

TOWN OF COTTESLOE



Works and Corporate Services  
Committee

**ATTACHMENT 10.1.6**

Meeting Date: 22 May 2012



Local Government Act 1995

# TOWN OF COTTESLOE



## STANDING ORDERS LOCAL LAW 2012

**TOWN OF COTTESLOE**  
**STANDING ORDERS LOCAL LAW 2012**

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# LOCAL GOVERNMENT ACT 1995

## Town of Cottesloe

### Standing Orders Local Law 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Cottesloe resolved on [xx month 2012 ] to make the following local law.

#### PART 1. PRELIMINARY

##### 1.1 Title

This local law may be cited as the *Town of Cottesloe Standing Orders Local Law 2012*

##### 1.2 Commencement

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

##### 1.3 Purpose and Effect

- (1) This local law provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in;
  - (a) better decision making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

##### 1.4 Interpretations

- (1) The following interpretations should be used in this local law, unless the context otherwise requires -

***Absolute majority*** has the same meaning as given to it in the Act and means more than 50% of the current number of elected council positions whether they are vacant or not regardless of the number actually present;

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

***CEO*** means the chief executive officer of the local government;



**Committee** means any committee appointed in accordance with the provisions of the Act;

**Council** means the elected Council of the local government;

**Councillor** has the same meaning as is given to it in the Act;

**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;

**Employee** means an employee of the local government;

**Local Government** means the Town of Cottesloe;

**Mayor** includes the deputy mayor in the absence of the Mayor, and any councillor chosen to preside at any meeting of the Council in the manner prescribed by the Act;

**Meeting** includes any ordinary or special meeting of the council or any other meeting held in accordance with the provisions of the Act;

**Member** means the mayor, or a councillor of the local government and has the same meaning as given to it in the Act;

**Officer** is an employed member of the staff of the local government;

**Presiding Member** means;

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

**Quorum** means a minimum of 50% of the total number of offices, whether vacant or not, of the council or the committee;

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

**Rules of Conduct Regulations** means the *Local Government (Rules of Conduct) Regulations 2007*;

**Simple majority** is more than 50% of the members present;

**Special majority** means that if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council.

**Substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (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.

## **1.5 Repeal**

The *Town of Cottesloe Local Law No. 1 Standing Orders* as published in the *Government Gazette* on 30 December 1997 and as amended and published on 24 December 1999 is hereby repealed.

## **PART 2. MEETINGS - NOTICE AND BUSINESS**

### **2.1 Notice of Meetings**

The requirements for notice of meetings are covered in the Act and Regulations.

### **2.2 Special Meetings**

The process for calling a special meeting is covered in the Act and Regulations.

### **2.3 Business to be Specified on Notice Paper**

No business shall be transacted at any meeting of the council other than that specified in the notice without the approval of the presiding member or the approval of the majority of members present determined by vote.

### **2.4 Objectionable Business**

If the presiding member at any meeting is of the opinion that any motion or business proposed is of an objectionable nature, the presiding member may, either before or after the matter is brought forward, declare that it shall not be considered.

## **PART 3. MEETINGS - QUORUM**

### **3.1 Quorum at Meetings**

The quorum for meetings is dealt with in the Act and Regulations.

### **3.2 Loss of Quorum During a Meeting**

- (1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the presiding member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

### **3.3 Names to be Recorded**

At any meeting;

- (a) at which there is not a quorum of members present; or
- (b) which is adjourned under clause 3.2;

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

#### **3.4 Procedure Where no Quorum to Begin a Meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

### **PART 4. MEETINGS - MINUTES**

#### **4.1 Minutes**

The requirements for the recording and publishing of Minutes is dealt with in the Act.

#### **4.2 Confirmation of Minutes**

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

### **PART 5. MEETINGS - ORDER OF BUSINESS**

#### **5.1 Ordinary Meeting - Order of Business**

Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows -

- (1) Declaration of Meeting Opening/ Announcement of Visitors;
- (2) Disclaimer;
- (3) Announcements by Presiding Member without Discussion;
- (4) Public Question Time;
  - 4.1 Response to Previous Public Questions Taken on Notice;
  - 4.2 Public Questions;
- (5) Public Statement Time;
- (6) Attendance;
  - 6.1 Apologies;
  - 6.2 Approved Leave of Absence;
  - 6.3 Applications for leave of Absence;
- (7) Declaration of Interests;
- (8) Confirmation of Minutes;
- (9) Presentations;
  - 9.1 Petitions;
  - 9.2 Presentations;
  - 9.3 Deputations;
- (10) Reports;
  - 10.1 Reports of Officers;
  - 10.2 Reports of Committees;
- (11) Elected Members' Motions of which Previous Notice has been given;
- (12) New Business of an Urgent Nature Introduced by Decision of Meeting by;
  - 12.1 Elected Members;

- 12.2 Officers;
- (13) Meeting closed to public;
  - 13.1 Matters for which the meeting may be closed;
  - 13.2 Public reading of recommendations that may be made public;
- (14) Meeting Closure.

## 5.2 Late Correspondence

In cases of extreme urgency or other special circumstance, late correspondence may, with the consent of the presiding member, or at the request of a majority of members present, be read and dealt with.

## 5.3 Urgent Business

- (1) A member, at an ordinary meeting, may move a motion involving business that is not included in the agenda for that meeting if the Presiding Member has first consented to the business being raised because the Presiding Member considers that either -
  - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
  - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (2) If a member objects to a motion moved under subclause (1), the motion is to be of no effect unless it is agreed to by an absolute majority.

## PART 6. MEETINGS - PUBLIC PARTICIPATION AND CONDUCT

### 6.1 Prevention of Disturbance

- (1) In this clause;

**Person** means a person other than a member.

- (2) A person addressing a meeting must extend due courtesy and respect to the meeting and the processes under which it operates and must comply with any direction from the Presiding Member.
- (3) A person must not interrupt or interfere with the proceedings of any meeting of the Council or a Committee, whether by expressing approval or dissent, by conversing or by any other means.
- (4) The Presiding Member may warn a person who fails to comply with this clause.
- (5) If -
  - (a) after being warned, the person again acts contrary to this clause, or to the direction; or
  - (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

- (6) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member be removed from the meeting room and, if the Presiding Member orders, from the premises.

## **6.2 Meetings Generally Open to the Public**

Meetings being generally open to the public is dealt with in the Act.

## **6.3 Meetings Not Open to the Public**

The closure of a meeting or part of meeting to the public is dealt with in the Act.

## **6.4 Question Time for the Public**

Question time for the public at meetings is dealt with in the Act.

## **6.5 Question Time for the Public at Certain Meetings**

Question time for the public at certain meetings is dealt with in the Act and Regulations.

## **6.6 Minimum Question Time for the Public**

Minimum question time for the public is dealt with in the Regulations.

## **6.7 Procedures for Question Time for the Public**

Procedures for question time for the public is dealt with in the Regulations.

## **6.8 Other Procedures for Question Time for the Public**

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
- (2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows -
  - (a) a member of the public who raises a question during question time is to state their name and address;
  - (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
  - (c) questions are to be answered by the member or employee nominated by the Presiding Member;
  - (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
  - (e) no discussion of a question or answer is to take place; and
  - (f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.

- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or an employee of the local government.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

#### **6.9 Public Statement Time**

- (1) At each meeting, members of public may request the opportunity to make a statement on any item of business on the Agenda for that meeting.
- (2) The Presiding Member, at their discretion, shall determine the order in which statements are made.
- (3) Each statement shall be no longer than 3 minutes;
- (4) If the Presiding Member may require a statement to cease immediately if;
  - (a) The statement is deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or an employee of the local government;
  - (b) The statement exceeds the three minutes allowed; or
  - (c) The presiding member deems that the statement does not relate to any item on the agenda.
- (5) A maximum of 15 minutes shall be allocated to Public Statement Time. If at the completion of this time there are requests for further statements, the Presiding Member, at their discretion, may permit an extension of time.

#### **6.10 Distinguished Visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

### **PART 7. ROLE OF PRESIDING MEMBER**

#### **7.1 Directions by the Presiding Member**

- (1) At any meeting the presiding member shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the presiding member not be accepted and if carried by a majority of members present, the proposed change in order will not take place.

### **7.2 The Presiding Member to Take Part in Debates**

Subject to the provisions of this local law, the presiding member may take part in a discussion upon any question before the meeting, provided that like other members in accordance with this local law, the presiding member may only speak once and provided that this is done before the right of reply is exercised.

### **7.3 Precedence of Presiding Member**

When the presiding member speaks during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every present shall preserve strict silence so that the presiding member may be heard without interruption. This clause shall not be used by the presiding member to exercise the right provided in clause 7.2, but shall only be used to preserve order.

### **7.4 Dissent with the Presiding Member's Ruling**

Except where expressly denied in this local law or the Act, a member may move a procedural motion to disagree with a ruling given by the presiding member. The presiding member must immediately call for a seconder and put the motion without debate.

## **PART 8. QUESTIONS**

### **8.1 Questions of Which Due Notice Has to be Given**

- (1) Any councillor seeking to ask a question at any meeting of the council shall give written notice of the specific question to the chief executive officer at least 24 hours before publication of the business paper.
- (2) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

### **8.2 Questions Not to Involve Argument or Opinion**

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

## **PART 9. PETITIONS, PRESENTATIONS AND DEPUTATIONS**

### **9.1 Petitions**

- (1) Petitions in relation to the following specific matters are dealt with in the Act and Regulations -
  - (a) a proposal to change the method of filling the office of Mayor:
  - (b) a proposal to create a new district or change the boundaries of the Town:
  - (c) a request for a poll on a recommended amalgamation: or
  - (d) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.

- (2) A petition on matters not mentioned in sub clause (1) or otherwise dealt with in the Act or Regulations, received by a member or the CEO is to be presented to the next ordinary Council meeting and is to -
  - (a) be addressed to the Council;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request;
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
  - (g) be respectful and temperate in its language.
- (3) Any petition to be submitted to the local government shall be in writing or typewritten, and be authenticated by the signature of the member of the council presenting it.

## **9.2 Presentation of Petitions**

A member presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

## **9.3 Responsibility of Member Presenting Petition**

It shall be incumbent on a member presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the council.

## **9.4 Procedure of Petitions**

The only question which shall be considered by the council on the presentation of any petition shall be -

- (a) that the petition shall be accepted; or
- (b) that the petition not be accepted; or
- (c) that the petition be accepted and referred to a committee for consideration and report; or
- (d) that the petition be accepted and be dealt with by the full council.

## **9.5 Presentations**

- (1) For the purposes of this clause -

**Presentation** means the acceptance of a gift or an award by the Council on behalf of the Town or the community.

- (2) A presentation may be made to the Council at a meeting only with the prior approval of the Presiding Member or CEO.

## **9.6 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council or a Committee is to either -
  - (a) apply, before the meeting, to the CEO for approval; or



- (b) with the approval of the Presiding Member, at the meeting, address the Council
- (2) If an application for a deputation is made to the CEO, s/he may either
  - (a) approve the request or invite the deputation to attend a meeting; or
  - (b) deny the request and deal with the matter administratively.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting -
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others, may respond to specific questions from members; and
  - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council.
- (4) For the purpose of determining who may address the Council on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.
- (5) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

#### **9.7 Media**

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public in such part of the Council Chamber or meeting room as may be set aside for their accommodation but must withdraw during any period when the meeting is closed to the public.

#### **9.8 Recording of Meeting prohibited**

- (1) A person must not use any electronic, visual, or audio recording device or instrument to record the proceedings of the Council or Committee unless the Presiding Member has given permission to do so.
- (2) If the Presiding Member gives permission under sub clause (1) he or she is to advise the meeting immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

### **PART 10. NOTICES OF MOTION**

#### **10.1 Notices of Motion - Ordinary and Extraordinary Business**

Members may bring forward business in the form of a written motion, of which notice shall be given in writing to the CEO, up to 24 hours before the publication of the agenda.

#### **10.2 Register of Notices**

The CEO shall, immediately upon the receipt of any notice of motion, enter it in a register to be provided and kept for the purpose. This register shall be open to the inspection of every member of the council.

### **10.3 Closing of Notice Register**

In order to give every facility for the due issuing of notices to members of the council by the CEO, the notice register shall be closed at noon on the day preceding the day fixed for publication of the notice paper.

### **10.4 Relevance of Notice**

Every notice of motion shall be relevant to some question affecting the administration or condition of the district.

### **10.5 Motion to Lapse**

A motion shall lapse where the member who gave notice is not present, unless another member is willing to move the motion when it is called.

### **10.6 Order of Notice of Motion**

All notices of motion shall be dated and numbered as received and shall be entered by the CEO upon the agenda in the order in which they are received, except by permission of the Presiding Member or the meeting, as outlined in accordance with clause 7.1 of this local law.

### **10.7 Unopposed Notices of Motion**

The Presiding Member may call the notices of motion appearing on the business paper in the order in which they are written. In the event of there being no objection, the motions shall be put without discussion.

### **10.8 Order of Amendments to Notice of Motion**

Where notice of an amendment to a notice of motion is received by the CEO, it shall be dealt with immediately after the notice of motion it proposes to amend, but before the right of reply is taken by the mover of the motion on notice.

### **10.9 Exclusion or Amendment of Notice**

The CEO, after consultation with the Presiding Member, may exclude from the agenda any notice of motion which may be out of order. Alterations or amendments which will bring the notice of motion into due form may be made by the CEO, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the local government so long as, in the opinion of the Presiding Member or the CEO, the matter is one of public interest, utility or importance.

### **10.10 Limitations of Notices**

No member shall have more than three notices of motion on the agenda at the same time unless express approval of the presiding member has been obtained.

### **10.11 Opposed Motions of Which Notice Has Been Given**

After dealing with all unopposed motions, the Presiding Member shall call on the movers of opposed motions in their order on the agenda to speak.

### **10.12 Notices Abandoned**

If a motion, notice of which is specified on the agenda, is not moved either by the member who has given the notice of motion, or by some other member, or if the motion

is not seconded, it shall be considered as abandoned and shall not again be introduced without subsequent notice of motion being given to the CEO.

#### **10.13 Repetition of Lost Motions**

No motion which has the same specific intent to one which has been lost within the preceding three months shall be moved unless it is presented as a notice of motion and the notice is signed by one third of the offices of member of council, whether present or not.

### **PART 11. CONDUCT OF MEMBERS**

#### **11.1 Official Titles to be Used**

Members shall address each other during meetings by their respective titles of mayor or councillor. Members of the council, in speaking of or addressing officers, shall designate them by their respective official titles.

#### **11.2 Members to Occupy Own Seats**

- (1) At the first meeting after an election, the CEO shall allot by random draw, a position at the council table to each councillor.
- (2) Each 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.
- (3) No member shall be deemed to be present unless occupying their allotted place within the council chambers.

#### **11.3 Leaving Meetings**

Once a meeting has been formally opened by the presiding member, the presiding member will cause to have recorded in the minutes, any member entering, leaving or returning to the meeting.

#### **11.4 Debate - Maintenance of Order - Imputations - Offensive Expressions**

No member may impute motives or use offensive or objectionable expressions in reference to any member, officer of the council, or any other person.

#### **11.5 Disclosure of Members' Financial and Proximity Interests**

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

#### **11.6 Meeting to be Informed of Financial and Proximity Interests**

Procedures for informing the meeting of disclosures in clause 11.5 are dealt with in the Act.

#### **11.7 Disclosing Member Not to Participate**

The participation at meetings of a member that has disclosed an interest in clause 11.5 is dealt with in the Act.

### **11.8 When Disclosing Members Can Participate**

The procedures for allowing participation in meetings of members disclosing an interest in clause 11.5 are dealt with in the Act.

### **11.9 Invitation to Return to Provide Information**

- (1) Where a member has disclosed an interest in clause 11.5, and has departed from the Council Chamber or meeting room, the meeting may invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter.
- (2) A member invited to return under subclause (1) must withdraw after providing the information.

### **11.10 Substitution of Deputy at Committee Meetings**

Where a member discloses an interest on an item under clause 11.5 and withdraws from a meeting of a Committee, the Presiding Member may invite the disclosing member's deputy, if present, to participate as a member of the Committee in place of the disclosing member during the consideration of that item only.

### **11.11 Disclosure by Members who are Observers at Committee Meetings**

The obligation to disclose an interest in clause 11.5 is to apply to all members present at Committee meetings including a member attending a Committee meeting in the capacity of an observer.

### **11.12 Disclosure of Impartiality Interests**

The disclosure of impartiality interests at meetings by the Mayor and Councillors is dealt with in the *Local Government (Rules of Conduct) Regulations 2007*.

### **11.13 Other Persons to Disclose Impartiality Interests**

- (1) In this clause, a reference to -
  - (a) **person** means an employee and a member of a Committee that is not either the Mayor or a Councillor; and
  - (b) **interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest -
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if -
  - (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or

- (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2) (a), a person discloses an interest in a written notice given to the CEO before a meeting then -
  - (a) before the meeting the CEO is to cause the notice to be given to the Presiding Member of the meeting; and
  - (b) at the meeting the Presiding Member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.
- (6) If -
  - (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

#### **11.14 On-going Disclosure Required**

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

#### **11.15 Approval by Minister to be Recorded**

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

### **PART 12. CONDUCT OF MEMBERS DURING DEBATE**

#### **12.1 Members to Address the Presiding Member**

Every member of the council wishing to speak shall indicate by show of hands or other method agreed upon by the council. When invited by the presiding member to speak, members shall address the meeting through the presiding member.

#### **12.2 Priority**

In the event of two or more members wishing to speak at the same time, the presiding member shall decide which member is entitled to be heard. The decision shall not be open to discussion or dissent.

#### **12.3 Relevance**

Every member shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

#### **12.4 Limitation of Number of Speeches**

No member shall address the meeting more than once on any motion or amendment except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

#### **12.5 Limitation of Duration of Speeches**

All addresses shall be limited to a maximum of three minutes. Extension of time is permissible only with the agreement of the majority of members present.

#### **12.6 Members Not to Speak After Conclusion of Debates**

No member of the council may speak to any question after it has been put by the chair.

#### **12.7 Irrelevance, Repetition, Imputations, Offensive Expressions**

- (1) The presiding member may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct the member, if speaking to discontinue the speech, and the member shall then cease speaking.
- (2) A member may call the attention of the presiding member to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may call upon the presiding member to direct the member to cease speaking and sit down.
- (3) If after a member has drawn the attention of the presiding member according to subclause (2), a member continues without alteration, a member may move the procedural motion that the member no longer be heard.

#### **12.8 Members Not to Interrupt**

No member shall interrupt another member who is speaking unless it is;

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

#### **12.9 Re-Opening Discussion on Resolutions**

No member shall re-open discussion on any resolution of the meeting, except for the purpose of moving that the resolution be revoked or changed.

#### **12.10 Presiding Member's Right to Adjourn Without Explanation to Regain Order**

- (1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order.
- (2) The adjourning of a meeting to regain order cannot be challenged by any member of council.
- (3) Upon resumption, debate will continue at the point at which the meeting was adjourned.

- (4) If, at any one meeting, the Presiding Member has cause to adjourn the meeting on two occasions, the Presiding Member has the right to adjourn the meeting for a period of no longer than seven days.

## **PART 13. PROCEDURES FOR DEBATE OF MOTIONS**

### **13.1 Motions To be Read**

Any member who intends to submit a substantive motion or amendment to a substantive motion shall read the text aloud before speaking to it.

### **13.2 To be Seconded**

No motion or amendment to a substantive motion shall be in order, or be open to debate, until it has been seconded, or, where required under the Act or Regulations, supported by one third of the numbers of member of council.

### **13.3 Only One Substantive Motion Considered**

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

### **13.4 Order of Call in Debate**

The mayor will call speakers to a substantive motion 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;
- (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;
- (h) mover takes right of reply which closes debate.

### **13.5 Limit of Debate**

The Presiding Member may offer the right of reply and put the motion to the vote if the Presiding Member believes sufficient discussion has taken place even though all members may not have spoken.

### **13.6 Seconder Requesting Right to Speak**

A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion if carried will automatically deny the seconder the right to speak to the substantive motion.

### **13.7 Adoption of Recommendations "en bloc"**

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any -

- (a) which require adoption by an absolute or special majority vote;
- (b) in which an interest has been disclosed;

- (c) that has been subject of a petition or deputation;
- (d) which any member has indicated the wish to debate; and
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

## **PART 14. PROCEDURAL MOTIONS**

### **14.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions -

- (a) that the council proceed to the next business;
- (b) that the question be adjourned;
- (c) that the council do now adjourn;
- (d) that the question be now put;
- (e) that the question be not now put;
- (f) that the council moves into a committee of the whole;
- (g) that the member be no longer heard;
- (h) that the ruling of the mayor (or person chairing the meeting) be disagreed with;
- (i) that the motion lie on the table;
- (j) that the council meet behind closed doors;
- (k) that the item be removed from the committee report;

### **14.2 Procedural Motions Not Required in Writing**

Procedural motions are not required to be presented in writing.

### **14.3 Procedural Motions - Recording in Minutes**

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

### **14.4 Procedural Motions - Majority Required**

Any procedural motion shall be carried upon the majority of members present voting in the affirmative.

### **14.5 Procedural Motions - Closing Debate - Who May Move**

No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

### **14.6 Procedural Motions - Right of Reply**

There shall be no right of reply on any procedural motion.



#### **14.7 Procedural Motions - Right of Reply on Substantive Motion**

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment will not deny the right of reply to the mover of the substantive motion.

### **PART 15. EFFECT OF PROCEDURAL MOTIONS**

#### **15.1 That the Council Proceed to the Next Business - Effect of Motion**

This motion, having been carried, will cause the debate to cease immediately and for the council to move to the next item on the agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

#### **15.2 That the Question be Adjourned - Effect of Motion**

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

#### **15.3 That the Council do Now 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 members upon vote, determine otherwise.
- (2) No member shall be allowed to move or second more than one motion of adjournment during the same sitting of the council.

#### **15.4 That the Question be Now Put - Effect of Motion**

- (1) This motion, having been carried during discussion on a substantive motion without amendment, will cause the Presiding Member to offer the right of reply and then immediately put the question under consideration without further debate.
- (2) This motion, having been carried during discussion on an amendment, will cause the Presiding Member to put the amendment to the vote without further debate.
- (3) This motion, having been lost, will allow debate to continue.

#### **15.5 That the Question be Not Now Put - Effect of Motion**

- (1) This motion, having been carried during discussion of either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.
- (2) This motion, having been lost, will cause the Presiding Member to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

**15.6 That the Council Move into a Committee of The Whole - Effect of Motion**

- (1) This motion, having been carried, will allow free and open discussion on the matter before the meeting. The normal restrictions on the number of times each councillor may speak are suspended, provided that normal courtesy and order is maintained.
- (2) Any decisions made during the time that the council sits in committee of the whole must be formally agreed by a substantive motion when the council moves out of committee of the whole.

**15.7 That the Member Be No Longer Heard - Effect of Motion**

This motion, having been carried, will cause the Presiding Member to not allow the speaker 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.

**15.8 That the Ruling of the Mayor be Disagreed With - Effect of Motion**

- (1) This motion, 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 given a ruling in strict accordance with the Act, this motion may not be moved.
- (3) Where the mayor has adjourned the meeting in accordance with clause 12.10 of this local law, this motion may not be moved.

**15.9 That the Motion Lie on the Table - Effect of Motion**

- (1) This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.
- (2) Any member may raise the motion from the table by giving appropriate notice of motion for any meeting in the future.
- (3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to this local law.

**15.10 That the Council Meets Behind Closed Doors - Effect of Motion**

- (1) The circumstances under which a meeting may moved behind closed doors is dealt with in the Act.
- (2) In accordance with the subclause (1), this motion, if carried, will cause the general public, media and any officers or employees the council determines, to leave the room.

#### **15.11 That the Item be Removed From the Report - Effect of the Motion**

This motion, if carried, will have the effect of enabling the item in question to be dealt with as though it was a matter coming to council with no recommendation.

### **PART 16. DECISION-MAKING PROCEDURES**

#### **16.1 Voting and Decisions - Majority to Determine**

The requirements for voting and decisions during meetings is dealt with in the Act.

#### **16.2 Breaking Down of Complex Questions**

The Presiding Member may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

#### **16.3 Member May Require Questions to be Read**

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

#### **16.4 Order of Amendments**

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

#### **16.5 Substantive Motion**

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question upon which any member may speak and any further amendment may be moved.

#### **16.6 Repetition of Motions**

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same meeting, except by agreement of the majority of members present.

#### **16.7 Consent of Secunder Required to Accept Alteration of Wording**

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

#### **16.8 Withdrawal of Motion and Amendments**

Council 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 provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall continue.

#### **16.9 Limitation of Withdrawal**

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

#### **16.10 Authority for Withdrawal**

A motion or amendment to a motion shall not be withdrawn in the absence of any member of the council who proposed it, except with their written authority.

#### **16.11 Right of Reply**

- (1) The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member shall speak on the question.
- (2) The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

#### **16.12 Right of Reply Provisions**

The right of reply shall be governed by the following provisions -

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) If there is an amendment, the mover of the substantive motion shall 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 substantive motion as amended is immediately put to the vote.

#### **16.13 Motions and Amendments - to be in Writing**

Every substantive motion or amendment, but not procedural motions, shall be written and shall be signed by the proposer and provided to the Presiding Member and the CEO immediately upon being seconded.

#### **16.14 Amendments to be Relevant**

Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted, added or altered.

#### **16.15 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.

#### **16.16 Mover of Motion Not to Speak on Amendment**

- (1) On an amendment being moved, any member may speak to the amendment except the person who moved the substantive motion who is only entitled to a right of reply.
- (2) If the person who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

#### **16.17 Question - When Put**

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

#### **16.18 Question - Method of Putting**

If a decision is not clear or in doubt, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands or other method agreed upon.

#### **16.19 Recording of Votes**

If a member specifically requests that there be recorded -

- (a) his or her vote; or
- (b) the vote of all members present;

on a matter voted on at a meeting of the council or a committee, then the votes will be recorded in the minutes.

#### **16.20 Revoking Decisions - When This Can Occur**

Revoking decisions is dealt with in the Act and Regulations

### **PART 17. POINTS OF ORDER**

#### **17.1 Points of Order - When to Raise - Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised shall immediately cease speaking while the Presiding Member listens to the point of order.

#### **17.2 Points of Order - Definitions**

- (1) Raising a difference of opinion or to contradict a speaker shall not be recognised as raising a point of order.
- (2) The following shall be recognised as valid points of order:
  - (a) that the discussion is of a question not before the council.
  - (b) that offensive or insulting language is being used.
  - (c) drawing attention to the violation of any local law or standing order of the council, providing that the member raising to the point of order shall state the local law or standing order believed to be breached.

#### **17.3 Points Of Order - Ruling**

- (1) The Presiding Member shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.
- (2) The ruling of the Presiding Member upon any question of order shall be final, unless a majority of the members support a motion of dissent with the ruling.

#### **17.4 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 question.

### **PART 18. ADJOURNMENT OF MEETING**

#### **18.1 Meeting May be Adjourned**

If a procedural motion under clause 15.3 is carried, a meeting may be adjourned to a later hour of the same day, or to any other time not more than seven days from the date of the adjournment.

#### **18.2 Notice of Adjourned Meeting**

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in the manner provided in Part 2.

#### **18.3 Business at Adjourned Meeting**

No additional business shall be discussed at an adjourned meeting except that which was on the original agenda for that meeting.

#### **18.4 Unopposed Business - Motion for Adjournment of Council**

On a motion for the adjournment of a meeting, the presiding member, before putting the motion, may seek leave of the meeting to proceed to the transaction of unopposed business.

#### **18.5 Withdrawal of Motion for Adjournment of Council**

A motion or an amendment relating to the adjournment of a meeting may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal the motion must continue to be debated.

### **PART 19. PERSONAL EXPLANATION**

#### **19.1 Personal Explanation**

- (1) No member shall speak except upon the question before the meeting unless it is to make a personal explanation.
- (2) Any member who is permitted to speak under these circumstances must confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.
- (3) When a member rises to explain, no reference shall be made to matters unnecessary for that purpose.

### **19.2 Personal Explanation - When Heard**

A member of the council wishing to make a personal explanation of matters referred to by another member then speaking shall be entitled to be heard immediately,

- (a) if the member of the council then speaking consents, at the time;
- (b) if the member speaking does not consent, the explanation must be offered at the conclusion of that speech.

### **19.3 Ruling on Questions of Personal Explanation**

The ruling of the Presiding Member on the admissibility of a personal explanation shall be final but subject to a motion of dissent.

## **PART 20. COMMITTEES OF COUNCIL**

### **20.1 Committees**

The formation of and operation of Committees is dealt with in the Act

### **20.2 Standing Orders Apply to Committees**

Unless otherwise specifically provided, the Standing Orders apply generally to the proceedings of Committees, except for -

- (a) clause 11.2 (relating to seating);
- (b) clause 12.4 (relating to the limit on the number of speeches).

### **20.3 Communications by Committees**

A Committee must not communicate with any person or authority except through the Mayor.

## **PART 21. ADMINISTRATIVE MATTERS**

### **21.1 Copies of Acts and Standing Orders and Papers to Members of the Council**

The CEO shall provide to each member of the council as soon as convenient after being elected to office a copy of the Acts and local-laws regulating and governing the administration of the district.

### **21.2 Custody and Use of Common Seal**

The use and custody of the Common Seal is dealt by the Act and Regulations

### **21.3 Custody of Corporate Property**

All property whatsoever belonging to, or held in trust by the council shall be in the custody of CEO, who shall be responsible to the council therefore.

### **21.4 Suspension of Standing Orders**

- (1) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.

- (2) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council must be seconded, but the motion need not be presented in writing.

**21.5 Cases Not Provided for in Standing Orders**

In cases of procedure where this local law, the Act and Regulations are silent, rulings shall be determined according to a recognised authoritative book on meeting procedure as determined by the council from time to time. The mayor shall decide all other questions of order, procedure, debate or otherwise where the approved authority has no provision or insufficient provision.

**21.6 Enforcement - Penalty for Breach of Standing Orders**

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000, and a daily penalty of \$500

**21.7 Who Can Prosecute**

Who can prosecute is dealt with in the Act.

**21.8 Duty of CEO**

It is the duty of the CEO to draw the attention of the meeting to any breach or likely breach of this local law even if it requires interrupting any person speaking, including the Presiding Member.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE COMMON SEAL of )  
the Town of Cottesloe is )  
hereunto affixed by )  
authority of a resolution )  
of council in the presence of)

\_\_\_\_\_  
KEVEN JOSEPH MORGAN  
MAYOR

\_\_\_\_\_  
CARL ASKEW  
CHIEF EXECUTIVE OFFICER