



## **Shire of Capel**

### **Standing Orders Local Law**

**2016**

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**LOCAL GOVERNMENT ACT 1995**  
**SHIRE OF CAPEL**  
**STANDING ORDERS LOCAL LAW 2016**

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# LOCAL GOVERNMENT ACT 1995

## Shire of Capel

### Standing Orders Local Law 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Capel resolved on 22<sup>nd</sup> June 2016 to make the following local law.

#### Part 1 — Preliminary

##### 1.1 Citation

This local law is to be cited as the *Shire of Capel Standing Orders Local Law 2016*.

##### 1.2 Commencement

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

##### 1.3 Application

All meetings of the Council, Committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

##### 1.4 Interpretation

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

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

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

*CEO* means the Chief Executive Officer of the local government;

*Committee* means a Committee of the Council established under the Act;

*Common Seal* means the Common Seal of the local government;

*Council* means the 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;

*Deputy President* means the Deputy President of the local government;

*employee* means an employee of the local government;

**external body** includes —

- (a) a Regional Council;
- (b) an incorporated or unincorporated association;
- (c) a trust;
- (d) a tribunal;
- (e) a government agency, instrumentality, board or committee; and
- (f) any other external body

to which the local government is entitled, or has been invited, to provide a representative;

**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 Shire of Capel;

**member**—

- (a) in relation to the Council, means the President or a Councillor; and
- (b) in relation to a Committee, means a member of the Committee;

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

**officer** means an officer of the local government;

**original motion** means the motion that first introduces a proposal to be considered at a meeting;

**President** means the President of the local government;

**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;

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

**procedural motion** means a motion employed to control the conduct of a meeting;

**simple majority** means more than 50% of the members present and voting at meetings;

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

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

**revocation motion** means a motion to revoke or change a decision made at a Council or Committee meeting;

**schedule** means a schedule of this local law;

**special majority** is dealt with in the Act;

**standing orders** means the meeting procedures and/or rules on the conduct and behaviour of persons at a meeting of the Council, Committee or electors; and

*urgent business* means business dealt with in accordance with clause 4.14.

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

## **1.5 Repeal**

The *Shire of Capel Standing Orders Local Law 2007* published in the *Government Gazette* 30 April 2007 is repealed.

## **Part 2 — Calling and convening meetings**

### **2.1 Ordinary and Special Council meetings**

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

### **2.2 Calling Council meetings**

The calling of Council meetings is dealt with in the Act.

### **2.3 Calling Committee meetings**

A meeting of a Committee is to be held—

- (a) in the case of a special meeting, if called for in a verbal or written notice to the CEO by the Presiding Member, setting out the date and purpose of the proposed meeting;
- (b) in the case of a special meeting, if called for by at least one third of the members of the Committee in a written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in the case of an ordinary or special meeting, if so decided by the Council or the Committee.

### **2.4 Convening ordinary and special Council meetings**

The convening of ordinary and special Council meetings is dealt with in the Act.

### **2.5 Convening ordinary and special Committee meetings**

- (1) The CEO is to convene an ordinary meeting of a Committee by giving each member at least 72 hours' notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a Committee by giving each member notice, before the meeting, of the date, time, place and an agenda for the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

- (4) In convening a special meeting of a committee, there is no minimum period of notice to be given and notice can be given by telephone, facsimile, letter, electronic mail or orally in person.

## **2.6 Failure to receive notice not to invalidate proceedings**

Failure to receive a notice of meeting shall not affect the validity of any meeting provided reasonable steps have been taken to serve such notice.

## **Part 3 — Presiding member and quorum**

### **3.1 Who presides at Council meetings**

Who presides at a Council meeting is dealt with in the Act.

### **3.2 When Deputy President can preside**

When the Deputy President can preside is dealt with in the Act.

### **3.3 Who presides if no President or Deputy President**

Who presides if the President or Deputy President are absent or unavailable is dealt with in the Act.

### **3.4 Election of Presiding Members and Deputy Presiding Members of Committees**

The election of Presiding Members and Deputy Presiding Member is dealt with in the Act.

### **3.5 Functions of Deputy Presiding Members**

The functions of Deputy Presiding Members are dealt with in the Act

### **3.6 Who acts if no Presiding Member**

Who acts if there is no Presiding Member is dealt with in the Act.

### **3.7 Quorum for meetings**

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

### **3.8 Quorum to be present**

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

### **3.9 Procedure if quorum not present**

The procedure if a quorum is not present to begin a meeting is dealt with in the Regulations.

### **3.10 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.

### **3.11 Debate on motion to be resumed**

- (1) Where the debate on any motion is interrupted at a Council or Committee meeting which is adjourned under clause 3.10, that debate is to be resumed at the next meeting at the point where it was so interrupted.
- (2) Where the interruption in subclause (1) occurs at an ordinary meeting the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.
- (3) Where the interruption in subclause (1) is at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

### **3.12 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 3.10;

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

## **Part 4 — Business of the meeting**

### **4.1 Business to be specified in agenda**

- (1) No business is to be transacted at any ordinary meeting of the Council or Committee other than that specified in the agenda without the approval of the Presiding Member or a decision of the Council or Committee, except matters which the Act or this local law permits to be dealt with without notice.
- (2) No business is to be transacted at a special meeting of the Council or Committee other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that —
  - (a) specified in the agenda 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 be the first business to be considered at that ordinary meeting.

- (4) Despite subclauses (1) to (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 he or she considers is appropriate to be decided, by that meeting.

#### **4.2 Meeting to proceed to business**

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

#### **4.3 Order of business**

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

1. Declaration of Opening/Announcement of Visitors;
2. Record of Attendance/Apologies /Leave of Absence (Previously Approved);
3. Response to previous Public Questions taken on notice;
4. Public Question Time;
5. Applications for leave of absence;
6. Declarations of interest;
7. Notice of items to be discussed behind closed doors;
8. Confirmation of Minutes;
9. Announcements by Person Presiding without discussion;
10. Petitions/Deputations/Presentations;
11. Motions of which previous notice has been given;
12. Questions by members of which due notice has been given;
13. Chief Executive Officer Reports;
14. Engineering and Development Services Reports;
15. Corporate Services Reports;
16. Community Services Reports;
17. New business of an urgent nature;
  - (a) Members,
  - (b) Employees;
18. Public Question Time – second period of public question time;
19. Motions without notice by absolute majority of the Council;
20. Notices of Motion for consideration at the next ordinary meeting of the Council;
21. Items for consideration behind closed doors; and
22. Closure.

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

(3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a Committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

(4) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

#### **4.4 Leave of absence**

The grant of leave of absence is dealt with in the Act.

#### **4.5 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.

#### **4.6 Announcements by the President**

- (1) At any meeting of the Council the President may announce or raise any matter of interest or relevance to the business of the Council.
- (2) Any member may move that a change in order of business proposed by the person presiding not be accepted and if carried by a majority of members present, the proposed change in order is not to take place.

#### **4.7 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 5 working days before the meeting of the Council, and the question is to, as far as practicable, be answered in writing at that meeting.
- (2) As far as practicable, the CEO is to ensure that a written answer to a question under subclause (1) is to be given at the meeting.
- (3) 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 President;
  - (b) the President 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.
- (4) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.
- (5) Every question and answer is to be submitted as briefly and concisely as possible, and no discussion is to be allowed thereon, unless with the consent of the President.

#### **4.8 Correspondence**

- (1) Correspondence placed before a meeting of the Council or a Committee must relate to a matter on the agenda of the meeting.
- (2) Correspondence may be placed before the Council or a Committee in the form of a summary that contains all relevant and material facts.
- (3) Where correspondence contains a matter to be decided by the Council or the Committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or the Committee, or state the alternative.
- (4) Correspondence placed before a meeting of the Council or a Committee is not to be the subject of discussion or questions from members.

#### **4.9 Petitions**

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) A petition to the Council is—
  - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
  - (b) to be addressed to the Council and forwarded to a member or the CEO;
  - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and
  - (d) to be respectful and temperate in its language.
- (3) The presentation of a petition is to be confined to the reading of the petition.
- (4) The only motions in respect of a petition that are in order are that —
  - (a) the petition be received;
  - (b) a report on the petition be prepared; or
  - (c) that the petition be acknowledged and be dealt with by the Council in conjunction with a similar item on the same agenda paper.

#### **4.10 Matters for which the meeting may be closed**

For the convenience of members of the public, the Council or a Committee may identify by decision, early in the meeting, any matter on the agenda of the meeting the discussion of which is to be closed to members of the public, and that matter may be deferred as the last item of the meeting.

#### **4.11 Reports**

- (1) The functions of the CEO, including advising the Council and Committees and implementing decisions, are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared a report on an item that in the CEO's opinion requires consideration by the Council or the Committee, including any report of a late or urgent nature.
- (3) Where a report has been prepared in accordance with subclause (2), the CEO is to deliver the report to members of the Council or the Committee (as the case may be) or, in the case of urgency or other special circumstances, table the report at the meeting.
- (4) The CEO may, with the consent of the Presiding Member, withdraw an item or report listed in the agenda.

#### **4.12 Motions of which previous 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 he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least five clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to a matter for which the Council is responsible unless, in the opinion of the Presiding Member, the matter is one of significant public interest or importance.

- (4) The CEO —
  - (a) may with the concurrence of the Presiding Member, exclude from the agenda any notice of motion that they consider to be out of order; or
  - (b) may after consultation with the member who gave notice of the motion, make such amendments to the form but not the substance to bring the notice of motion into due form; and
  - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A notice of motion is not to be out of order merely because the proposal involved is considered to be objectionable by a member of Council.
- (7) A motion of which notice has been given is to lapse unless—
  - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
  - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.
- (8) If a notice of motion is given and lapses, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council or Committee, but if the motion again lapses, the Council or Committee is not to consider a motion in the same terms or to the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.
- (9) For the purposes of clarification, where a notice of motion is moved and seconded at a meeting of the Council or Committee, it is to be treated as a primary motion.

#### **4.13 Representation on external bodies**

- (1) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate Committee.
- (2) When speaking or voting on any item or business at a meeting of an external body, a member appointed to that body is to have regard to the decisions, policies and practices of the local government.

#### **4.14 Urgent business**

- (1) A member, at an ordinary meeting of the Council, 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.

- (3) Subclauses (1) and (2) do not apply to a revocation motion being considered as urgent business in accordance with clause 11.2.

#### **4.15 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 license, permit or certificate is otherwise withheld or cancelled, the reason for the decision.

#### **4.16 Closure**

At the conclusion of all business or when otherwise determined by the meeting, the Presiding Member is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

### **Part 5 — Public participation**

#### **5.1 Meetings generally open to the public**

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

#### **5.2 Procedure to close meetings to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a Committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried —
  - (a) the Presiding Member is to direct everyone to leave the meeting except—
    - (i) the members;
    - (ii) the CEO; and
    - (iii) any officer specified by the Presiding Member; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) Unless the Council or Committee resolves otherwise, once the meeting is reopened to members of the public the Presiding Member is to ensure that any resolution of the Council or Committee made while the meeting was closed is to be read out including the details of any voting recorded.

#### **5.3 Question time for the public**

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

#### **5.4 Question time for the public at certain meetings**

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

#### **5.5 Minimum question time for the public**

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

#### **5.6 Procedures for question time for the public**

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

#### **5.7 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 Presiding 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 by Council unless the Presiding Member has given permission to do so; 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 of any member of the Council or 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.

#### **5.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may —

- (a) invite the person to sit beside the Presiding Member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) direct that the presence of the distinguished visitor be recorded in the minutes.

## **5.9 Deputations**

- (1) A person or person wishing to be received as a deputation by the Council or a Committee is to apply, in writing, to the CEO, not less than seven (7) working days prior to the meeting at which the deputation wishes to be received, setting out in concise terms the matter to be raised. The CEO, is to forward the written request to the President, or the presiding member as the case may be.
- (2) The President if the request is to attend a Council meeting, or the Presiding Member of the Committee, if the request is to attend a meeting of a Committee, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or Committee as the case may be, or may instruct the CEO to refer the request to the Council or Committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or Committee meeting is not to exceed three persons, only two of which are at liberty to address the Council, for a maximum of five (5) minutes each or a collective maximum of ten (10) minutes, except in reply to questions from Councillors, and the matter shall not be further considered by the Council, until all other business of the meeting has been finalised.

Any matter which is the subject of a deputation to the Council or a Committee is not to be decided by the Council or that Committee until the deputation has completed its presentation.

## **5.10 Presentations**

- (1) Any member of the public may during the presentations segment of the ordinary meeting, with the consent of the Presiding Member, speak on any matter on the agenda paper provided that –
  - (a) the person has requested the right to do so in writing addressed to the CEO by noon on the day of the meeting;
  - (b) the person's speaking right is to be exercised before Council debates the particular agenda paper item;
  - (c) the person speaking will be limited to a maximum period of five (5) minutes; and
  - (d) persons addressing Council on an agenda item are not entitled to table documents as part of the meeting proceedings.
- (2) Any member of the public making a presentation shall not also be afforded a deputation during that meeting or an adjourned meeting on the same matter.

## **5.11 Attending Committee meetings as an observer**

- (1) The President or a Councillor may attend any meeting of a Committee as an observer, even if the President or Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 14.4 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The President or Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2) —
  - (a) may, with the consent of the Presiding Member, speak, but cannot vote, on any motion before the Committee; and
  - (b) must sit in the area set aside for observers separated from the Committee members.

### **5.12 Public inspection of agenda materials**

Public inspection of agenda materials is dealt with in the Regulations.

### **5.13 Public access to unconfirmed minutes of meetings**

Public access to unconfirmed minutes of Council and Committee meetings is dealt with in the Regulations.

### **5.14 Confidentiality of information withheld**

- (1) Information withheld by the CEO from members of the public under the Regulations, is to be—
  - (a) identified in the agenda of a Council or Committee meeting under the item “Matters for which the meeting may be closed”;
  - (b) marked “confidential” in the agenda; and
  - (c) kept confidential by members and employees until the Council or Committee resolves otherwise.
  
- (2) A member or an employee who has —
  - (a) confidential information under subclause (1); or
  - (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,

is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
  
- (3) Subclause (2) does not prevent a member or employee from disclosing information —
  - (a) at a closed meeting;
  - (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
  - (c) that is already in the public domain;
  - (d) to an officer of the Department;
  - (e) to the Minister;
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

### **5.15 Media attendance**

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.

### **5.16 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 or CEO has given permission to do so.
  
- (2) If the Presiding Member or CEO gives permission under subclause (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.

### **5.17 Prevention of disturbance**

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person addressing the Council or a Committee must extend due courtesy and respect to the Council or Committee 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.

## **Part 6 — Disclosure of interests**

### **6.1 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.

### **6.2 Meeting to be informed of financial and proximity interests**

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

### **6.3 Disclosing member not to participate**

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

### **6.4 When disclosing members can participate**

The procedures for allowing participation in meetings of members disclosing an interest in clause 6.1 are dealt with in the Act.

### **6.5 Invitation to return to provide information**

- (1) Where a member has disclosed an interest in clause 6.1, 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.

## **6.6 Substitution of deputy at Committee meetings**

Where a member discloses an interest on an item under clause 6.1 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.

## **6.7 Disclosure by members who are observers at Committee meetings**

The obligation to disclose an interest in clause 6.1 is to apply to all members present at Committee meetings including a member attending a Committee meeting in the capacity of an observer.

## **6.8 Disclosure of impartiality interests**

The disclosure of impartiality interests at meetings by the President and Councillors is dealt with in the *Rules of Conduct Regulations*.

## **6.9 Other persons to disclose impartiality interests**

- (1) In this clause, a reference to —
  - (a) *person* means an employee or a member of a Committee that is not either the President 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.

#### **6.10 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.

#### **6.11 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 interest.

#### **6.12 Separation of Committee recommendations**

Where a member of the Council has disclosed an interest in a matter at a committee meeting under clauses 6.1 to 6.4, and the matter is contained —

- (a) in the recommendations of the committee to an ordinary meeting of Council or
- (b) to another committee meeting that will be attended by the member;

the recommendation concerned is to be separated from other recommendations of the committee on the agenda of that ordinary meeting or other committee meeting to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

### **Part 7 — Conduct of members**

#### **7.1 Official titles to be used**

A speaker, when speaking or referring to the President or Deputy President, or to a Councillor or employee, must use the title of that person's office.

#### **7.2 Members to occupy own seats**

- (1) At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.
- (2) At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to 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 re-allotment of positions.

#### **7.3 Members not to interrupt**

A member must not interrupt another member while speaking unless —

- (a) to raise a point of order under clause 8.3;
- (b) to call attention to the absence of a quorum;

- (c) to make a personal explanation under clause 10.4; or
- (d) to move a procedural motion that the member be no longer heard under clause 12.1(i) and 13.9.

#### **7.4 No adverse reflection on decision**

- (1) A member must not reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed.
- (2) A member must not —
  - (a) reflect adversely on the character or actions of another member or employee; or
  - (b) impute any motive to a member or employee;

unless the Council or Committee resolves, without debate, that the motion then before the Council or Committee cannot otherwise be adequately considered.

#### **7.5 Offensive language**

- (1) A member must not use offensive or objectionable expressions in reference to any member, employee, or other person.
- (2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

#### **7.6 Direction to withdraw**

A member who, in the opinion of the Presiding Member and in the absence of a resolution under clause 7.4(2) —

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable;

must, when directed by the Presiding Member, withdraw the reflection, imputation or expression and make a satisfactory apology.

#### **7.7 Members who wish to speak**

A member who wishes to speak —

- (a) is to indicate his or her intention to speak by the method determined by the Council or Committee; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

#### **7.8 Priority of speaking**

If two or more members of the Council or a Committee indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.

## **7.9 The Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

## **7.10 Relevance**

A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

## **7.11 Limitation on members speaking**

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment, unless permitted by the meeting (on a majority vote).
- (2) The mover of a motion or an amendment —
  - (a) is to speak to that motion or amendment first, after it has been seconded; and
  - (b) has the right of reply and in exercising that right must confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied and the motion or amendment is to be immediately put to the vote by the Presiding Member.
- (4) A member may speak on a motion or an amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

## **7.12 Questions during debate**

- (1) A member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.

## **7.13 Re-opening discussion on decisions**

A member must not re-open discussion on any decision of the Council or Committee, except for the purpose of moving a revocation motion under clause 11.2

# **Part 8 — Preserving order**

## **8.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order and, whenever he or she considers it necessary, may call any member or other person to order.
- (2) When the Presiding Member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the Presiding Member may be heard without interruption.

## **8.2 Points of order**

Without limitation, the following acts are to be taken as being out of order —

- (a) discussion of a matter not before the meeting;
- (b) the use of offensive or objectionable language; or
- (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.

## **8.3 Procedures on a point of order**

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the Presiding Member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1) is to immediately stop speaking while the Presiding Member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

## **8.4 Continued breach of order**

If a member —

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member;

the Presiding Member may direct the member to refrain from taking any further part in the debate of the item, other than by voting, and the member must comply with that direction.

## **8.5 Presiding Member may adjourn meeting**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the matter before the adjournment are to be recorded.

# **Part 9 — Motions and amendments**

## **9.1 Recommendations in reports**

- (1) Where the Council or a Committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the Committee (as the case may be).

- (2) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee or Committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.
- (3) A Committee may make a recommendation to the Council which —
  - (a) is relevant to the purpose for which the Committee is established by the Council; and
  - (b) the Committee considers requires consideration by the Council.
- (4) Where a Committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared a report to the Council with respect to the recommendation.

## **9.2 Adoption of recommendations**

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.

## **9.3 Motions**

- (1) A member who wishes to move a primary motion, or an amendment to a primary motion —
  - (a) is to state the substance of the motion before speaking to it; and
  - (b) is to put the motion or amendment in writing if —
    - (i) in the opinion of the Presiding Member, the motion or amendment is significantly different to the relevant written recommendation of a Committee or an employee (including a person who, under a contract for services with the local government, provides advice or a report on the matter); or
    - (ii) the member is otherwise required to do so by the Presiding Member.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.
- (3) The Presiding Member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

## **9.4 Motions to be seconded**

- (1) A motion, or an amendment to a motion, is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council or Committee meeting is not open to debate unless the motion has the support required under the Regulations.

- (3) A member seconding a motion has the right to speak on the motion later in the debate.
- (4) A motion is not to be amended by the mover without the consent of the seconder.

### **9.5 Unopposed motions**

- (1) Immediately after a motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.

### **9.6 Withdrawing motions**

- (1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no member is to speak on it after it has been withdrawn.
- (2) If an amendment has been proposed to a primary motion, the primary motion cannot be withdrawn, except by consent of the majority of members, until the amendment proposed has been withdrawn or lost.

### **9.7 One motion at a time**

The Council or a Committee —

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

### **9.8 Permissible motions on recommendation from Committee**

A recommendation made by a Committee may be —

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) subject to clause 9.9(2), amended, and adopted as amended by the Council; or
- (d) referred back to the Committee for further consideration.

### **9.9 Amendments**

- (1) A member may move an amendment to a primary motion at any time during debate on the motion, except —
  - (a) if the mover has been called by the Presiding Member to exercise the right of reply; or
  - (b) if the member has already spoken to the primary motion;
  - (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
  - (d) during debate on a procedural motion.
- (2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.

- (3) An amendment to a primary motion is to take only one of the following forms —
  - (a) that certain words be omitted;
  - (b) that certain parts be omitted and others substituted or added; or
  - (c) that certain words be added.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.
- (5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as a primary motion.
- (6) An amendment must be read by the mover before being seconded.

### **9.10 Foreshadowed motion**

During the course of debate as an amendment to a motion, a Member may give notice of intention to move a motion or amendment when the question before the meeting is decided.

## **Part 10 — Debate of motions**

### **10.1 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;
- (e) other speakers against and for the motion, alternating in view, if any; and
- (f) the mover takes right of reply which closes debate.

### **10.2 Limit of debate**

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

### **10.3 Member may require motion to be read**

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

### **10.4 Personal explanation**

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

### **10.5 Crossing council chambers or meeting room**

- (1) When the Presiding Member is putting any motion to the vote, a member must not leave or cross the Council Chamber or meeting room.
- (2) A member must not, while any other member is speaking, pass between the speaker and the Presiding Member.

### **10.6 Voting**

Voting at meetings is dealt with in the Act and Regulations.

### **10.7 Motion—when put**

Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member —

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

### **10.8 Method of taking vote**

- (1) The Presiding Member, in taking the vote on any motion, is to—
  - (a) put the motion, first in the affirmative and then in the negative;
  - (b) determine whether the affirmative or the negative has the majority of votes; and
  - (c) declare the result of the vote.
- (2) The motion put under 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 is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.

## **Part 11 — Revocation motions**

### **11.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in the Regulations.

### **11.2 Revocation motion at the same meeting—procedures**

- (1) A member who moves a revocation motion at the same meeting where the decision is made must—
  - (a) clearly identify the decision to be revoked or changed; and
  - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.14.

- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to —
- (a) advise the meeting of the notice;
  - (b) state the substance of the revocation motion;
  - (c) determine whether there is sufficient support under clause 11.1; and
  - (d) if there is sufficient support, deal with the revocation motion.

### **11.3 Revocation motion after meeting — procedures**

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a Committee must give to the CEO notice of the revocation motion, which is to —
- (a) be in writing;
  - (b) specify the decision proposed to be revoked or changed;
  - (c) include a reason or reasons for the revocation motion;
  - (d) be supported by the number of members required under the Regulations;
  - (e) specify the date of the ordinary or special meeting of the Council or the Committee where it is to be presented, as the case may be; and
  - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.12.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.12.

### **11.4 Implementation of a decision**

No steps are to be taken to implement or give effect to a decision if —

- (a) there is a valid notice of revocation motion that has the support of members required by the Regulations; and
- (b) the notice of revocation motion was received before any action was taken to implement the decision.

## **Part 12 — Procedural motions**

### **12.1 Permissible procedural motions**

In addition to the right to move an amendment to a primary motion, a member may move any of the following procedural motions —

- (a) that the motion be deferred;
- (b) that the meeting now adjourn;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the meeting proceed to the next item of business
- (g) that the meeting be closed to members of the public;
- (h) that the ruling of the Presiding Member be overruled;
- (i) that the member be no longer heard; or
- (j) that the item be referred back to the (appropriate) Committee.

## **12.2 No debate on procedural motions**

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (e), (f), (g), (i) and (j) of clause 12.1 may speak to the motion for not more than 5 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 (d) and (h) of clause 12.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

## **12.3 Who may move**

With the exception of subclause 12.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

## **12.4 Procedural motions — right of reply on primary motion**

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

# **Part 13 — Effect of procedural motions**

## **13.1 The motion be deferred — effect of motion**

- (1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

## **13.2 The meeting now adjourn — effect of motion**

- (1) If a motion “that the meeting now adjourn”, is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Presiding Member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) —
  - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
  - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
  - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until —
  - (a) after the conclusion of the business under discussion at the time the motion was moved;  
or

- (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
  - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

### **13.3 The debate be adjourned — effect of motion**

- (1) If a motion “that the debate be adjourned”, is carried —
- (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
  - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (c) the provisions of clause 7.11 apply when the debate is resumed.
- (2) A motion “that the debate be adjourned” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

### **13.4 The motion be now put — effect of motion**

- (1) If a motion “that the motion be now put”, is carried during discussion of a primary motion, the Presiding Member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion “that the motion be now put” is carried during debate of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) If the motion “that the motion be now put” is lost, debate is to continue.

### **13.5 The motion lie on the table — effect of motion**

- (1) If a motion “that the motion lie on the table”, is carried, debate on the primary motion and any amendment must cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1) —
- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 7.11 apply when the debate is resumed.
- (4) A motion “that the motion lie on the table” must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

### **13.6 Meeting to proceed to the next business — effect of motion**

- (1) The motion “that the meeting proceed to the next item of business”, if carried has the effect that—
  - (a) the debate on the substantive motion or amendment ceases immediately;
  - (b) no decision is made on the substantive motion;
  - (c) the meeting moves to the next item of business; and
  - (d) there is no requirement for the matter to be raised again for consideration.
- (2) A motion that “the meeting proceed to the next item of business” must not be moved in respect of the election of a Presiding Member or the Deputy President.

### **13.7 Meeting be closed to members of the public — effect of motion**

If a motion “that the meeting be closed to members of the public” is carried then the Presiding Member is to close the meeting in accordance with clause 5.2.

### **13.8 Ruling by the Presiding Member be overruled — effect of motion**

If a motion “that the ruling of the Presiding Member be overruled” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

### **13.9 Member be no longer heard — effect of motion**

If a motion “that the member be no longer heard” is carried, the speaker against whom the motion has been moved must not speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

### **13.10 Item be referred back to Committee — effect of motion**

- (1) If a motion “that the item be referred back to Committee” is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

## **Part 14—Committees of the Council**

### **14.1 Establishment, types and membership of Committees**

The establishment, types and membership of Committees is dealt with in the Act.

### **14.2 Tenure of Committee membership**

The tenure of Committee membership is dealt with in the Act.

### **14.3 Delegation of power to Committees**

Delegation of powers and duties to Committees is dealt with in the Act.

#### **14.4 Appointment of deputy members**

The appointment of a deputy to a member of a Committee is dealt with in the Act.

#### **14.5 Standing orders apply to Committees**

Unless otherwise specifically provided, this local law applies generally to the proceedings of Committees, except for —

- (a) clause 7.2; and
- (b) clause 7.11(1).

#### **14.6 Communications by Committees**

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

#### **14.7 Committee to report**

A committee —

- (a) is answerable to the Council;
- (b) is to report on its activities when, and to the extent, required by the Council; and
- (c) is to prepare and submit to the Council a report containing recommendations.

### **Part 15 — Procedural matters**

#### **15.1 Presiding Member to ensure compliance**

The Presiding Member of a meeting is to ensure compliance with this local law.

#### **15.2 Suspension of standing orders**

- (1) A member may, at any time, move that the operation of one or more of the clauses in this local law be suspended.
- (2) A member moving a motion under subclause (1) is to identify the clause or clauses in this local law to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (3) A member moving a motion under subclause (1) is to identify the clause or clauses in this local law to be suspended, and state the reasons for the motion, but no other discussion is to take place.
- (4) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **15.3 Cases not provided for in standing orders**

(1) In situations where —

- (a) standing orders have been suspended; or
- (b) a matter is not regulated by the Act, the Regulations or this local law,

the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 12.1(h).

### **15.4 Electors' meetings**

The requirements for elector's meetings are dealt with in the Act and Regulations.

### **15.5 Electors' meetings — standing orders apply**

This local law applies, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter prevail.

### **15.6 Restriction on voting and speaking at electors' meetings**

The restriction on voting and speaking at electors' meetings is dealt with in the Regulations.

### **15.7 Penalty for contravention of this local law**

A person who breaches a provision of this local law commits an offence. Penalty: \$1 000, and a daily penalty of \$500.

### **15.8 Who can prosecute**

Who can prosecute is dealt with in the Act.

## **Part 16 — Common Seal**

### **16.1 Custody of the Common Seal**

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

### **16.2 Use of Common Seal**

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

**Schedule 1 - Petition to the Shire of Capel**

[4.9(2)(a)]

To the President and Councillors of the Shire of Capel

We, the undersigned, do respectfully request that the Council —

*(Here set out a concise statement of facts and the action sought)*

Correspondence in respect of this petition should be addressed to —

*(Here set out the name and address of the person)*

The names and addresses of your petitioners are as follows

DATE	FULL NAME	ADDRESS AGREE / DISAGREE / NO OPINION	SIGNATURE
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Note : Petitioners may contact the CEO of the Shire of Capel if they wish to withdraw from this petition or change their comment

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Dated 22<sup>nd</sup> June 2016

The Common Seal of the Shire of Capel )  
was affixed by authority of a resolution )  
of the Council in the presence of - )

\_\_\_\_\_  
**MT SCOTT, President**

\_\_\_\_\_  
**PF SHEEDY, Chief Executive Officer**