



WESTERN
AUSTRALIAN
GOVERNMENT
azette
ISSN 1448-949X (print) ISSN 2204-4264 (online)
PRINT POST APPROVED PP665002/00041



PERTH, MONDAY, 15 JULY 2019 No. 107

SPECIAL

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON
© STATE OF WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

**MEETING PROCEDURES
LOCAL LAW 2019**

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

MEETING PROCEDURES LOCAL LAW 2019

CONTENTS

PART 1—PRELIMINARY

- 1.1 Title
- 1.2 Purpose and Effect
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Interpretation

PART 2—CALLING MEETINGS

- 2.1 Calling council meetings
- 2.2 Calling committee meetings

PART 3—BUSINESS OF THE MEETING

- 3.1 Open doors
- 3.2 Business to be specified in the agenda
- 3.3 Order of business
- 3.4 Public question time
- 3.5 Petitions
- 3.6 Deputations
- 3.7 Applications for leave of absence
- 3.8 Confirmation of minutes
- 3.9 Announcements by the Presiding Member
- 3.10 Committee reports
- 3.11 Council reports
- 3.12 Urgent business
- 3.13 Motions of which notice has been given
- 3.14 Questions by members of which due notice has been given

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

- 4.1 Inspection entitlement
- 4.2 Confidentiality of information

PART 5—DISCLOSURE OF FINANCIAL INTERESTS

- 5.1 Disclosure of interest by Elected Members
- 5.2 Disclosures by employees

PART 6—QUORUM

- 6.1 Quorum to be present
- 6.2 Quorum not present
- 6.3 Loss of quorum during a meeting

PART 7—KEEPING OF MINUTES

- 7.1 Content of minutes

PART 8—CONDUCT OF COUNCIL AND COMMITTEE MEETINGS

- 8.1 Official titles to be used
- 8.2 Members to occupy own seats
- 8.3 Address through the Presiding Member
- 8.4 Record of statements
- 8.5 Recording of proceedings

- 8.6 Prevention of disturbance by members of the public
- 8.7 Distinguished visitors
- 8.8 Indication of desire to speak
- 8.9 Protocol for speaking
- 8.10 Priority of speaking
- 8.11 Presiding Member able to take part in debate
- 8.12 Relevance
- 8.13 Limitation of number of addresses
- 8.14 Limitation of duration of addresses
- 8.15 Members not to speak after conclusion of debate
- 8.16 Members not to interrupt
- 8.17 Re-opening discussion on decisions

PART 9—PROCEDURES FOR DEBATE OF MOTIONS

- 9.1 Motions to be stated
- 9.2 Member may require motions to be read
- 9.3 Motions to be seconded
- 9.4 Mover or seconder to be held to have spoken
- 9.5 Right of reply
- 9.6 Unopposed business
- 9.7 Only one motion considered
- 9.8 Breaking down of complex motions
- 9.9 Order of call in debate
- 9.10 Limit of debate
- 9.11 Consent of seconder required to accept alteration of wording
- 9.12 One amendment at a time
- 9.13 Amendments must not negate original motion
- 9.14 Substantive motion
- 9.15 Alternative motion if original or substantive motion lost
- 9.16 Withdrawal of motion and amendments
- 9.17 Limitation of withdrawal

PART 10—PROCEDURAL MOTIONS

- 10.1 Permissible procedural motions
- 10.2 No debate on procedural motions
- 10.3 Procedural motions—Closing debate—Who may move

PART 11—EFFECT OF PROCEDURAL MOTIONS

- 11.1 Council (or committee) to proceed to the next business—effect
- 11.2 Item be deferred (for a specified period)—effect
- 11.3 Item be referred back to appropriate committee—effect
- 11.4 Debate be adjourned—effect
- 11.5 Council (or committee) meeting be adjourned—effect
- 11.6 Motion be put—effect
- 11.7 Ruling of the Presiding Member be disagreed with—effect
- 11.8 Temporary suspension of operation of one or more Clauses—effect
- 11.9 Council (or committee) to meet behind closed doors—effect

PART 12—MAKING DECISIONS

- 12.1 Motion—when put
- 12.2 Voting by Presiding Member
- 12.3 Members must vote
- 12.4 Method of taking vote
- 12.5 Revoking or changing a decision

PART 13—PRESERVING ORDER

- 13.1 Definition of order
- 13.2 Presiding Member to preserve order
- 13.3 Adverse reflection
- 13.4 Ruling out of order
- 13.5 Continued breach of order
- 13.6 Serious disorder
- 13.7 Demand for withdrawal

PART 14—POINTS OF ORDER

- 14.1 Points of Order—When to raise—Procedure
- 14.2 Points of Order—When valid
- 14.3 Points of Order—Ruling
- 14.4 Points of Order—Ruling conclusive, unless disagreement motion is moved
- 14.5 Points of Order take precedence
- 14.6 Precedence of Presiding Member

PART 15—ADJOURNMENT OF MEETING

- 15.1 Meeting may be adjourned
- 15.2 Limit to moving adjournment
- 15.3 Unopposed Business—Motion for adjournment
- 15.4 Withdrawal of motion for adjournment
- 15.5 Time to which adjourned

PART 16—COMMITTEES OF THE COUNCIL

- 16.1 Establishment and appointment of committees
- 16.2 Appointment of deputy committee members
- 16.3 Appointment of Presiding Members
- 16.4 Local Law applies to committees
- 16.5 Elected Member attending committee as observer
- 16.6 Public representations to committee
- 16.7 Questions by members at committee meetings

PART 17—ELECTORS' MEETINGS

- 17.1 This local law is to apply
- 17.2 Restriction on voting and speaking

PART 18—COMMON SEAL

- 18.1 Custody of the Common Seal
- 18.2 Use of Common Seal

PART 19—ADMINISTRATIVE MATTERS

- 19.1 Cases not provided for in this local law
- 19.2 Advice of CEO to Council

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

MEETING PROCEDURES LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 25 June 2019 to make the *Town of Cambridge Meeting Procedures Local Law 2019*.

PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Town of Cambridge Meeting Procedures Local Law 2019*.

1.2 Purpose and Effect

(1) The purpose of this local law is to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

(2) The effect of this local law is to ensure all meetings are to be conducted in accordance with the Act, the Regulations and this local law.

1.3 Commencement

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

1.4 Repeal

The *Town of Cambridge Standing Orders Local Law 2007* published in the *Government Gazette* on 2 May 2007 and amended on 1 July 2008 is repealed.

1.5 Interpretation

(1) In this local law unless the context otherwise requires—

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

agenda means in relation to any proposed meeting, a paper listing the items of business to be transacted at the meeting and the order of that business;

amendment in relation to a motion, means an amendment motion which does not alter the basis intent of the substantive motion to which the amendment applies;

CEO means the Chief Executive Officer or Acting Chief Executive Officer of the Town of Cambridge for the time being of the local government;

clause means a clause of this local law;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the Town of Cambridge;

deputation means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;

district means the district of the local government;

document means a document as prescribed in the *Freedom of Information Act 1992*;

elector has the same meaning as is given in the Act;

employee has the same meaning as is given in the Act;

implement, in relation to a decision, includes—

(a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and

(b) take other action to give effect to the decision;

local government means the Town of Cambridge;

Mayor means the Mayor of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

Presiding Member means—

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

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

quorum means at least 50 per cent of the number of offices (whether vacant or not) of the Committee or Council;

Regulations means the *Local Government (Administration) Regulations 1996*; and

urgent business means business dealt with in accordance with clause 3.12.

(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

PART 2—CALLING MEETINGS

2.1 Calling council meetings

The calling and convening of ordinary and special Council meetings is to be in accordance with the Act and Regulations.

2.2 Calling committee meetings

A meeting of a Committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the Presiding Member of the Committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the Members of the Committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Committee.

PART 3—BUSINESS OF THE MEETING

3.1 Open doors

Council and Committee meetings are generally conducted with open doors, however the Council or Committee may, by resolution, decide to conduct any specified business behind closed doors, in accordance with the provisions of the Act.

3.2 Business to be specified in the agenda

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, inclusive of any urgent business, without the approval of the Presiding Member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the Committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a Committee 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 the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.3 Order of business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

- (a) Declaration of opening/announcement of visitors
- (b) Record of attendance, apologies and approved leave of absence
- (c) Public question time
- (d) Petitions
- (e) Deputations
- (f) Applications for leave of absence
- (g) Confirmation of minutes
- (h) Announcements by the Presiding Member
- (i) Disclosure of interests
- (j) Committee reports
- (k) Council reports

- (l) Motions of which previous notice has been given
 - (m) Questions from members of which due notice has been given
 - (n) Urgent business
 - (o) Matters for which the meeting may be closed to the public
 - (p) 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 as set out in the agenda.
- (3) 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 the CEO considers is appropriately to be decided, by that meeting.

3.4 Public question time

- (1) Public Question Time shall be conducted in accordance with the provisions of the Act and Regulations.
- (2) Any member of the public, other than a Member, may during Public Question Time ask a question at an Ordinary meeting of the Council.
- (3) The procedure for the asking of and responding to questions raised by members of the public is to be determined by the Presiding Member.
- (4) Questions may be answered by the Presiding Member or a Member or employee nominated by the Presiding Member.
- (5) The Presiding Member may determine that any complex question requiring research be answered in writing.
- (6) The Presiding Member may reject any question that reflects adversely upon the character and actions or may be deemed to be offensive towards any Member or employee of the local government.
- (7) No discussion or further question is to be allowed on any question or the answer thereto, unless with the consent of the Presiding Member.

3.5 Petitions

- (1) A petition, in order to be effective, is to—
- (a) be addressed to the Mayor;
 - (b) state the request on each page of the petition;
 - (c) contain the names, addresses and signatures of the petitioners making the request; and
 - (d) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- all other documents received which do not comply with paragraphs (a) to (d) will be treated as a multi-signatory letter.
- (2) Every petition complying with (1) above is to be presented to the Council by a Member or the CEO.
- (3) The presentation of a petition is to be confined to the reading of the petition.
- (4) The only motions that are in order are that—
- (a) the petition be received; or
 - (b) it be referred to the appropriate Committee or a future Council meeting for a report to be prepared.

3.6 Deputations

- (1) Deputations to Council meetings will only be considered in special circumstances, as determined by the Mayor.
- (2) Any application for a deputation wishing to be received by the Council is to apply in writing to the CEO at least 72 hours prior to the meeting. The CEO is to forward the written request to the Mayor. Applications received after the designated notice period are to be referred to the Council to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council meeting is not to address the Council for a period exceeding 15 minutes without the agreement of the Council.
- (4) Deputations are formal presentations to the Council. Any other representations by members of the public are to be made to Committees in accordance with the relevant Council policy.

3.7 Applications for leave of absence

- (1) Subject to subclause (2) a Member seeking the Council's approval to take Leave of Absence is to give notice, inclusive of the period required and the reason(s) for seeking the leave to the CEO, prior to the commencement of the meeting in writing or at the meeting.
- (2) The Council may approve a request for Leave of Absence by a Member who because of ill health or other reasons is unable to comply with subclause (1).

3.8 Confirmation of minutes

- (1) 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 they are to—
- (a) state the item or items with which they are dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

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

3.9 Announcements by the Presiding Member

(1) Subject to clause 3.9(2), at any meeting of the Council or a Committee the Presiding Member may, without discussion, announce or raise any matter of interest or relevance to the business of the Council or Committee.

(2) The Council or Committee may resolve, without debate, to discuss the matter so raised by the Presiding Member under clause 3.9(1).

3.10 Committee reports

(1) Committees are answerable to Council and are to report regularly to Ordinary meetings of the Council.

(2) Committee reports with recommendations are to be presented to the Council by—

- (a) the Presiding Member of the Committee if the Presiding Member is a Council Member and is in attendance; or
- (b) a Council Member who is a Member of the Committee, if the Presiding Member of the Committee is not a Council Member, or is absent; or
- (c) otherwise, a Council Member who is not a Member of the Committee;

in the form of a motion “That the report be received and the recommendations therein be adopted”.

(3) A recommendation made by or contained in the minutes of a Committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) rejected by the Council and replaced by an alternative decision;
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the Committee for further consideration.

(4) The Presiding Member of a Committee may be excused from moving the adoption of any recommendation of that Committee if they have previously been recorded as voting against the motion at Committee.

(5) The Presiding Member of a Committee, in moving or any other Member in seconding only the motion in (2) above, is not held to have spoken to any motion contained within the Committee report and also maintains the right of reply to each motion, notwithstanding clause 8.13.

(6) When a recommendation of any Committee is submitted for adoption by the Council, any Member of the Council may direct questions directly relating to the recommendation through the Presiding Member to the Presiding Member of the Committee or to any Member of the Committee in attendance.

3.11 Council reports

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

(2) Council reports shall include correspondence inviting the Council to submit nominations for appointment to statutory authorities or public bodies.

3.12 Urgent business

(1) In cases of extreme urgency or other special circumstance, or if a delay could have adverse legal or financial implications for the local government, matters may, with the consent of the Presiding Member, or by decision of the Members present, be raised without notice and decided by the meeting.

(2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that if a delay occurs—

- (a) could have an adverse legal or financial implication for the local government;
- (b) result in the contravention of a written law; or
- (c) is considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

(3) If a Member objects to a motion moved under subclause (1), the motion is to have no effect unless agreed by an absolute majority.

(4) If possible, a report by the CEO on any urgent business is to be sent to each Member not less than 24 hours before the commencement of the meeting, or may, with the consent of the Presiding Member, be read or otherwise given to Members at the meeting.

3.13 Motions of which notice has been given

(1) Unless the Act, Regulations or this local law otherwise provide, a Member may raise at a meeting such business as they consider appropriate, in the form of a motion, of which notice has been given in writing to the CEO at least four (4) clear days before the meeting at which the motion is to be moved. A notice of motion is to directly relate to the good government or welfare of persons in the district.

(2) The CEO—

- (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
- (b) may initiate such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and

- (c) may, if time permits, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.
- (3) "Out of order" is to be determined in accordance with Clause 13.1 of this local law. No notice of motion is to be out of order because the content is considered to be objectionable.
- (4) A motion of which notice has been given is to lapse unless—
 - (a) the Member who gave notice thereof, or some other Member authorised by him or her in writing moves the motion when called on;
 - (b) the motion is seconded by another Member; or
 - (c) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (5) If a notice of motion is given and lapses in the circumstances referred to in subclause (4)(a) or (b), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

3.14 Questions by members of which due notice has been given

- (1) A member who wishes to ask a question at a meeting of the Council is to give to the CEO written notice of the text of the question at least 4 clear working days before the meeting.
- (2) If the CEO considers that the question breaches or may breach this local law or any other law—
 - (a) the CEO is to refer the question to the Mayor;
 - (b) the Mayor is to exclude the question if he or she concurs with the view of the CEO; and
 - (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (1) is to be included, if practicable, in the agenda of the meeting, or is otherwise to be tabled at the meeting.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Inspection entitlement

Members of the public have access to agenda material in the terms set out in the Act and Regulations.

4.2 Confidentiality of information

A Member of the Council or a Committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a Member of the Council or the Committee or an employee of the Council to the extent necessary for the purpose of carrying out their duties.

PART 5—DISCLOSURE OF FINANCIAL INTERESTS

5.1 Disclosure of interest by Elected Members

At any meeting of the Council or Committee, Members who have any interest to be disclosed in a matter should do so in accordance with the Act and Regulations and all other legal obligations.

5.2 Disclosures by employees

Any disclosure of interest by an employee must be made in accordance with the provisions of Section 5.70 of the Act.

PART 6—QUORUM

6.1 Quorum to be present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

6.2 Quorum not present

- (1) If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council or a Committee a quorum is not present, the meeting is to be adjourned in accordance with the Regulations to some future time or date.
- (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.

6.3 Loss of quorum during a meeting

If at any time during the course of a meeting of the Council or a Committee a quorum is not present—

- (1) The matter is adjourned until either—
 - (a) a quorum is present to decide the matter; or
 - (b) where the lack of a quorum is due to disclosure of interest matters, the Minister allows a disclosing Member or Members to participate in discussions or the decision making procedures relating to the matter in accordance with the Act.
- (2) The Presiding Member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.

- (3) Where debate on a motion is interrupted by an adjournment—
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting—
 - (i) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 8.13 apply when the debate is resumed.

PART 7—KEEPING OF MINUTES

7.1 Content of minutes

In addition to the matters contained in 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.

PART 8—CONDUCT OF COUNCIL AND COMMITTEE MEETINGS

8.1 Official titles to be used

Members of the Council are to speak of each other in the Council or Committee by their respective titles of Mayor or Councillor. Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Members to occupy own seats

At the first meeting held after each ordinary election day, the CEO is to determine a position at the Council table for each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a reallocation of positions.

8.3 Address through the Presiding Member

Unless otherwise directed by the Presiding Member, all persons at meetings are to address their comments to the Presiding Member.

8.4 Record 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, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification but not to be recorded in the minutes.

8.5 Recording of proceedings

- (1) No person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a Committee without the permission of the Presiding Member.
- (2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO.
- (3) If the Presiding Member grants permission under subclause (1), the Presiding Member is to advise the meeting, before the recording is commenced, that the recording is permitted and the extent of the permission.

8.6 Prevention of disturbance by members of the public

- (1) Any Member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the Presiding Member whenever called upon to do so.
- (2) No person observing a meeting is to create a disturbance by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

8.7 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may formally acknowledge the presence of the distinguished visitor.

8.8 Indication of desire to speak

Every Member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council.

8.9 Protocol for speaking

- (1) When invited by the Presiding Member to speak, whilst not obliged to do so, Members may rise and address the Council through the Presiding Member, provided that where any Member of the Council is unable to stand by reason of sickness or disability they may sit while speaking.
- (2) The Presiding Member may, at any time, suspend the requirements of (1) above for any meeting or part of a meeting.

8.10 Priority of speaking

In the event of two or more Members of the Council or a Committee wishing to speak at the same time, the Presiding Member is to decide, without bias, which Member is entitled to be heard first. The decision is not open to discussion or dissent.

8.11 Presiding Member able to take part in debate

(1) Unless otherwise prohibited by the Act and subject to compliance with procedures for the debate of motions contained in this local law, the Presiding Member may take part in a discussion of any matter before the Council or Committee.

(2) The Presiding Member is to indicate their intention to enter debate prior to speaking on the motion under consideration, unless that participation is necessary to preside over the conduct of the meeting, answer questions or rule on a point of order.

8.12 Relevance

Every Member of the Council or a Committee is to restrict their remarks to the motion or amendment under discussion, to ask or respond to a question or to raise a point of order.

8.13 Limitation of number of addresses

No Member of the Council is to address the Council more than once on any motion or amendment before the Council, except the mover of the motion or amendment in reply, or to raise a point of order, to ask or respond to a question or as the Presiding Member of a Committee moving the Committee recommendations, as detailed in Clause 3.10(5).

8.14 Limitation of duration of addresses

All addresses are to be limited to a maximum of five minutes. Up to two extensions of time are permissible but only with the agreement of a simple majority of Members present.

8.15 Members not to speak after conclusion of debate

No Member of the Council or a Committee is to speak to any motion after it has been put by the Presiding Member.

8.16 Members not to interrupt

No Member of the Council or a Committee is to interrupt another Member of the Council or Committee whilst speaking unless—

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

8.17 Re-opening discussion on decisions

(1) No Member of the Council or a Committee is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or changed, provided all Members present during the previous debate are still present at the meeting.

(2) The Presiding Member may request the Council to decide, by a simple majority, that an item previously dealt with at that meeting be recommitted for further consideration, provided all Members present during the previous debate are still present at the meeting.

PART 9—PROCEDURES FOR DEBATE OF MOTIONS**9.1 Motions to be stated**

(1) Any Member of the Council or a Committee who moves a motion or an amendment to a motion is to provide the wording of the proposed motion or amendment before speaking to it.

(2) The Presiding Member may require any proposed motion or amendment to be submitted in writing and read by the mover.

9.2 Member may require motions to be read

Any Member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member whilst speaking.

9.3 Motions to be seconded

No motion or amendment to a motion is open to debate until it has been seconded, or, in the case of a motion to revoke or change the decision made at a Council or a Committee meeting, unless the motion has the support required under the Regulations.

9.4 Mover or seconder to be held to have spoken

A Member moving or seconding a motion or amendment is to be held to have spoken thereon unless at the time of moving or seconding the motion or amendment the Member reserves the right to speak later in the debate.

9.5 Right of reply

(1) The mover of a motion or amendment has the right of reply. After the mover of the motion or amendment has commenced the reply, no other Member is to speak on the motion.

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

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

- (a) if no amendment is moved to the original motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) if any amendments are moved to the original motion, the mover of the original motion is to take the right of reply following the conclusion of the vote on any amendments;

- (c) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the substantive motion is immediately put to the vote.

9.6 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 one signifies opposition to the motion the Presiding Member may declare the motion carried.
- (3) A motion carried under paragraph (2) is to be taken as a decision of the Council or Committee and all Members present at the meeting are deemed to have voted.
- (4) If a Member signifies opposition to a motion the motion is to be dealt with according to this local law.

9.7 Only one motion considered

When a motion is under debate at any meeting of the Council or a Committee, no further motion is to be accepted.

9.8 Breaking down of complex motions

The Presiding Member or the Council, by decision made without debate, may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

9.9 Order of call in debate

The Presiding Member is to call speakers to a motion or amendment in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion, except if reserving the right to speak to a later stage in the debate;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating in view, if any; and
- (h) mover takes right of reply which closes debate.

9.10 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if they believe sufficient discussion has taken place even though all Members may not have spoken, provided no Member has previously indicated an intention to speak against the motion.

9.11 Consent of seconder required to accept alteration of wording

The mover of a motion or amendment may alter the wording of the motion or amendment with the consent of the seconder.

9.12 One amendment at a time

- (1) Only one amendment at a time is to be discussed.
- (2) Whenever an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.
- (3) Where an amendment is carried, one further amendment to the substantive motion as amended, and no more, may be moved.
- (4) In speaking to an amendment, a Member may give notice of their intention to move a further amendment, and in so doing, reserve the right to move the next amendment.

9.13 Amendments must not negate original motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

9.14 Substantive motion

If an amendment to an original motion is carried, the motion as amended then becomes the substantive motion, upon which only one further amendment may be moved.

9.15 Alternative motion if original or substantive motion lost

In speaking to an original or substantive motion, a Member may indicate that they wish to move an alternative motion in the event that the motion presently before the Council is voted upon and lost, and in so doing, reserve the right to move the alternative motion.

9.16 Withdrawal of motion and amendments

Council or a Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder.

9.17 Limitation of withdrawal

Where an amendment has been proposed to a motion, the motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible procedural motions

In addition to proposing a properly worded amendment to an original motion, it is permissible for a Member to move the following procedural motions—

- (a) Council (or Committee) proceed to the next business;
- (b) Item be deferred (for a specified period);
- (c) Item be referred back to the appropriate Committee for further consideration;
- (d) Debate be adjourned;
- (e) Council (or Committee) meeting be adjourned;
- (f) Motion be put;
- (g) Ruling of the Presiding Member be disagreed with;
- (h) Operation of one or more clauses of this local law be temporarily suspended (specific clause(s) and purpose to be stated); or
- (i) The Council (or Committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under the Act.

10.2 No debate on procedural motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (d), (e), (g) and (i) of clause 10.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (c), (f) and (h) of clause 10.1 may not speak to the motion other than to indicate the reason for introducing the procedural motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Procedural motions—Closing debate—Who may move

No person who has spoken for or against the original or substantive motion or any amendment, may move any procedural motion detailed at Clause 10.1(c) or (f) which, if carried, would close the debate on the original or substantive motion or amendment.

PART 11—EFFECT OF PROCEDURAL MOTIONS

11.1 Council (or committee) to proceed to the next business—effect

The motion “that the Council (or Committee) proceed to the next business”, if carried, causes the debate 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 original or substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

11.2 Item be deferred (for a specified period)—effect

The motion “that the item be deferred”, if carried, causes all debate to cease but to continue at a time stated in the motion.

11.3 Item be referred back to appropriate committee—effect

The motion “that the item be referred back”, if moved and seconded, causes the debate to cease immediately and a vote taken on the motion to refer back. If the motion is carried, the item is referred back to the appropriate Committee for further consideration. If the motion to refer back is lost, debate continues.

11.4 Debate be adjourned—effect

(1) The motion “that the debate be adjourned”, if carried, causes all debate on the original or substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council—

- (a) the names of Members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of clause 8.13 apply when the debate is resumed.

11.5 Council (or committee) meeting be adjourned—effect

(1) The motion “that the Council (or Committee) meeting be adjourned”, if carried, causes 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 a simple majority of Members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)—

- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
- (b) in the case of a Council meeting—
 - (i) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 8.13 apply when the debate is resumed.

11.6 Motion be put—effect

(1) The motion “that the motion be now put”, if carried during discussion of an original or substantive motion, 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.

11.7 Ruling of the Presiding Member be disagreed with—effect

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

11.8 Temporary suspension of operation of one or more Clauses—effect

The motion “that the operation of one or more clauses of this local law be temporarily suspended” (specific clause(s) and purpose to be stated), if carried, causes the temporary suspension of the specified clause(s) of this local law. A separate motion “that the operation of the (previously specified) clause(s) of this local law be resumed” is also required to reinstate the specific clause(s).

11.9 Council (or committee) to meet behind closed doors—effect

(1) This motion, if carried, causes the general public, including media representatives and any employee the Presiding Member, Council or Committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.13 limiting the number of addresses a Member of the Council may make, may be suspended.

(3) A person who is a Council Member, a Committee Member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion, and other information properly recorded in the minutes.

PART 12—MAKING DECISIONS**12.1 Motion—when put**

When the debate upon any motion is concluded and the right of reply has been exercised the Presiding Member shall immediately put the motion to the Council or the Committee, and, if so desired by any Member of the Council or Committee, shall again state it.

12.2 Voting by Presiding Member

The Presiding Member is entitled to vote and if there is an equal division of votes, that person has and may exercise a casting vote, except where the decision requires an absolute majority.

12.3 Members must vote

At meetings of the Council, except where prohibited from voting by the Act, a Member present in the meeting room when a motion is put is to—

- (a) vote on the motion; and
- (b) except where the Act provides otherwise, vote openly and not by secret ballot.

12.4 Method of taking vote

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

- (a) put the motion, first in the affirmative and then in the negative;
- (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) may accept a vote on the voices, a show of hands or an electronic voting system approved by the Presiding Member;
- (d) determine whether, the affirmative or the negative has the majority of votes; and
- (e) declare the result of the vote.

(2) The motion put under subclause (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, providing that any Member who is physically incapable of complying with the requirements of this section may vote openly in a manner as approved by the Presiding Member.

(4) If any motion for the approval of any matter is decided in the negative, then the matter is deemed to have been refused.

(5) If any motion for the refusal of any matter is decided in the negative, then a separate motion for approval is needed to authorise any action to be taken.

12.5 Revoking or changing a decision

(1) Any motion to revoke or change a previous decision of the Council is to be in accordance with the Act and Regulations.

(2) 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.

PART 13—PRESERVING ORDER**13.1 Definition of order**

“Out of order” is deemed to be—

- (a) any Member who does anything or behaves in a manner which is forbidden by any this local law or any other written law; or
- (b) any motion forbidden by this local law or any other written law or unable to be acted upon or legally implemented;

13.2 Presiding Member to preserve order

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

13.3 Adverse reflection

(1) No Member of the Council or a Committee is to reflect adversely upon a decision of the Council or Committee unless the Council or Committee has resolved to temporarily suspend this local law under clause 10.1(h) as the matter before the meeting cannot otherwise be adequately considered or is considering a motion that the decision be revoked or changed.

(2) No Member of the Council or a Committee is to use offensive or insulting expressions in reference to any Member, employee, or any other person.

13.4 Ruling out of order

(1) Subject to clause 14.4, whenever the Presiding Member has decided that any motion, amendment or other matter before the Council is out of order, it is to be rejected.

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

(3) No discussion is permitted on an “Out of Order” ruling.

13.5 Continued breach of order

Where a Member—

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

the Presiding Member may direct that Member to refrain from taking any further part in the debate of that item other than by recording the Member’s vote. The Member is to comply with such a direction.

13.6 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 may be adjourned for a period of no more than fifteen minutes without explanation, for the purpose of regaining order.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—

- (a) the names of Members who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 8.13 apply when the debate is resumed.

(3) Upon resumption, the Council is to re-assemble and debate is to continue at the point at which the meeting was adjourned.

(4) Where after any proceedings under subclauses (1) and (3), 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.

13.7 Demand for withdrawal

A Member at a meeting of the Council or a Committee may be required by the Presiding Member, or by a decision of the Council or Committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another Member or an employee, and if the Member declines or neglects to do so, the Presiding Member may refuse to hear the Member further upon the matter then under discussion and call upon the next speaker.

PART 14—POINTS OF ORDER**14.1 Points of Order—When to raise—Procedure**

(1) Upon a matter of order arising during the progress of a debate, any Member may raise a point of order, including interrupting the speaker.

(2) The Member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the Presiding Member listens to the point of order.

(3) The Member raising the point of order is to provide an explanation of the basis for the point of order raised.

14.2 Points of Order—When valid

- (1) The following are to be recognised as valid points of order—
- (a) that the discussion is of a matter not before the Council or Committee;
 - (b) that offensive or insulting language is being used; or
 - (c) drawing attention to the violation of any written law of the local government, provided that the Member making the point of order states the written law believed to be breached.
- (2) A Member rising to express a difference of opinion or to contradict a speaker is not to be recognised as raising a point of order.

14.3 Points of Order—Ruling

The Presiding Member is to give a decision on any point of order that is raised by either upholding or rejecting the point of order. No discussion is permitted thereon, except in the circumstances addressed in clause 14.4.

14.4 Points of Order—Ruling conclusive, unless disagreement motion is moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the Members support a motion to disagree with the ruling. No discussion is permitted thereon, in accordance with clause 10.2.

14.5 Points of Order take precedence

Notwithstanding anything contained in this local law to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

14.6 Precedence of Presiding Member

(1) When the Presiding Member rises during the progress of a debate, any Member of the Council or Committee then speaking, or offering to speak, is to immediately sit down and every Member of the Council or Committee present shall not speak so that the Presiding Member may be heard without interruption.

(2) Subclause (1) is not to be used by the Presiding Member to exercise the right provided to take part in debate, but to preserve order.

PART 15—ADJOURNMENT OF MEETING**15.1 Meeting may be adjourned**

The Council or a Committee may decide by a motion to adjourn any meeting to a later time on the same day, or to any other day.

15.2 Limit to moving adjournment

No Member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.

15.3 Unopposed Business—Motion for adjournment

On a motion for the adjournment of the Council or Committee, the Presiding Member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

15.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or a Committee may be withdrawn by the mover, with the consent of the seconder. Where any Member objects to the withdrawal, debate of the motion is to continue.

15.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum; by the Presiding Member to regain order; or by decision of the Council, may be to a specified hour on a particular day or to a time that coincides with the conclusion of another meeting or event on a particular day.

PART 16—COMMITTEES OF THE COUNCIL**16.1 Establishment and appointment of committees**

A Committee is not to be established except on a motion as dealt with in the Act, setting out the proposed functions and terms of reference of the Committee and either—

- (a) the number and names of the Council Members, employees and other persons to be appointed to the Committee;
- (b) the number of Council Members, employees and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion
- (c) the names of other persons to be appointed to the Committee or an explanation of the procedure to be followed to determine the appointments; and
- (d) the details of the delegations of any powers or duties to the Committee as prescribed under the Act.

16.2 Appointment of deputy committee members

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

(2) Where a Member of a Committee does not attend a meeting thereof a deputy of that Member, as determined by the Council, is entitled to attend that meeting in place of the Member and act for the Member, and while so acting has all the powers of that Member.

16.3 Appointment of Presiding Members

At the first meeting of a Committee held after the appointment of the Committee Members, the Members are to elect a Presiding Member in accordance with the Act.

16.4 Local Law applies to committees

Where not otherwise specifically provided, this local law apply generally to the proceedings of Committees, except that the following clauses do not apply to a Committee meeting—

- (a) clause 8.2, in regard to seating;
- (b) clause 8.9, in respect of the requirement to rise; and
- (c) clause 8.13, limitation on the number of addresses.

16.5 Elected Member attending committee as observer

(1) Any Elected Member may attend as an observer at meetings of a Standing or Specific Purpose Committee notwithstanding that that person is not a Member of that Committee.

(2) Any Elected Member attending a Committee meeting as an observer may speak with the permission of the Presiding Member, but is not to vote on any motion before the Committee unless the person is a deputy of a Member excluded from a meeting due to a financial interest or absent for other reasons.

(3) Subject to the preceding subsection the Elected Member attending a Committee as an observer is to sit in an area set aside for observers separated from the Committee Members.

16.6 Public representations to committee

(1) Members of the public wishing to make representation to a Committee meeting are to make application in accordance with the Council's policy.

(2) A representation to a Committee meeting is to be conducted in accordance with the Council's policy.

16.7 Questions by members at committee meetings

(1) During discussion on any item of business, Committee Members may, through the Presiding Member, ask any member of the public who has made a representation on that item one question relating to that item.

(2) Further questions may be asked by the Presiding Member or by a Member with the consent of the Presiding Member.

- (3) Each question and response—
- (a) must be brief, concise and to the point; and
 - (b) is not to be accompanied by argument or debate.

PART 17—ELECTORS' MEETINGS**17.1 This local law is to apply**

This local law applies, so far as is practicable, to any Council convened electors' meetings.

17.2 Restriction on voting and speaking

(1) Only eligible electors, as defined by Section 1.4 of the Act, can vote at Council convened electors' meetings.

(2) Any person who is not a ratepayer or an elector may not take part in any discussion at that meeting unless the Presiding Member, or the meeting by a motion, permits them to do so.

(3) The Presiding Member may require questions to be submitted in writing.

(4) All questions, if answered at the meeting, shall be answered by the Presiding Member or with the permission of the Presiding Member by a Councillor or an employee of the local government.

(5) If any question cannot readily be answered at the meeting, if necessary the answer shall be given in writing to the enquirer by the CEO as soon as reasonably practicable thereafter.

(6) If required by the Presiding Member the mover of a motion shall submit the motion in writing.

PART 18—COMMON SEAL**18.1 Custody of the Common Seal**

The CEO is to have charge of the Common Seal of the Town of Cambridge, and is responsible for the safe custody and proper use of it.

18.2 Use of Common Seal

The use of the Common Seal is dealt with in the Act.

PART 19—ADMINISTRATIVE MATTERS**19.1 Cases not provided for in this local law**

- (1) The Presiding Member is to decide questions of order, procedure, debate or otherwise in cases where this local law and the Act and Regulations are silent.
- (2) The decision of the Presiding Member in cases referred to in subclause (1) is final, except where a motion is moved and carried under clause 10.1(g).

19.2 Advice of CEO to Council

- (1) The CEO may draw to the attention of the Council, through the Presiding Member, any advice in relation to the matter under consideration, but is not to participate in the debate.
- (2) Any Member may seek the advice of the CEO, through the Presiding Member, on a matter being considered by the Council.

Dated this 4th day of July 2019.

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

KERI SHANNON, Mayor.
JOHN GIORGI JP, Chief Executive Officer.
