to be generally open to the public**

- (1) Subject to the provision of sub-clause (2), Council and committee meetings are to be open to the public.
- (2) The Council may by decision, decide to close to members of the public a meeting or part of a meeting to conduct any specified business as prescribed in the Act.

**2.14 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 to be treated in accordance with the *Local Government (Rules of Conduct) Regulations 2007*.

**2.15 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.

**2.16 Recording of proceedings prohibited**

- (1) No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee, unless the person has been given prior permission by the Council.
- (2) Sub-clause (1) does not apply if the recording is taken by or at the direction of the CEO, with the permission of the Council or committee.

**2.17 Declaration of interests**

- (1) Any person who has an interest, within the meaning of the Act, in a matter proposed to be discussed at any meeting is to declare the interest and the nature of the interest, in accordance with the provisions of the Act and the Regulations.
- (2) The Council shall deal with a person's interest in a matter to be discussed at a Council or committee meeting in accordance with the provisions of the Act and the Regulations.
- (3) Where a member has disclosed the nature of his or her interest in a matter, immediately before the matter is considered by the meeting, he or she may, after disclosing the extent of the interest, request that he or she be allowed to be present during any discussion or decision making procedure related to the matter.

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

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

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

(7) Where a member has disclosed an interest in a matter and has left the room in accordance with the Act and the Regulations, the meeting may resolve to invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter and in such case the member is to withdraw after providing the information.

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

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

(10) Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be separated on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

### **2.18 Minutes**

(1) The minutes of a meeting of a Council or a committee meeting, not previously confirmed, are to be submitted to the next ordinary meeting of the Council or committee for confirmation.

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

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

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

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

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

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

### **2.19 Questions**

(1) A member seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the CEO at least four (4) clear working days before the meeting of the Council.

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

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

(4) 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 within seven (7) days to the member who asked it.

(5) No discussion or further question is to be allowed on any question or the answer, unless with the consent of the presiding member.

(6) Any person, other than a member, may ask questions or make public statements at a meeting of the Council or committee, provided that—

(a) any member of the public who raises a question or makes a public statement during question time is to state their name and address;

(b) any member of the public who asks a question or speaks about an item listed on the agenda is to state the agenda item number (if known);

(c) the time allocated to each person to ask a question or make a statement is three (3) minutes;

- (d) when required by the presiding member, questions are to be submitted in writing and will be read by the CEO;
  - (e) questions will be answered by the CEO or relevant employee nominated by the presiding member; and
  - (f) the presiding member may determine that any complex question requiring research or investigation be answered in writing by the CEO as soon as is practicable and a copy of the response is to be included in the agenda of the next meeting of the Council or committee as the case requires.
- (7) Any items on the agenda which are the subject of a question or statement from a member of the public are to be considered in the order in which they are raised, prior to discussion of other matters.
- (8) The presiding member or the majority of members present voting in the affirmative, may determine that the time available for question time is to be limited or extended, as the case may be, however, in any case shall not be less than fifteen (15) minutes.

### **2.20 Reports**

- (1) The CEO shall prepare or cause to be prepared for presentation to any meeting such reports, with recommendations, preamble and information, dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.
- (2) In cases of urgency or other special circumstances, a report by the CEO may, with the consent of the presiding member, be read or otherwise be given to members at the meeting and be dealt with.

### **2.21 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 motion that the report be received;
  - (b) call for a motion to be moved by any member pursuant to clause 5.6(1), with the exception of item (a) of that clause, with respect to any recommendation contained in the report;
  - (c) put the motion that the recommendation be adopted in relation to the recommendations contained in the report, apart from a recommendation or recommendations which are the subject of a motion by a member pursuant to the preceding item of this sub-clause; and
  - (d) ensure that the motions are debated and dealt with in accordance with these Standing Orders in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a member or members pursuant to clause 5.6.

### **2.22 Deputations**

- (1) A deputation wishing to be received by the Council or a committee shall apply in writing to the CEO, who is to forward the request to the Mayor or the committee presiding member, as the case may be.
- (2) If the Mayor is of the opinion that the request for a deputation is one which should be brought before the Council or if the Council makes an order to that effect, the deputation is to be invited to attend.
- (3) If the presiding member of a committee is of the opinion that the request for a deputation is one which should be brought before the committee and the majority of members are in agreement, the deputation is to be invited to attend.
- (4) A deputation invited to attend a Council or committee meeting—
- (a) shall not exceed five members, only two of which may address the Council; and
  - (b) shall address the Council or committee for a period not exceeding fifteen (15) minutes.

### **2.23 Access to Information**

- (1) A member shall have access to information, in accordance with the Act.
- (2) A member shall give the CEO at least four (4) hours notice of the request, and the CEO on receiving that notice, if it is in accordance with the Act, shall lay the document on the Council table at the commencement of the meeting.

### **2.24 Petitions**

- (1) A petition, in order to be effective, is to—
- (a) be addressed to the Mayor, Town or Chief Executive Officer;
  - (b) be made by a person;
  - (c) state the request on each page of the petition;
  - (d) contain the names, addresses and signatures of the persons making the request, and the date each person signed;

- (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 in the form prescribed by the Act and *Local Government (Constitution) Regulations 1996* if that is—
    - (i) a proposal to change the method of filling the office of the Mayor, Town or Chief Executive Officer;
    - (ii) a proposal to create a new district or the boundaries of the Local Government;
    - (iii) a request for a poll on a recommended amalgamation;
    - (iv) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward; and
  - (h) be respectful and temperate in its language and not contain language disrespectful to the Council.
- (2) Every petition complying with sub-clause (1) shall be presented to the Council by the Chief Executive Officer.
- (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.

### **2.25 Notices of motion**

- (1) Unless the Act or these Standing Orders otherwise provides, a member may submit for inclusion in the notice paper a written motion of which notice shall be given in writing to the CEO, not less than twenty-four (24) hours before the publication of the notice paper.
- (2) Every notice of motion is to relate to;
- (a) the good governance of persons in the local government district; or
  - (b) any matters affecting the condition, administration or constitution of the Town or the Council.
- (3) All notices of motion shall be entered by the CEO upon the notice paper in the order in which they are received.
- (4) 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 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.
- (5) No notice of motion is to be deemed out of order by reason of—
- (a) the notice of motion 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.
- (6) Nothing in this sub-clause is to limit or affect the power of a member, at an ordinary meeting of the Council to object to a motion pursuant to the Standing Orders.
- (7) A motion of which notice has been given is to lapse unless—
- (a) 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
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) If a notice of motion is given and lapses in the circumstances referred to in the preceding sub-clause, the notice of motion in the same terms or the same effect may be given for consideration at a subsequent meeting of the Council.
- (9) 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 (3) months have elapsed from the date of the meeting at which the motion last lapsed.
- (10) The provision in sub-clause (9) shall not apply to motions to revoke or alter a decision and to which clause 10.7 applies.
- (11) No member shall have more than three (3) notices of motion on the notice paper unless approval of the Mayor has been obtained.

## **PART 3—MEETING PROCEDURES**

### **3.1 Meeting to proceed to business**

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

### **3.2 Members to occupy own seats**

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

(2) At meetings of the Council each Councillor shall occupy the place assigned to that Councillor within the Council chamber or meeting room.

### **3.3 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 Councillor, or by the title or name of the particular employee, as the case may be.

### **3.4 Members to address Presiding Member**

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

## **PART 4—RULES OF DEBATE**

### **4.1 Presiding Member may take part in debate**

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

### **4.2 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.

### **4.3 Speaking without interruption**

(1) No member is to interrupt another person whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 4.6; or
- (d) to move a motion under clause 6.1(viii).

(2) In the event of a point of order, the person 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 person so interrupted may, if permitted, proceed to speak again.

### **4.4 Speaking twice**

(1) Subject to clause 4.7, no member shall speak twice on the same motion, except—

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

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

### **4.5 Calling to order for speaking twice**

Subject to clause 4.8, 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.

### **4.6 Personal Explanation**

(1) The presiding member may allow a member to make a personal explanation if the member claims that something he or she has 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 his or her statement which may have been misunderstood.

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

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

(4) A personal explanation is not open to debate or amendment.

### **4.7 Mover or seconder deemed to have spoken**

(1) A member, other than presiding member, moving a motion or amendment after obtaining a seconder, shall speak first to the motion or amendment.

(2) A member, other than presiding 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.

#### 4.8 Decision to allow speaking twice

The Council may, by decision moved without notice, suspend the operation of clause 4.4 in the following circumstances—

- (a) there may be a general suspension in which case clause 4.4 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.

#### 4.9 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.

#### 4.10 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.

#### 4.11 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 of total extensions.

#### 4.12 Right of reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak or ask a question on the question.

(2) The right of reply is to be strictly confined to answering previous speakers and rebutting arguments raised by previous speakers and no new matter is to be introduced.

(3) The presiding member is not permitted to move a motion, therefore does not have a right of reply.

#### 4.13 Right of reply provisions

The right of reply is governed by the following provisions—

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;
- (c) the mover of any amendment does not have a right of reply; and
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately to be put to the vote.

### PART 5—PROCEDURES FOR DEALING WITH VOTING, MOTIONS AND AMENDMENTS

#### 5.1 Members must vote

At any Council or committee meetings, except where he or she is prohibited from voting 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) except where the Act provides otherwise, vote openly and not by secret ballot.

#### 5.2 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 sub-clause (1) may be put as often as is necessary to enable the presiding member to determine whether the affirmative or the negative has the majority of votes.

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

#### 5.3 Recording of votes

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

#### 5.4 Order of call in debate

The presiding member shall call speakers to a substantive motion in the following order—

- (i) the mover to state the motion;

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

### **5.5 Dealing with motions**

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

### **5.6 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 other member in order shown in sub-clause (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 clause 5.12, amended or modified and adopted with such amendments or modifications; or
  - (d) deferred or referred back for further consideration.

### **5.7 Division of motions and amendments**

The presiding member or the Council by carrying a decision, without debate, may order a motion or an amendment be divided and put in the form of two or more motions or amendments.

### **5.8 Withdrawal of motions**

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

### **5.9 Motion and amendments to be seconded**

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

### **5.10 Majority required for motions**

Any motion shall be carried upon the majority of members voting in the affirmative, in accordance with the Act, Regulations or these Standing Orders.

### **5.11 Unopposed Business/En bloc Motions**

- (1) When dealing with reports, the presiding member shall request the CEO to identify—
  - (a) items which are the subject of a question or statement from members of the public;
  - (b) items which Council members have identified they wish to deal with individually;
  - (c) items which Council members or employees (present at the meeting) have declared a financial or proximity interest;
  - (d) items which require an absolute majority decision;
  - (e) items which are marked “confidential” and are to be considered “behind closed doors”;
- (2) The presiding member shall call for an en-bloc motion to adopt the recommendations for the remaining items;
- (3) The minutes shall record at the end of each report item that they were adopted by this “En-Bloc” method, as a unanimous decision of the Council or committee;
- (4) If a member identifies an item to be considered individually, the item is to be treated as such, in accordance with these Standing Orders.

### **5.12 Relevancy 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.

### **5.13 Amendment to be read**

When requested by a member, every amendment is to be read before being debated or voted upon, but will not so as to interrupt any other member whilst speaking.

**5.14 One amendment at a time**

- (1) Only one amendment at a time is to be discussed.
- (2) Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first or previous amendment has been withdrawn, carried or lost.
- (3) In speaking to an amendment a member, other than the presiding member, may give notice of his or her intention to move further amendments.
- (4) The presiding member may, or upon the request of a member (without debate), order an amendment to be divided and put in the form of two (2) or more amendments.

**5.15 Amended motion treated as the substantive motion**

- (1) Where an amendment is carried, the original motion as amended shall become the substantive motion before the Council upon which any member may speak and is, for all purposes of subsequent debate, subject only to clause 5.14, to be treated as if it was the original motion.
- (2) Only the mover of the original motion referred to in sub-clause (1) is to have the right of reply in respect of the original motion as amended.

**5.16 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.

**5.17 Amendments to be in writing**

When requested by the presiding member, every amendment shall be written and signed by the mover and provided to the presiding member and CEO immediately upon being seconded.

**5.18 Procedure for dealing with amendments which will significantly alter an Officer Recommendation**

- (1) Where a member proposes to move an amendment to the Officer Recommendation contained in an agenda item, the Town's employees are to be given sufficient time and the opportunity to provide advice to the Council or committee as to whether the proposed amendment is "significantly different" to the officer recommendation, or in the case of a proposed development, will "significantly" alter the design of that development;
- (2) (a) In the event of an amendment, as specified in sub-clause (1), is considered and the Council or committee approves the substantive motion (which includes the amendment), the Council is to provide reasons at the Council or committee meeting for significantly changing the officer recommendation;  
(b) The reasons are to be written in the minutes and inserted after the recording of the vote of the Council or committee decision;
- (3) (a) In the case of a proposed development where the amendment will "significantly" alter the design of that development such that it is considered to be a "deemed refusal", the presiding member will refuse to accept the proposed amendment;  
(b) The presiding member however may, accept a foreshadowed alternative recommendation;  
(c) The Council shall first deal with the officer recommendation in the agenda, in accordance with Standing Orders clauses 2.21(3) and 5.6;
- (4) In the case where an alternative recommendation is approved, the Council or committee is to provide reasons at the Council meeting for significantly changing the Officer Recommendation. The reasons are to be written into the minutes and inserted after the recording of the vote of the Council or committee decision.

**PART 6—PROCEDURAL MOTIONS****6.1 Permissible procedural motions**

In addition to proposing a properly worded amendment to a substantive motion and subject to sub-clause 3.6.4, when a motion is being debated, it is permissible for a member to move the following procedural motions—

- (i) that the motion be deferred;
- (ii) that the Council (or committee) now adjourn;
- (iii) that the motion be adjourned;
- (iv) that the motion be now put;
- (v) that the Council (or committee) proceed with the next business;
- (vi) that the Council (or committee) meet behind closed doors;
- (vii) that the meeting be now closed;
- (viii) that the member no longer be heard;
- (ix) that the ruling of the presiding member be disagreed with; or
- (x) that the Standing Orders be suspended.



**PART 7—EFFECT OF PROCEDURAL MOTIONS****7.1 Motion “that the motion be deferred”—Effect of motion**

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

**7.2 Motion “that the motion be adjourned”—Effect of motion**

- (1) This motion having been carried, causes all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.
- (2) A member may, at the conclusion of the speech of any other member move, without notice, “that the debate be adjourned to a later time of the same meeting or to a subsequent meeting of the Council”.
- (3) 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.
- (4) On a motion that the debate be adjourned, no debate shall be allowed other than that provided for in sub-clause (3).
- (5) The mover of a motion under debate speaking in opposition to an adjournment is not thereby to lose the right of reply.
- (6) A member who has spoken on the motion then under debate shall not move the adjournment of the debate.
- (7) 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.
- (8) On resuming an adjourned debate, the member who moved its adjournment is entitled to speak first.
- (9) 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.
- (10) Those members to which sub-clause (9) applies, shall not be permitted to speak on any resumption of the debate on that subject.
- (11) This sub-clause does not deprive a mover of the right of reply.

**7.3 Motion “that the Council or Committee adjourn”—Effect of motion**

- (1) This motion having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned unless the presiding member or the majority of the members upon vote, determine otherwise.
- (2) 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 or committee now adjourn.
- (3) A motion seeking to adjourn the Council or committee shall state the time and date to which the adjournment is to be made.
- (4) 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;
- (5) The mover of a motion under debate speaking in opposition of an adjournment is not to lose the right of reply.
- (6) If a motion for the adjournment of the Council or committee 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 or committee.
- (7) A member who has spoken on the motion then before the Council or committee shall not move the adjournment of the Council or committee.
- (8) A member shall not, at the same sitting of the Council or committee, move or second more than one motion for the adjournment of the Council or committee.
- (9) On a motion for the adjournment of the Council or committee being carried, the discussion on the motion (if any) under debate when the motion was moved, shall be continued immediately upon the Council or committee resuming after the adjournment.
- (10) On a motion for the adjournment of the Council or committee being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment.
- (11) Those members to which sub-clause (10) applies shall not be permitted to speak on any subsequent consideration of the same subject.
- (12) This sub-clause does not deprive a mover of the right of reply.
- (13) On the motion for the adjournment of the Council or committee being carried—
- (a) the presiding member shall adjourn the Council or committee 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.

#### **7.4 Motion “that the motion be now put”—Effect of motion**

- (1) The motion, “that the motion be now put”, if carried during discussion of a substantive motion without amendment, causes the presiding member to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the presiding member to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.
- (4) A member may, at the conclusion of the speech of any other member, move without notice and without comment, “that the motion or amendment under consideration be now put”.
- (5) A motion, “that the motion under consideration be now put”, shall not be moved by a member who has already spoken on the motion.
- (6) At any meeting, if any member objects, the motion shall not be carried, except by an absolute majority decision of the Council.
- (7) 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.
- (8) If the closure motion is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

#### **7.5 Motion “that the Council or Committee proceed to the next business”—Effect of Motion**

- (1) The motion, “that the Council or committee proceed to the next business”, if carried, causes the debate on the motion under consideration to cease immediately and for the Council or committee to move to the next business of the meeting. No decision will be made on the motion being discussed, nor is there any requirement for the matter to be again raised for consideration. The motion under consideration is to be considered lapsed.
- (2) If the motion to proceed to the “next business” is carried in respect of an amendment to a substantive motion, or another procedural motion, its effect is to remove that amendment or formal motion from consideration; and debate upon the substantive motion then proceeds. That amendment cannot be further moved at the meeting or at any adjournment of it.
- (3) The effect of the motion referred to in sub-clause (1) thus lapsing is to be the same as if it had been lost on a vote of the Council or committee.
- (4) A motion “that the Council or committee proceed to the next business”, shall not be moved in respect of the election of a presiding member or the deputy mayor.
- (5) A member may, at the conclusion of the speech of any other member, move without notice and without comment, that the Council proceed to the “next business”.
- (6) Upon the motion referred to in sub-clause (5) being formally seconded, it shall be immediately put, without debate.
- (7) 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.

#### **7.6 Motion “that the Council or Committee meet behind closed doors”—Effect of motion**

- (1) Where the Council or committee resolves to close a meeting to members of the public—
- (a) the presiding member is to direct all persons other than the members and relevant employees or advisers of the Council or committee to leave the Council chamber or meeting room and every person is to promptly comply with that direction; and
  - (b) subject to sub-clause (2), the business at a meeting closed to the public is to be conducted “behind closed doors” until the Council or committee resolves to open the meeting to the members of the public.

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

(3) A person failing to comply with a direction made under sub-clause (1), may by order of the presiding member, be removed from the Council chamber or meeting room.

(4) Upon the meeting being declared open to the public again, the presiding member, unless the Council or committee decides otherwise and if members of the public are present, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

#### **7.7 Motion “that the meeting be now closed”—Effect of motion**

(1) On a motion “that the meeting be now 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 or committee.

(2) 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 or committee be now closed”.

(3) On a motion “that the meeting of the Council or committee 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.

(4) 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.

(5) If a motion “that the meeting of the Council or committee be now 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 or committee.

(6) A member who has spoken on the motion then before the Council or committee shall not move that the meeting be closed.

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

(8) On a motion “that the meeting be now 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.

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

#### **7.8 Motion “that the Member no longer be heard”—Effect of motion**

The motion, “that the member no longer be 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.

#### **7.9 Motion “that the ruling of the Presiding Member be disagreed with”—Effect of motion**

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

(2) Where the presiding member has adjourned the meeting in accordance with clause 7.3 of the Standing Orders, the motion, that the presiding member be disagreed with, may not be moved.

#### **7.10 Motion “that the Standing Orders be suspended”—Effect of motion**

(1) The Council or a committee, may on a motion, suspend temporarily one or more of the Standing Orders.

(2) A member moving the suspension of Standing Orders shall state the object of the motion and no other discussion shall take place.

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

(4) Only the clauses nominated in sub-clause (3) are to be affected by any decision to suspend Standing Orders under this clause.

## **PART 8—CONDUCT AND BEHAVIOUR**

### **8.1 No digression**

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

**8.2 No adverse reflection on a Council decision or a person**

- (1) A member shall not reflect adversely upon any decision of the Council except on a motion that the decision be revoked or changed.
- (2) A member shall not reflect adversely upon the character or actions of another member nor impute any motive to a member unless the Council resolves, without debate that the motion before the Council cannot otherwise be adequately considered.

**8.3 Conduct and behaviour**

- (1) A person must, at all times, comply with a high standard of personal conduct and behaviour and refrain from personal abuse or denigration of another person.
- (2) A person shall not carry out or perform any conduct, behaviour, gestures or actions which causes offence to another person.

**8.4 Recording of statements**

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

**8.5 Withdrawal of offensive language**

- (1) Any person who uses an expression which in the opinion of the presiding member is out of order or reflects offensively on any other person, shall when required by the presiding member, unreservedly withdraw the expression and make a satisfactory apology to the presiding member, other person being referred to or the Council, whichever is appropriate.
- (2) If the person in sub-clause (1) declines, or neglects to do so, the presiding member may refuse to hear the person further upon the matter then under discussion and may call upon the next speaker.

**8.6 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.

**8.7 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 sub-clause (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, but can still vote.

**8.8 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.

**8.9 Leaving and entering meetings**

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

**8.10 Consumption of alcohol during meetings**

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

**8.11 Smoking prohibited**

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

**8.12 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, if they interfere with the conduct of the meeting.

**PART 9—PRESERVING ORDER****9.1 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.

**9.2 Definition of order**

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

**9.3 Breaches of order**

The following are recognised as breaches of order—

- (i) discussion of a motion which is not before the Council; or
- (ii) the use of abusive, defamatory, derogatory, insulting, intimidatory, offensive or profane, language ; or
- (iii) any conduct, behaviour, gestures or actions which causes offence to another person; or
- (iv) any violation of these Standing Orders; or
- (v) a breach of any other written law.

**9.4 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.

**9.5 Precedence of points of order**

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

**9.6 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 sub-clause (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 sub-clauses (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.

**9.7 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 or person is similarly decided to be out of order, that member or person shall be called upon by the presiding member to make such explanation, retraction or apology, as the case may require.

**9.8 Continued breach of order**

(1) Where a Councillor persists in any conduct which the presiding member decides is out of order, the presiding member may direct that Councillor to refrain from taking any further part in the meeting of the Council or committee, other than by complying with the pecuniary interest and voting provisions of the Act. The member shall comply with the direction.

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

**9.9 Serious disorder**

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

(2) After the adjournment in sub-clause (1) the Council or committee 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 sub-clauses (1) and (2), the presiding member is again of the opinion that the business of the Council or committee cannot effectively be continued, the meeting may be closed or adjourned.

**9.10 Presiding Member may be heard**

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

**9.11 Prevention of disturbance**

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

(2) A person (other than a member) who fails to comply with sub-clause (1) when so directed by the presiding member, shall immediately leave the Council chamber or meeting room.

(3) A person (other than a member) 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.

**PART 10—MOTION FOR REVOKING OR CHANGING A DECISION****10.1 Revoking or changing decisions at same meeting**

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

**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 decision; 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.

**10.3 Notices received during same meeting**

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

- (a) the CEO shall immediately deliver the notice to the presiding member;
- (b) the presiding member shall, at the earliest opportunity, notify the meeting of the notice; and
- (c) thereafter, at the first available opportunity the presiding member shall bring on the revocation motion before the close of the meeting.

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

**10.4 Multiple revocation notices**

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

**10.5 Absence of mover or seconder**

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

- (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.

**10.6 No revocation of procedural decision or a decision to revoke**

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

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

### **10.7 Repeated revocations by the same Member prohibited**

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

## **PART 11—IMPLEMENTATION OF A DECISION**

### **11.1 Implementation of a decision**

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

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

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

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

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

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

## **PART 12—COMMITTEES AND FORUMS**

### **12.1 Committees**

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

### **12.2 Standing Orders to apply to Committees**

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

### **12.3 Council may establish Committees**

The Council may establish committees in accordance with the Act.

### **12.4 Duties of Committees**

The powers and duties of committees are to be in accordance with the Act.

### **12.5 Calling of Meetings**

The CEO shall call a meeting of any committee when requested to do so by the presiding member or any two members of that committee.

### **12.6 Appointment of Deputy Committee Members**

(1) The Council may by an absolute majority decision appoint a maximum of two (2) persons to be the deputy or deputies, as the case may be, to act on behalf of a committee member whenever that member is unable, for a cause prescribed in section 52 of the *Interpretation Act 1984*, to be present at a meeting of the committee. Where two (2) deputies are appointed, they are to have seniority in the order determined by the Council.

(2) Where a committee member does not attend a meeting of a committee a deputy of that committee member is, subject to sub-clause (3), entitled to attend that meeting in place of the committee member and act for the committee member, and while so acting, has all power of that committee member.

(3) A deputy who is one of two (2) deputies of a committee member is not entitled to attend a meeting of the committee in place of that committee member if the meeting is attended by another deputy of that committee member who has precedence over that deputy in the order of seniority determined under sub-clause (1).

(4) A person who is a committee member is not eligible to be appointed as a deputy for another member of that committee.

### **12.7 Qualification of deputy**

The Council may only appoint a person to be a deputy if that person is qualified to be appointed as a committee member.

### **12.8 Term of appointment**

A person appointed as a deputy holds that position until—

- (a) the term of the person's appointment as a deputy as determined by the Council expires;
- (b) the Council revokes the delegation;
- (c) the office of the committee member otherwise becomes vacant;
- (d) the committee is disbanded; or
- (e) the next ordinary elections day;

whichever occurs first.

### **12.9 Forums**

The Council may prescribe guidelines and procedures for the management of forums.

## **PART 13—ADMINISTRATIVE MATTERS**

### **13.1 Representation on committees, statutory authorities and public bodies**

(1) Correspondence inviting the Council, a council member or an Employee to submit a nomination for appointment to a committee, statutory authority or a public body, shall be referred by the CEO to the Council.

(2) A council member or an employee cannot represent the local government on a committee, statutory authority or public body, unless approved by the Council.

### **13.2 Obligations of Council delegate**

A member or employee appointed by the Council to be its delegate to a committee, statutory authority or public body is—

- (a) 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;
- (b) to resign from the position if they cease to be a member or employee of the local government, within the term of their appointment.

### **13.3 Common Seal**

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

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

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

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

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

## **PART 14—MISCELLANEOUS**

### **14.1 Cases not provided for in Standing Orders**

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

(2) The presiding member shall decide all other questions of order, procedure, debate or otherwise where these Standing Orders, the Act and Regulations are silent or the approved authority has no provision, or insufficient provision.

(3) The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 6.1(ix).

### **14.2 Duty of Chief Executive Officer**

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.

### **14.3 Presiding Member to ensure compliance**

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

### **14.4 Breach of Standing Orders**

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



(2) Any motion, amendment or action taken which is in breach of, or contrary to these Standing Orders is deemed invalid.

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This local law was made by the Town of Vincent at an Ordinary Meeting held on the 23rd day of September 2008.

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

NICK CATANIA, JP, Mayor.

JOHN GIORGI, JP, Chief Executive Officer.

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