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LOCAL GOVERNMENT ACT 1995

CITY OF BELMONT

**STANDING ORDERS LOCAL
LAW 2006**

LOCAL GOVERNMENT ACT 1995

CITY OF BELMONT

STANDING ORDERS LOCAL LAW 2006

In pursuance of the powers conferred upon it by the above mentioned Act, and all other powers enabling it, the Council of the City of Belmont resolved on the 26th day of September 2006 to make the *City of Belmont Standing Orders Local Law 2006*.

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LOCAL GOVERNMENT ACT 1995

CITY OF BELMONT

STANDING ORDERS LOCAL LAW 2006

PART 1 PRELIMINARY

1.1 Citation

- (1) This Local Law may be cited as the *City of Belmont Standing Orders Local Law 2006*.
- (2) In the clauses to follow, this Local Law is referred to as “the Standing Orders.”

1.2 Intent and Application

- (1) This Local Law is intended to achieve—
- (a) the orderly and effective conduct of meetings;
 - (b) greater community understanding of the meeting process;
 - (c) better decision-making by the City; and
 - (d) better outcomes from decisions made.
- (2) This Local Law is enacted under the Act and is intended to be read in conjunction with the Act and the Regulations and the City’s Code of Conduct.

1.3 Interpretation

- (1) In these Standing Orders unless the context otherwise requires—
- “**Act**” means the Local Government Act 1995;
- “**cases of urgency or other special circumstances**” means matters that have arisen after the preparation of the agenda but prior to the meeting that are determined by the person presiding to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the council prior to the next meeting;
- “**City**” means the City of Belmont;
- “**Code of Conduct**” means the City of Belmont’s Code of Conduct as adopted from time to time;
- “**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 at that meeting and the prior permission of the City or the permission of the person presiding at the meeting;
- “**External Body**” includes—
- (a) a Regional Council;
 - (b) an incorporated or unincorporated association;
 - (c) a trust;
 - (d) a tribunal;
 - (e) a State Government agency, instrumentality, board or committee; and
 - (f) any other external body
- to which the City is entitled, or has been invited, to provide a representative.
- “**Meeting**” means the Members present at a council or Committee meeting, as the case may be;
- “**Member**” means a Member of council or a Committee, as the case may be;
- “**person presiding**” means—
- (a) in reference to a Committee meeting, the presiding Member; and
 - (b) in reference to a Council meeting, the person who presides at the Council meeting in accordance with section 5.6 of the Act.
- “**Regulations**” mean the Local Government (Administration) Regulations 1996;
- “**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 the Standing Orders the terms and expressions used in the Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The City of Belmont Standing Orders Local Law 1998 published in the *Government Gazette* on 8 December 1998, and its amendments as gazetted on 18 September 2001 and 13 July 2004, are repealed.

PART 2—COMMITTEES OF THE COUNCIL

2.1 Establishment and Appointment of Committees

Council may establish Committees in accordance with the Act and Regulations. Any resolution to establish a Committee shall set out—

- (a) the delegated authority of the Committee, if any;
- (b) the proposed functions of the Committee; and
- (c) either—
 - (i) the names of the Council Members, employees and other persons to be appointed to the Committee; or
 - (ii) the number of Council Members, employees and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.

2.2 Standing Orders Apply to Committees

These Standing Orders apply to the proceedings of Committees, except that the following Standing Orders do not apply to the meeting of a Committee—

- (a) clause 6.1, in regard to seating; and
- (b) clause 7.7, in regard to the limitation on the number of speeches.

PART 3—CALLING MEETINGS

3.1 Calling and Convening Council Meetings

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

3.2 Calling and Convening Committee Meetings

Committee meetings shall be called and convened in the same manner as if they were a Council meeting.

3.3 Failure to Receive Notice not to Invalidate Proceedings

- (1) The validity of a meeting shall not be affected by—
 - (a) the failure of any Member to receive a notice convening a meeting; or
 - (b) an error contained in the notice of meeting;

provided that all reasonable steps have been taken to prepare the notice accurately and give the notice to all Members.

(2) This section is in addition to, and does not derogate from, the provisions of section 57 of the *Interpretation Act 1984*. In the event of any inconsistency between these Standing Orders and the *Interpretation Act 1984* the latter prevails.

PART 4—BUSINESS OF THE MEETING

4.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the person presiding or a decision of the Council.
- (2) No business shall be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business shall be transacted at a Committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the person presiding or a decision of the Committee.
- (4) No business shall be transacted at an adjourned meeting of the Council or a Committee other than that—
 - (a) specified in the notice of the meeting which had been adjourned and
 - (b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting will be dealt with as set out in the agenda.

4.2 Order of Business

- (1) Unless otherwise decided by the person presiding or the Council, the order of business at any ordinary Council meeting shall be as set out in the agenda.
- (2) Unless otherwise decided by the Council or Committee, the order of business at any special Council meeting or Committee meeting shall be as set out in the agenda.
- (3) 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 the CEO considers is appropriately decided, by that meeting.

4.3 Announcements by the Person Presiding (Without Discussion)

At any meeting of the Council or a Committee the person presiding may announce or raise any matter of interest or relevance to the business of the Council or Committee.

4.4 Public Question Time

- (1) Public question time shall be conducted in accordance with the provisions of the Act and Regulations.
- (2) A member of the public who raises a question during question time shall state their name and address.
- (3) A question may be taken on notice by the person presiding for later response.
- (4) When a question is taken on notice under subclause (3) a response shall be given to the member of the public as soon as is practicable.

4.5 Confirmation of Minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a Member is dissatisfied with the accuracy of the minutes, then he or she shall—
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, shall not be permitted.

4.6 Questions by Members of which Due Notice has been given (Without Discussion)

- (1) A question on notice shall be given by a Member in writing to the CEO at least 24 hours before the meeting at which it is to be raised.
- (2) If the CEO determines that a question referred to in subclause (1) is in order, the answer shall be included in the minutes of the meeting.
- (3) Every question and answer shall—
 - (a) be submitted as briefly and concisely as possible;
 - (b) be phrased courteously and temperately; and
 - (c) relate to the good government of the City.
- (4) No discussion about a question on notice is allowed other than with the consent of the person presiding or by decision of the meeting.

4.7 Questions Without Notice

- (1) For the purposes of this clause, the expression “question” means a request for information or an enquiry.
- (2) A Member may ask, through the person presiding, any question without notice requesting general information from an employee present at a meeting.
- (3) When responding to a question without notice the employee shall have the right to ask that—
 - (a) the question be placed on notice for the next meeting; or
 - (b) the answer to the question be given to the Member who asked it prior to the next meeting.

4.8 Petitions

- (1) A petition, in order to be effective, shall—
 - (a) be addressed to the Mayor;
 - (b) state the request on each page of the petition;
 - (c) include, for each person signing the petition—
 - (i) the name and address of that person;
 - (ii) that person’s signature;
 - (iii) the date that person signed the petition; and
 - (iv) a declaration by that person as to whether or not they are an elector of the district;
 - (d) contain a summary of the reasons for the request; and
 - (e) state the name and address of a person, being an elector of the district, upon whom notice to the petitioners can be given.
- (2) The Council will respond to the petition through a notice to the person mentioned in clause 4.8(1)(e) and this person must notify the petitioners of the Council’s decision.
- (3) A petition is, if the circumstances permit, to recommend a course of action to the City.

4.9 Motions for Consideration

- (1) A Member wishing to have a notice of motion raised for consideration must give written notice of the motion to the CEO at least 48 hours prior to the meeting at which the notice of motion is proposed.
- (2) The CEO—
 - (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order or not relating to the good government of persons in the district; or
 - (b) may, after consultation with the mover of the motion, make such amendments to the form but not the substance of the motion as will bring the motion into a due form.

(3) The CEO must refer a valid notice of motion to an appropriate meeting and may provide a report including relevant and material facts and circumstances pertaining to the notice of motion.

4.10 New Business of an Urgent Nature

(1) In cases of urgency or other special circumstance, matters may, with the consent of the person presiding, or by decision of the meeting, be raised without notice and decided by the meeting.

(2) The provisions of clause, 4.9 subclauses (2) and (3) apply to a matter raised under subclause (1).

4.11 Deputation

(1) A deputation wishing to be received by the Council or a Committee is to apply to the CEO who is to advise the person presiding of the receipt of the application.

(2) The person presiding may—

(a) approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or Committee; or

(b) instruct the CEO to refer the request to the Council or Committee to decide whether or not to receive the deputation.

(3) A deputation invited to attend a meeting (unless a majority of Members otherwise agrees)—

(a) shall not exceed five persons, only two of whom may address the Council or Committee, although others may respond to specific questions from the Members; and

(b) shall not address the Council or Committee for a period exceeding 15 minutes.

(4) Any matter which is the subject of a deputation to the Council or a Committee shall not be decided by the Council or that Committee until the deputation has completed its presentation, unless the meeting decides otherwise.

PART 5—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

5.1 Official Titles to be Used

Any person referring to a Member or employee at a meeting is to refer to that Member or employee using their official title.

5.2 Address through the Person Presiding

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

5.3 Leaving Meetings

During the course of a meeting, a Member or employee shall not enter or leave the meeting without first advising the person presiding.

5.4 Recording of Proceedings

(1) It is an offence to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a Committee without the written permission of the Council.

Penalty \$1,000

(2) Subclause (1) does not apply if the record is taken by or at the direction of the CEO or by a decision of the Council.

(3) The person presiding at any Council or Committee meeting at which the proceedings are being recorded shall inform all people present immediately after the commencement of the meeting that the meeting proceedings are being recorded.

5.5 Prevention of Disturbance

(1) Any member of the public addressing a meeting is to extend due courtesy and respect to the meeting and the processes under which they operate.

(2) It is an offence to create a disturbance at a meeting by—

(a) interrupting or interfering with the proceedings;

(b) by expressing approval or dissent;

(c) by conversing aloud; or

(d) by any other means.

Penalty \$1,000

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

(4) The person presiding may direct a member of the public to refrain from conduct that is creating a disturbance and a member of the public must take direction from the person presiding whenever called upon to do so.

(5) It is an offence to disobey or fail to abide by a direction from the person presiding whenever called upon to do so.

Penalty \$1,000

(6) Should a member of the public fail to abide by a direction of the person presiding then the person presiding may direct that member of the public to immediately leave the forum in which the meeting is taking place

(7) It is an offence to not leave a forum in which a meeting is taking place when directed to do so by the person presiding.

Penalty \$2,000

(8) Any member of the public who, being directed to leave the meeting and fails to do so may, by order of the person presiding, be removed from the meeting room.

(9) If a member of the public ordered by the person presiding to be removed from the meeting room cannot be removed without the application of physical force then either—

- (a) a member or members of the Western Australia Police Service shall be called to the meeting to effect the removal of the member of the public and the meeting may be adjourned until the member of the public has been removed; or
- (b) the person presiding shall adjourn the meeting for a period of up to one hour to reconvene in a different forum in which case the member of the public ordered to be removed from the adjourned meeting is to be barred from entering the forum for the reconvened meeting.

5.6 Distinguished Visitors

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

PART 6—CONDUCT OF MEMBERS GENERALLY

6.1 Members to Occupy Own Seats

At the first meeting held after each ordinary election day, the CEO is to allot 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 the Council decides otherwise.

6.2 Adverse Reflection

(1) It is an offence for a Member to reflect adversely upon a decision of the Council or Committee except on a motion that the decision be revoked or changed.

Penalty \$1,000

(2) It is an offence for a Member to use offensive or objectionable expressions in reference to any Member or employee of the Council, or any other person.

Penalty \$1,000

(3) Only in relation to a breach of subclause (2), if a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.

6.3 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 meeting under the item “Matters for which meeting may be closed”; and
- (b) marked “confidential” in the agenda.

(2) It is an offence for a Member or an employee of the Council in receipt of confidential information to disclose such confidential information to any person other than a Member of the Council or the Committee or an employee of the Council to the extent necessary for the purpose of carrying out their duties.

Penalty \$5,000

(3) Nothing in this clause shall limit the ability of a Member of the Council or a Committee or an employee of the Council to disclose confidential information where such a disclosure is mandated by law.

(4) All matters designated as confidential under section 5.23 of the Act, whether such designation is by the CEO prior to the meeting or by decision of the meeting, are to be considered as the last item of business at the meeting.

PART 7—CONDUCT OF MEMBERS DURING MEETINGS

7.1 Interests

Members and employees shall deal with all interests and potential conflicts of interest in accordance with the requirements of the Act and all other legal obligations.

7.2 Members Wishing to Speak

Every Member wishing to speak is to indicate their intention by raising their hand or by any other method agreed upon by the Council.

7.3 Priority of Speaking

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

7.4 The Person Presiding to Take Part in Debates

(1) Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the person presiding may take part in a discussion of any matter before the Council or Committee.

(2) Where the person presiding wishes to move a motion or amendment the person presiding shall first vacate the Chair and another Member shall preside over the meeting during such time as the motion or amendment is being debated and voted upon. In these circumstances, the provisions of sections 5.6, 5.12 and 5.14 of the Act apply to the selection of a substitute presiding person.

7.5 Relevance

Members of the Council or a Committee shall restrict their remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

7.6 Directions of the Person Presiding to a Member During Debate

(1) The person presiding 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.

(2) The person presiding may direct the Member, if speaking, to discontinue their speech and if so directed the Member shall cease speaking.

7.7 Limitation of Number of Speeches

A Member of the Council shall not address the Council more than once on each motion or each amendment before the Council except—

- (a) the mover of a substantive motion exercising a right of reply;
- (b) a Member raising a point of order, or a personal explanation; or
- (c) a Member speaking to an amendment having already spoken to the substantive motion.

7.8 Limitation of Duration of Speeches

All speeches are limited to a maximum of five minutes unless the Council or Committee decides otherwise.

7.9 Members Not to Speak After Conclusion of Debate

A Member shall not speak to any motion after it has been put by the person presiding.

7.10 Members Not to Interrupt

(1) A Member shall not create a disturbance, converse aloud or interrupt another Member whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clauses 9.16 Personal Explanation and 9.17 Personal Explanation—When Heard; or
- (d) to move a motion under clause 10.9 Member No Longer Be Heard.

(2) The person presiding may direct a Member to refrain from creating a disturbance, conversing aloud or interrupting another Member whilst speaking.

(3) If a Member fails or neglects to abide by a direction from the person presiding then the person presiding may adjourn the meeting for a period of up to 15 minutes.

(4) Where a meeting is adjourned under this section then the provisions of clause 11.1 Effects of Adjournment apply.

7.11 Re-Opening Discussion on Decisions

It is an offence for a Member to re-open discussion or debate on any matter that has been decided by the Council except for the purpose of moving a revocation motion that has been supported in accordance with the requirements of the Regulations.

Penalty \$1,000

PART 8—PRESERVING ORDER**8.1 The Presiding Member to Preserve Order**

(1) The person presiding is to preserve order, and may call any Member to order, whenever, in the opinion of the person presiding, there is cause for so doing.

(2) The person presiding may reject any motion, amendment or other matter before the meeting that the person presiding decides is out of order in accordance with the Standing Orders.

(3) When the person presiding decides that anything a Member has said or done is out of order in accordance with the Standing Orders then the person presiding shall cause the Member to make such explanation, retraction or apology as the person presiding considers appropriate.

8.2 Points of Order—When to Raise—Procedure

(1) Any Member may raise a point of order during the progress of a debate, including interrupting the speaker.

(2) Any Member who is speaking when a point of order is raised is to immediately stop speaking while the person presiding considers and decides upon the point of order.

8.3 Points of Order—When Valid

The following are to be recognised as valid points of order—

- (a) That the discussion is of a matter not before the Council or Committee.
- (b) That offensive or insulting language is being used.
- (c) That there has been a breach of the Standing Orders, any other written law, or any policy of the City of Belmont specified by the Member raising the point of order.

8.4 Points Of Order—Ruling

The person presiding is to give a decision on any point of order by either upholding or rejecting the point of order.

8.5 Points of Order Take Precedence

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

8.6 Precedence of Presiding Member

- (1) When the person presiding rises during the course of a meeting, any Member of the Council, Committee or the public then speaking, or offering to speak, is to immediately cease speaking.
- (2) When the person presiding rises during the course of a meeting, every Member of the Council, Committee or public present shall preserve strict silence so that the person presiding may be heard without interruption.

Penalty \$500

- (3) Subclause (1) shall not be used by the person presiding to exercise the right provided in clause 6.4 The Person Presiding to Take Part in Debates, but to preserve order.

8.7 Right of the Person Presiding to Adjourn to Regain Order

- (1) If a meeting ceases to operate in an orderly manner, the person presiding may use discretion to adjourn the meeting for a period of up to 15 minutes for the purpose of regaining order.
- (2) Upon resumption, the Council shall decide whether business is to be proceeded with; and that motion shall be decided immediately and without debate.
- (3) If debate is to continue, it is to do so at the point at which the meeting was adjourned and the provisions of section 11.1 Effects of Adjournment apply.

8.8 Ruling of the Person Presiding

A ruling of the person presiding under these Standing Orders is final unless the meeting decides otherwise.

PART 9—PROCEDURES FOR DEBATE OF MOTIONS**9.1 Separation of Committee Recommendations**

When considering the minutes or recommendations of a Committee at a subsequent meeting, the person presiding shall cause any matter in which a Member has disclosed a financial interest at the Committee meeting to be dealt with separately from all other matters arising from the Committee meeting.

9.2 Motions to be Stated

Any Member of the Council or a Committee who moves a substantive motion or amendment to a substantive motion is to cause the motion or amendment to be put in writing before speaking to it.

9.3 Motions to be Supported

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

9.4 Unopposed Business

Upon a motion being moved and seconded, the person presiding may ask the meeting if any Member opposes it. If no Member signifies opposition to the motion the person presiding may put the motion directly to the vote.

9.5 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting a Member must not move a further substantive motion.

9.6 Order of Debate

The person presiding is to 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 be invited to speak to the motion;
- (d) the seconder to be invited 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; and,
- (h) mover invited to take right of reply which closes debate.

9.7 Limit of Debate

The person presiding may offer the right of reply and put the motion to the vote if the person presiding considers sufficient discussion has taken place even though all Members may not have spoken.

9.8 Member May Require Motion to be Read

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

9.9 Consent of Seconder 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.

9.10 Order of Amendments

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

9.11 Amendments Must Not Negate Original Motion

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

9.12 Any Member May Speak on Amendment

On an amendment being moved, any Member may speak to the amendment.

9.13 Amended Motion Treated as Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

9.14 Withdrawal of Motion and Amendments

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

9.15 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, unless the Council or Committee decides otherwise.

9.16 Personal Explanation

- (1) A Member is permitted to make a personal explanation in addition to a Member's right to speak upon the matter before a meeting.
- (2) Any Member who is permitted to make a personal explanation shall confine the personal explanation to a succinct statement relating to a specific part of the Member's former speech which may have been misunderstood.
- (3) When making their personal explanation, a Member shall not—
 - (a) refer to matters unnecessary for that purpose;
 - (b) seek to strengthen their former argument by introducing new matters; or
 - (c) reply to other Members.

9.17 Personal Explanation—When Heard

- (1) A Member wishing to make a personal explanation of matters is entitled to be heard immediately if the Member then speaking consents.
- (2) If the Member who is speaking declines to give way, the explanation shall be offered at the conclusion of that speech.

9.18 Right of Reply

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

9.19 Right of Reply Provisions

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

- (a) If no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion as decided by the person presiding.
- (b) If an amendment is moved to the substantive motion the mover of the substantive motion shall take the right of reply—
 - (i) at the conclusion of the vote on any amendments; or
 - (ii) at the conclusion of debate on the substantive motion.

- (c) The mover of any amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended, is immediately put to the vote.

9.20 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 does not deny the right of reply to the mover of the substantive motion.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible Procedural Motions

A Member shall not raise a procedural motion other than a procedural motion provided for in this Part.

10.2 No Debate on Procedural Motions

The mover of a procedural motion provided for in this Part may speak to the motion for not more than 5 minutes, the seconder shall not speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Amendment to a Procedural Motion

No Member shall move an amendment to a procedural motion.

10.4 Procedural Motion—Closing Debate—Who May Move

No person who has—

- (a) moved, seconded, or spoken for or against the substantive motion;
- (b) moved, seconded or spoken for or against any amendment to the substantive motion; or
- (c) moved or seconded a procedural motion relative to the substantive motion;

may move any procedural motion, which if carried, would close the debate on the substantive motion or amendment.

10.5 Procedural Motion—Meeting Proceed to the Next Business

(1) The motion “that the meeting proceed to the next business”, if carried, causes the debate to cease immediately and for the meeting to move to the next business of the meeting.

(2) The effect of a motion under this clause is that —

- (a) no decision is made on the substantive motion being discussed;
- (b) the matter lies on the table until such time as it is raised for consideration at a subsequent meeting; and
- (c) there is no requirement for the matter to be again raised for consideration.

10.6 Procedural Motion—Motion be Adjourned

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

10.7 Procedural Motion—Meeting Now Adjourn

(1) The motion “that the meeting now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened.

(2) No Member is to move or second more than one motion of adjournment during the same sitting of the meeting.

10.8 Procedural Motion—Motion be Put

(1) The motion “that the Motion be put”, if carried during discussion of a substantive motion without amendment, causes the person presiding to offer the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, causes the person presiding to put the amendment to the vote without further debate.

10.9 Procedural Motion—Member No Longer be Heard

The motion “that the Member no longer be heard”, if carried, causes the person presiding to—

- (a) not allow the Member against whom the motion is moved to conclude their speech; and
- (b) proceed with the order of debate.

10.10 Procedural Motion—Ruling of the Person Presiding Disagreed With

(1) The motion “that the ruling of the person presiding be disagreed with”, if carried, causes the ruling of the person presiding about which this motion was moved to have no effect.

(2) The meeting proceeds on the basis that the ruling of the person presiding was never made and the meeting continues from the point immediately prior to the ruling of the person presiding.

10.11 Procedural Motion—Meeting Proceed Behind Closed Doors

- (1) A motion “that the meeting proceed behind closed doors,” if carried, causes the general public and any officer or employee the meeting decides, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 6.7 Limitation of Number of Speeches, is suspended unless the meeting decides otherwise.
- (3) Unless the meeting decides otherwise, upon the public again being admitted to the meeting the person presiding is to cause the motions passed by the meeting whilst it was proceeding behind closed doors to be read out including the vote of a Member or Members as is to be recorded in the minutes under section 5.21 of the Act.
- (4) All discussion, matters and motions considered or discussed behind closed doors by the meeting shall be treated as strictly confidential until otherwise decided by Council.
- (5) It is an offence for a Member of the Council or a Committee or an employee of the Council in receipt of confidential information to disclose such confidential information to any person other than to the extent necessary for the purpose of carrying out their duties.

Penalty \$5,000

- (6) Nothing in this clause shall limit the ability of a Member of the Council or a Committee or an employee of the Council to disclose confidential information where such a disclosure is mandated by law.

PART 11—EFFECTS OF ADJOURNMENT**11.1 Effects of Adjournment**

- (1) On a motion for the adjournment of the meeting, the person presiding, before putting the motion, may seek leave of the meeting to proceed to the transaction of unopposed business.
- (2) Where a meeting is adjourned under these standing orders, the meeting continues from the point at which it was adjourned unless the meeting decides otherwise.
- (3) In the case of a meeting being adjourned to the day and time of the next ordinary meeting, the business adjourned from the previous meeting will be dealt with at the point specified in the agenda.
- (4) Where debate of a motion is interrupted by an adjournment under these Standing Orders—
- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded;
 - (b) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (c) the provisions of clause 7.7 apply when the debate is resumed.

11.2 Time To Which Adjourned

The time to which a meeting is adjourned—

- (a) for want of a quorum;
- (b) by the person presiding to regain order; or,
- (c) by decision of the Council;

may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

11.3 Loss of Quorum During a Meeting

- (1) If at any time during the course of a meeting a quorum is not present in relation to a particular matter because of a Member or Members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
- (a) a quorum is present to decide the matter; or
 - (b) the Minister allows a disclosing Member or Members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act.

PART 12—MAKING DECISIONS**12.1 Motions When Put**

- (1) When the order of debate upon any motion is concluded the person presiding shall immediately put the motion.
- (2) The person presiding shall again state the motion if requested by any Member.

12.2 Motions—Method of Putting

- (1) If a decision of the Council or a Committee is unclear or in doubt, the person presiding shall put the motion or amendment as often as necessary to determine the decision from a show of hands, or other method agreed upon so that no voter's vote is secret, before declaring the decision.
- (2) This provision has no effect in regard to a secret ballot conducted under Schedule 2.3 of the Act.

12.3 Adoption by Exception

- (1) The Council may decide to deal with council business by a resolution of council that has the effect of adopting the officer recommendation as the council resolution for a number of specifically identified reports.

- (2) The Council shall not deal with an item of business in this manner if the item is one—
- (a) in which an interest has been disclosed;
 - (b) on which a Member wishes to make a statement; or
 - (c) on which a Member wishes to move a motion that is different to the recommendation.

PART 13—IMPLEMENTING DECISIONS

13.1 Implementation of a Decision

- (1) Unless otherwise decided by Council or Committee, the CEO shall not take any action to implement a Council or Committee decision until the afternoon of the first business day after the meeting at which the decision was made.
- (2) If a valid notice of motion to revoke or change a decision of the Council or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with.
- (3) Implementation of a decision is only to be withheld under subclause (2) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (4) Council or Committee shall not consider a motion to revoke or change a decision of the Council or Committee without having first considered a statement of impact prepared by the CEO outlining the legal and financial consequences of the proposed revocation or change.

PART 14—ADMINISTRATIVE MATTERS

14.1 Suspension of Standing Orders

- (1) The Council or a Committee may decide to suspend temporarily one or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

14.2 Representation on External Bodies

- (a) Whenever it becomes necessary to nominate a Member of the Council to represent the Council on a public body or State instrumentality then that nomination shall be made by Council.
- (b) A Member or employee representing the City on an External Body shall at all times communicate the resolved position of Council to the External Body. A Member shall determine the resolved position of Council from—
 - (i) firstly, resolutions of Council dealing specifically with the matter before the public body or State instrumentality;
 - (ii) secondly, resolutions of Council dealing generally with matters before the public body or State instrumentality; and
 - (iii) thirdly, relevant statements of the Council's position contained in adopted Council policies or the City's Strategic Plan.

14.3 Cases not Provided for in Standing Orders

The person presiding is to decide questions of order, procedure, debate or otherwise in cases where the Standing Orders and the Act and Regulations are silent.

14.4 Enforcement

- (1) The person presiding is authorised and required to enforce the Standing Orders and to where appropriate liaise with the CEO regarding the appropriate action to be taken for any breach.
- (2) The CEO is responsible for initiating prosecution for a breach of the Standing Orders but before initiating any prosecution must liaise with the Mayor in relation to the breach.

PART 15—COMMON SEAL

15.1 The City's Common Seal

- (1) The CEO is to have charge of the common seal of the City, and is responsible for the safe custody and proper use of it.
- (2) Every document to which the common seal is affixed shall be attested by the CEO or an employee authorised by the CEO.
- (3) The form of the sealing clause of the City is—
“The Common Seal of the City of Belmont was affixed here by authority of the Standing Orders Local Law 2006.”

- (4) The common seal of the City of Belmont shall not be used other than—
- (a) on the authority of the Council given either generally or specifically;
 - (b) for the purpose of executing a document required to register a dealing in land;
 - (c) to execute a Deed;
 - (d) on ceremonial documents; or
 - (e) otherwise where required by the law.
- (5) The common seal of the City of Belmont shall be affixed to a local law which is made by the City.
- (6) The CEO shall record in a register each date on which the common seal of the City of Belmont was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
- (7) It is an offence to use the common seal of the City of Belmont or a replica thereof without authority.
- Penalty \$5,000

The COMMON SEAL OF THE CITY OF BELMONT was affixed by authority of a resolution of the Council on the 26th day of September, 2006 in the presence of—

CR GLENYS GODFREY, Mayor

Date: 17 October 2006.

DR SHAYNE SILCOX, Chief Executive Officer.

Date: 17 October 2006.

