

LOCAL GOVERNMENT ACT 1995

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**CITY OF ALBANY**

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**STANDING ORDERS LOCAL  
LAW 2009**

**AMENDED 15/09/09**

Amendment dated 15/09/09

In accordance with the feedback received from the Joint Standing Committee on delegated legislation, council resolved at the 15 September 2009:

THAT Council give a written undertaking that the City of Albany will affect the following amendments within the next two years and not rely or use the following clauses and sub clauses in the interim, being:

- a. Delete clause 4.8 and clause 4.12;
- b. Amend sub clause 4.15(3) by deleting the words "and must be accepted by the meeting without argument or comment" after the word "final";
- c. Amend sub clause 4.16(3) by deleting the words "that meeting' after the words "part in" and insert the words "the debate of the item"; and
- d. Delete sub clause 5.11(3).

# LOCAL GOVERNMENT ACT 1995

## CITY OF ALBANY

### STANDING ORDERS LOCAL LAW 2009

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# LOCAL GOVERNMENT ACT 1995

## CITY OF ALBANY

### STANDING ORDERS LOCAL LAW 2009

Under the powers conferred by the Local Government Act 1995, and under all other powers enabling it, the Council of the City of Albany resolved on 19<sup>th</sup> May 2009 to adopt the following local law.

#### PART 1 — PRELIMINARY

##### 1.1 Citation

This local law may be cited as the *City of Albany Standing Orders Local Law 2009*.

##### 1.2 Commencement

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

##### 1.3 Purpose and intent

- (1) The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council, of committees and of the electors.
- (2) This local law is intended to result in—
  - (a) better decision-making by the Council;
  - (b) orderly and efficient conduct of meetings dealing with business of the Council;
  - (c) greater community participation and understanding of the business of the Council; and
  - (d) more open and accountable local government.

##### 1.4 Repeal

The *City of Albany Standing Orders Local Law*, as published in the *Government Gazette* on 30 June 2000, is repealed on the day this local law comes into operation.

##### 1.5 Interpretation

In this local law, unless the contrary intention appears—

“**Act**” means the *Local Government Act 1995* (WA);

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

“**CEO**” means the chief executive officer or acting chief executive officer of the City;

“**City**” means the City of Albany;

“**committee**” means a committee of the Council established under the Act;

“**Council**” means the council of the City;

“**elected member**” means the mayor and councillors of the City;

“**meeting**” means either a meeting of the Council or a committee unless more specifically provided;

“**member**” means the mayor or a councillor and includes, in the case of a committee, a member of the committee who is not the mayor or a councillor;

"**officer**" means an officer of the City;

“**presiding person**” means any person presiding at a meeting;

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

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

"**Standing Order**" means any clause or subclause of this local law; and

“**Town Planning Scheme**” means the City of Albany Town Planning Scheme No. 1A – District Scheme and the City of Albany Town Planning Scheme No. 3, or any future local planning scheme in force in the district of the City.

## **PART 2 — MEETINGS OF COUNCIL AND COMMITTEE**

### **2.1 Calling of meetings and notice of meetings**

- (1) Meetings of the Council and its committees shall be convened in accordance with the Act and the Administration Regulations..
- (2) At least seven days notice shall be given of any meeting to decide a planning or development application.
- (3) When a meeting is adjourned to a day or hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

### **2.2 Confidentiality of information withheld**

Information withheld by the CEO from members of the public under regulation 14(2) of the Administration Regulations, is to be—

- (a) identified under the item “Matters for which meeting may be closed”; and
- (b) marked “confidential”,

in the meeting agenda.

### **2.3 Lapse of quorum**

- (1) In this clause, a reference to an “adjournment” or an “adjourned meeting” is a reference to a meeting adjourned due to a lack of quorum.
- (2) If at any time during any meeting a quorum is not present, the presiding person is to suspend proceedings for a period of 15 minutes upon becoming aware of such lapse.
- (3) If a quorum is not present at the expiration of the 15 minute suspension period the presiding person is to adjourn the meeting to a future time and date.
- (4) The names of all those who have spoken on the subject under consideration at the time of the adjournment are to be recorded in the minutes of the meeting.
- (5) Where debate on any motion is interrupted by adjournment of a meeting, that debate is to continue at the resumption of the meeting from the point at which it was interrupted.
- (6) Members who have spoken on the motion described at clause 2.3(5) must not speak again on resumption of the adjourned meeting, except in the case of the mover, who retains the right of reply.
- (7) At any meeting where a quorum is not present or there is an adjournment the names of the members then present are to be recorded in the minutes.

## **2.4 Voting**

For each motion and amendment, the minutes of the meeting are to record the names of members voting in the affirmative and the names of members voting in the negative.

## **PART 3 — BUSINESS AT MEETINGS**

### **3.1 Recording of proceedings**

No person is to use any electronic visual or audio recording device or instrument to record the proceedings at any meeting without prior permission by resolution of the Council.

### **3.2 Business to be specified in notice paper or agenda**

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the notice paper or the agenda unless the Council decides otherwise.

(2) No business is to be transacted at a committee meeting other than that specified in the agenda or stated in the notice paper as the purpose of the meeting unless the committee decides otherwise.

(3) No business is to be transacted at the resumption of an adjourned meeting of the Council or a committee other than that—

(a) specified in the notice of the meeting which was 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 not resolved at the adjourned meeting is to have precedence at that ordinary meeting.

### **3.3 Agenda briefing**

(1) An agenda briefing session may be held prior to a meeting.

(2) The purpose of the agenda briefing session is to provide an opportunity for elected members and persons in the public gallery to ask questions on the content of the proposed agenda.

(3) Discussion at the agenda briefing session shall be limited to matters listed on the agenda.

### **3.4 Order of business**

(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (u) of this clause.

(a) Declaration of opening and announcements of visitors

(b) Opening prayer

(c) Announcements by mayor and councillors without discussion

(d) Response to previous unanswered questions from public question time

(e) Public statement and question time

(f) Record of attendance, apologies and leave of absence previously approved

(g) Applications for leave of absence

(h) Confirmation of minutes of previous meeting

(i) Declarations of interest

(j) Identification of matters for which the meeting may sit behind closed doors

(k) Petitions, deputations and presentations

(l) Adoption of recommendations en bloc

(m) Reports

(n) Information bulletin

(o) Motions of which notice was given at the previous meeting

(p) Urgent business approved by decision of the meeting

(q) Requests for reports for future consideration

(r) Announcement of notices of motion to be dealt with at the next meeting

(s) Any items to be dealt with while the meeting is closed to members of the public

(t) Next ordinary meeting date

(u) Closure

- (2) The order of business at any special meeting of the Council shall be in the order in which it appears in the agenda.
- (3) The items of business for a meeting shall be considered in the sequence that they are listed in the agenda unless members in attendance decide otherwise.
- (4) Application for leave of absence is dealt with in the Act.
- (5) Declaration of interests is dealt with in the Act.

### **3.5 Public statement and question time**

The presiding person is to endeavour to have every question responded to at the meeting at which it is asked; but where this is not possible, the question is to be taken on notice and a written response is to be provided to the person who asked the question and reported upon at the next meeting.

### **3.6 Urgent business**

- (1) Subject to clause 3.6(2), in cases of urgency, a matter may, by an absolute majority decision, be raised without notice and decided at a meeting.
- (2) The determination of a matter or exercise of a discretion under the Town Planning Scheme is not permitted to be dealt with as urgent business.

### **3.7 Announcements by Elected Members without discussion**

- (1) Elected members may announce or raise any matter of interest affecting the City and there is not to be any discussion on the matter.
- (2) An announcement or raising of a matter is not to exceed two minutes duration.

### **3.8 Petitions**

- (1) Where a member or the CEO receives a petition conforming with the requirements of clause 3.8(2), that petition is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council must—
  - (a) be addressed to the Council;
  - (b) state the name and address of the person to whom correspondence in respect of the petition may be served; and
- (c) be in the form detailed at Schedule 1.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

### **3.9 Deputations to committee meetings**

- (1) When the CEO receives a request for a deputation to a committee, the request is to be brought to the attention of the presiding person of the relevant committee. The presiding person is to decide if a deputation is to be received, and if so, when it is to be received.
- (2) A deputation is not to exceed 5 persons in number and only 3 of those persons may address the meeting, but all may reply to questions from members.
- (3) Members of a deputation are collectively to have a maximum of 15 minutes to address the meeting, unless an extension of time is granted by the relevant committee.

### **3.10 Reports and recommendations**

- (1) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the Council.
- (2) A committee may make a recommendation to the Council which—
  - (a) is relevant to the purpose for which the committee is established; and
  - (b) in the committee's opinion requires consideration by the Council.
- (3) Where a committee makes a recommendation for consideration by the Council, the CEO shall ensure that the recommendation is submitted to the Council for consideration.

### **3.11 Motions of which previous notice has been given**

- (1) A member may, at an ordinary meeting of the Council, give notice of a motion for consideration by the Council that shall be considered at the next convened ordinary Council meeting.

- (2) The notice of motion is to be in written form and signed by the member giving notice prior to the commencement of the meeting at which the notice is given.
- (3) A notice of motion lapses unless the motion is moved at the meeting prescribed by clause 3.11(1) by—
  - (a) the member who gave the notice; or
  - (b) another member authorised in writing by the member who gave the notice.
- (4) The Council may, by absolute majority, dispense with the notice requirements of clause 3.11(1) where the Council is satisfied that the motion—
  - (a) relates to a matter of urgency that complies with clause 3.6(2); and
  - (b) could not reasonably be dealt with at the next ordinary meeting of Council.

### **3.12 Meeting closure**

At the conclusion of all business or when otherwise determined by the meeting, the presiding person is to declare the meeting closed and state the closing time.

## **PART 4 — CONDUCT OF MEETINGS**

### **4.1 Official titles to be used**

Members, when referring to others, must refer to them by their titles of mayor, deputy mayor, councillor, or in the case of an officer by the officer's title.

### **4.2 Seating at meetings of Council**

- (1) In this clause, a reference to a "meeting" is a reference to a meeting of the Council.
- (2) At the first meeting following each ordinary election, the CEO is to allocate a seat in the Council chamber to each member.
- (3) Each member must occupy his or her allocated position when present at a meeting unless the Council decides to reallocate positions.
- (4) The CEO is to sit immediately to the mayor's left.
- (5) If a distinguished visitor is present at a meeting the presiding person may invite that person to sit beside the presiding person or at the meeting table.

### **4.3 Media attendance at meetings of Council**

- (1) Media representatives are permitted to attend meetings of the Council, but must leave the meeting during any period when the meeting is closed to the public.
- (2) Media representatives attending a meeting of the Council may be seated in that part of the Council chamber or meeting room set aside for their use.

### **4.4 Order of speakers**

When two or more members indicate their desire to speak at the same time the presiding person is to decide who is entitled to priority.

### **4.5 Members not to interrupt**

- (1) A member shall not—
  - (a) make any noise or disturbance or converse whilst any other member is addressing a meeting; or
  - (b) cause any interruption or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

### **4.6 Movement within the Chamber**

Elected members are to seek the acknowledgement of the presiding member prior to leaving their seat during a meeting.

#### **4.7 Presiding person may participate in discussion**

The presiding person may participate in the discussion of any motion provided that he or she does so before the right of reply is exercised.

#### **4.8 Presiding person to be heard without interruption**

~~Whenever the presiding person either rises or signifies a desire to speak during a meeting, any member speaking or offering to speak must sit down and be silent, so that the presiding person may be heard without interruption.~~

#### **4.9 No adverse reflection**

(1) No member is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.

(2) No member, person in the public gallery, or any other person attending a meeting is to use objectionable expression in reference to any member, officer of the Council or any other person.

(3) A member may request that words used by a member, person in the public gallery or any other person attending a meeting be recorded in the minutes immediately after their use.

#### **4.10 Withdrawal of offensive language**

(1) Any member, person in the public gallery, or any other person attending a meeting who uses an expression which, in the opinion of the presiding person—

(a) reflects adversely on the character or actions of a member, officer or other person;

(b) imputes any motive to any member or officer; or

(c) is offensive or insulting,

must, when directed by the presiding person, unreservedly withdraw the expression and make an unconditional apology.

(2) Where a person fails to comply with a direction of the presiding person under clause 4.10(1) the presiding person may refuse to hear the person further on the matter then under discussion and may call on the next speaker.

#### **4.11 Relevance to debate**

When addressing a meeting on any motion or other business, members must confine their remarks to that motion or business and not digress.

#### **4.12 Presiding person to draw attention of meeting to unbecoming behaviour**

~~The presiding person may call the attention of a meeting to—~~

~~(a) continued irrelevance;~~

~~(b) tedious repetition;~~

~~(c) unbecoming language; or~~

~~(d) any breach of order or decorum;~~

~~on the part of a member, and may direct the member, if speaking, to cease speaking. Upon receiving such direction the member must comply immediately and be seated.~~

#### **4.13 Personal explanation**

(1) A member must not speak at any meeting, except on the matter then before the Council or committee, except to make a personal explanation of a statement that may have been misunderstood.

(2) A member wishing to make a personal explanation of matters referred to by any other member then speaking is entitled to be heard—

(a) immediately if the member then speaking consents at the time; or

(b) at the conclusion of the speech if the member then speaking declines to give way.

(3) A member of the Council or committee permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the earlier speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his or her former argument by raising any new matter or replying to other members.

#### **4.14 Ruling on questions of personal explanation**

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

#### **4.15 Point of order (Clause 4.15(3) amended)**

(1) A member may direct the presiding person's attention to a breach of these Standing Orders by any other member and when doing so is to specify the grounds of the breach.

(2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.

(3) **The presiding person is to decide all points of order and the decision of the presiding person is final, unless in any particular case, the meeting then resolves that a different ruling is to be substituted for the ruling given by the presiding person.**

(4) A motion, amendment or other business ruled to be out of order is to be no longer discussed and requires no resolution.

(5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

#### **4.16 Preservation of order – members (Clause 4.16(3) amended)**

(1) The presiding person is to preserve order at all times and may call any member to order whenever, in the presiding person's opinion, there is cause to do so.

(2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.

(3) **Where a member persists in any conduct which the presiding person has ruled to be out of order, or refuse to make any explanation, retraction or apology required by the presiding person, then the presiding person may direct the member to refrain from taking any further part in the debate of the item, other than to have their vote recorded, and the member must comply with that direction.**

#### **4.17 Preservation of order – members of the public**

(1) Any member of the public addressing a meeting is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.

(2) No member of the public shall leave their seat in the public gallery unless entering or leaving the Council chamber or moving to the lectern upon the invitation of the presiding officer to ask a question or make a statement in public statement and question time.

(3) No member of the public observing a meeting is to create a disturbance by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) Where a person is considered by the presiding person or the Council to be in breach of clauses

4.17(1), (2) or (3) the presiding person or the Council by resolution may direct the offending person to leave the meeting room and the person must immediately comply with that direction.

(5) A person failing to comply with a direction given under clause 4.17(4) may, by order of the presiding person, be removed by the police from the meeting room.

(6) A person who fails to comply with a direction given under clause 4.17(4) commits an offence, the maximum penalty for which is \$1,000.

#### **4.18 Serious disorder**

(1) If the presiding person is of the opinion that by reason of serious disorder or otherwise the business of a meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.

(2) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting to another date.

#### **4.19 Members to rise**

- (1) Every member of the Council wishing to speak at a meeting is to indicate by show of hand or other method agreed upon by the Council.
- (2) When invited by the presiding member to speak, members are to rise and address the Council through the presiding member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.
- (3) There is no requirement to stand to address the presiding member at committee meetings.

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

No member is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

### **PART 5 – MOTIONS AND AMENDMENTS**

#### **5.1 Recommendations in reports**

The requirements for recording written reasons in the minutes of a meeting for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an officer are dealt with in the Administration Regulations.

#### **5.2 Alternate motions**

- (1) A member may submit an alternative motion for consideration by the Council that differs from a committee or officer's recommendation contained in the meeting agenda.
- (2) A request for an alternative motion must be received by the CEO or their delegate no later than 12 noon on the day following the relevant agenda briefing session.
- (3) The Council may by absolute majority dispense with the requirement of clause 5.2(2) where the Council is satisfied that the alternative motion does not—
  - (a) reflect a significant departure from the intent of the recommendation; or
  - (b) involve the determination of a matter or exercise of a discretion under the Town Planning Scheme.

#### **5.3 Adoption of recommendations en bloc**

A member may move a motion to adopt, by one resolution, all the recommendations or a group of recommendations from a committee or officer's reports, without amendment or qualification, after having first identified those recommendations, if any—

- (a) which require adoption by absolute or special majority vote;
- (b) in respect of which there is a disclosure of interest;
- (c) which any member has indicated he or she wishes to debate; or
- (d) in respect of which any member has indicated a wish to ask a question or to raise a point of clarification,

and any such recommendations that are identified shall each be considered separately.

#### **5.4 Motions**

- (1) A member proposing a primary motion or amendment must state its substance before addressing the meeting.
- (2) The presiding person or the meeting by resolution may require a complicated motion to be divided into two or more motions.

#### **5.5 No opposition to motions**

- (1) Once a motion is moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion shall be dealt with according to these Standing Orders.

## **5.6 Motions to be seconded**

- (1) Subject to clause 5.6(2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.

## **5.7 Order of call in debate**

The presiding person is to call speakers to a substantive motion in the following order—

- (a) the mover, to state the motion;
- (b) a seconder, to second the motion;
- (c) the mover, to speak for the motion;
- (d) the seconder, to speak for the motion;
- (e) a speaker against the motion;
- (f) other speakers for and against the motion; and
- (g) the mover, to take the right of reply which closes debate.

## **5.8 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) Where an amendment to a substantive motion is proposed, the substantive motion is not to be withdrawn without the consent of the majority of members present, until the proposed amendment is withdrawn or lost.

## **5.9 One motion at a time**

Only one motion is to be debated at any one time.

## **5.10 Limitation on members speaking – general**

- (1) Only the mover of a motion or an amendment may speak twice on that same motion or amendment.
- (2) A member may only speak on a motion or an amendment, or reply, for a period of not more than 4 minutes, unless an extension of time is granted by the Council by simple majority without debate; but such speech shall not exceed a total time of 8 minutes.
- (3) This clause applies to all meetings, including at the resumption of an adjourned debate or meeting.

## **5.11 Questions during debate (Clause 5.11(3) deleted)**

- (1) A member may ask a question at any time during debate on a motion or an amendment before the mover of the motion or amendment has spoken in reply.
- (2) Subject to clause 5.11(3), a member who asks one or more questions will not be taken to have spoken on a matter.

~~(3) Where the presiding person considers that a question asked is not succinct and to the point, but is prefaced by comment or other information or is rhetorical in nature, the presiding person may rule that the member has spoken and must not speak again on the same matter.~~

## **5.12 Amendments**

- (1) A member may move an amendment to a motion at any time during debate on the motion, except—
  - (a) when the mover has been called by the presiding person to exercise the right of reply; or
  - (b) during debate on a procedural motion.
- (2) Every amendment is to be relevant and is not to negate the motion in respect of which it is moved.
- (3) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
- (4) If an amendment to a substantive motion is carried, the motion as amended then becomes a substantive motion, on which any member may speak and one further amendment may be moved and carried.

## **5.13 Right of reply**

- (1) The mover of a substantive motion or an amendment to a motion has the right of reply.
- (2) The mover's reply is to be confined to rebutting arguments raised by other speakers, and no new material is to be introduced.
- (3) Once the right of reply is taken, no other member is to speak on the motion or amendment in question.

## **PART 6 – REVOCATION MOTIONS**

### **6.1 Revocation motions**

- (1) The requirements for support of a motion for revocation or change of a Council decision are dealt with in the Act and Administration Regulations.
- (2) A member wishing to move a revocation motion at a meeting must give to the CEO notice of the revocation motion in accordance with clause 3.11(2) but in addition, the notice must—
  - (a) specify the decision proposed to be revoked or changed;
  - (b) include a reason or reasons for the revocation motion; and
  - (c) be signed by at least one third of the sitting members of the Council.
- (3) Where notice of a revocation motion is given in accordance with this clause, the CEO must not implement or continue to implement the decision the subject of the revocation motion unless—
  - (a) no member moves the revocation motion;
  - (b) the revocation motion is moved but not seconded; or
  - (c) the revocation motion is moved and seconded but not supported by the kind of majority required by law,at the meeting prescribed by clause 3.11(1).
- (4) A motion that a revocation motion be deferred shall only be carried by the decision of an absolute majority.

## **PART 7 – PROCEDURAL MOTIONS**

### **7.1 Permissible procedural motions**

- (1) A member may, at the conclusion of a speech by any other member or on the conclusion of any business, move any of the following procedural motions without notice; and if seconded, the procedural motion is to be dealt with immediately—
  - (a) that the motion be deferred;
  - (b) that the meeting do now adjourn;
  - (c) that the debate be adjourned;
  - (d) that the motion be now put;
  - (e) that the meeting be now closed;
  - (f) that the Council (or committee) close the meeting to the public;
  - (g) that the ruling by the presiding person be disagreed with.
- (2) A member shall not move more than one procedural motion at the same meeting except in the case of the motions referred to at clauses 7.1(1) (a), (f) and (g).

### **7.2 No debate on procedural motions**

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (c), (e), (f), and (g) of clause 7.1(1) may speak to the motion for not more than 4 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 referred to in paragraph (d) of clause 7.1(1) shall not speak to the motion, the seconder shall not speak other than to formally second the motion, and there is to be no debate on the motion.

### **7.3 Procedural motions – closing debate**

- (1) No person who has moved, seconded, or spoken for or against a primary motion or any amendment may move any procedural motion which, if carried, would close the debate on that motion or amendment.
- (2) The carrying of a procedural motion which closes debate and forces a decision on a primary motion or amendment does not deny the right of reply to the mover of that primary motion or amendment.

### **7.4 The motion be deferred – effect of motion**

If a motion “that the motion be deferred” is carried, 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.

### **7.5 The meeting do now adjourn – effect of motion**

- (1) If a motion “that the meeting do now adjourn” is carried, the meeting is to stand 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 person shall declare.
- (2) Where debate on a motion is interrupted by an adjournment under clause 7.5(1) —
  - (a) the debate is to be resumed at the date and time specified as required in clause 7.5(1) from the point at which it was interrupted;
  - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the meeting minutes; and
  - (c) the provisions of clause 5.10(3) apply when the debate is resumed.

### **7.6 The debate be adjourned – effect of motion**

- (1) If a motion “that the debate be adjourned” is carried, all debate on the primary motion or amendment is to cease and is to resume at a time and date specified in the motion.
- (2) If the motion “that the debate be adjourned” is carried at a meeting of the Council—
  - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 5.10(3) apply when the debate is resumed.
- (3) A motion that the debate be adjourned shall not be moved in respect of the election of a deputy mayor.

### **7.7 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 or amendment, the presiding person is to immediately put the matter under consideration without further debate.
- (2) If a motion “that the motion be now put” is lost, debate is to continue.

### **7.8 Meeting be now closed – effect of motion**

- (1) If a motion “that the meeting be now closed” is carried—
  - (a) the presiding person is to forthwith close the meeting and no further business may be transacted;
  - (b) any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting of the Council or next committee meeting, as the case may be.
- (2) If the motion is carried during debate on a motion at a meeting of the Council, the names of members who have spoken on the matter are to be recorded in the minutes.

### **7.9 Council or committee close the meeting to the public – effect of motion**

- (1) The general requirement for meetings to be open to the public and the reasons that meetings may be closed are dealt with in the Act.
- (2) A member may move at any time during a meeting that the Council (or committee) sit behind closed doors.
- (3) If a motion “that the Council (or committee) meet behind closed doors” is carried, the presiding person is to direct all persons other than members, officers and other persons specified in the motion to leave the meeting room and every person so directed must immediately comply with that direction.
- (4) Subject to clause 7.9(3) the meeting is to be closed to the public until the Council resolves to re-open the meeting to members of the public.
- (5) Where the meeting is re-opened to the public the presiding person is to cause motions passed and any details of voting recorded whilst the meeting was closed to the public is to be read out.
- (6) No person is to publish or make public any discussion which takes place whilst the meeting was closed to the public, but this prohibition does not extend to the actual decision made as a result of such discussion nor other information properly recorded in the minutes.
- (7) A person failing to comply with a direction made under clause 7.9(3) may, by order of the presiding person, be removed by the police from the meeting room.

### **7.10 Ruling by the presiding person be disagreed with – effect of motion**

If a motion “that the ruling by the presiding person be disagreed with” is carried, the ruling about which the motion was moved is to have no effect and the meeting is to proceed accordingly.

## **PART 8 — COMMITTEES**

### **8.1 Delegation of some powers and duties to committees**

The delegation of certain powers and duties to committees is dealt with in the Act.

### **8.2 Elected member only committees**

The presiding person of a committee comprising only elected members is to allow any elected member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that member.

### **8.3 Elected members attending committees as observers**

(1) A member may attend any meeting of a committee as an observer, notwithstanding that the member is not a member of that committee.

(2) A member attending a committee meeting as an observer may speak but is not to vote on any motion before the committee.

(3) The requirements for disclosure of interests by members attending a committee meeting as observers are dealt with in the Act, the Administration Regulations and the Rules of Conduct Regulations.

### **8.4 Appointment of deputy committee members**

(1) The Council may appoint one or more persons as deputy or deputies to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof.

(2) Where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(3) Where a member of a committee does not attend a meeting thereof, a deputy of that member selected according to seniority is entitled to attend the meeting in place of the member and act for the member; and while so acting the deputy has all the powers of that member.

### **8.5 Committee meetings closed to the public**

All meetings of committees not required to be opened to the public under the Act are to be closed to the public unless the Council decides otherwise.

### **8.6 Standing Orders generally apply to committee meetings**

The provisions of these Standing Orders shall apply to meetings of committees unless otherwise provided in these Standing Orders or so resolved by a committee for its own purposes.

### **8.7 Access to Standing Orders**

A copy of these Standing Orders is to be made available to all members of committees, including non-Council members.

## **PART 9 — MISCELLANEOUS**

### **9.1 Representation on public bodies**

When the Council is required to appoint or nominate a member or person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members, and the Council is by resolution to determine the appointment or nomination.

### **9.2 Improper use of information**

Improper use of information is dealt with in the Act.

### **9.3 Meetings of electors**

Meetings of electors are dealt with in Act and Administration Regulations.

### **9.4 Cases not provided for in the Standing Orders**

The procedure to be observed at a meeting in any situation for which these Standing Orders make no provision or insufficient provision shall be determined by the presiding person.

**9.5 Enforcement**

The right to prosecute for any offence committed under these Standing Orders is dealt with in the Act.

**9.6 Suspension of Standing Orders**

(1) The Council or a committee may decide, by absolute majority vote, to suspend temporarily one or more of these Standing Orders.

(2) The mover of a motion described in clause 9.6(1) is to state the clause or clauses to be suspended, and the purpose of the suspension.

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**SCHEDULE 1**

**PETITION OF ELECTORS OF THE CITY OF ALBANY**

To the Mayor and Councillors of the City of Albany

We, the undersigned, all being electors of the City of Albany 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 relevant name(s) and address(es) for correspondence]*

The names and addresses of your petitioners are as follows—

<b>Date</b>	<b>Full Name</b>	<b>Address</b>	<b>Signature</b>	<b>Agree/Disagree/No Opinion</b>

Note: Petitioners may contact the CEO of the City of Albany if they wish to withdraw from this petition or change their comment.

\_\_\_\_\_

Dated: 19<sup>th</sup> May 2009.

The Common Seal of the City of Albany was affixed by authority of a resolution of the Council in the presence of —

**MILTON JOHN EVANS, JP, Mayor**  
**PAUL RICHARDS, Chief Executive Officer**