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LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

**STANDING ORDERS
LOCAL LAW 2013**

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STANDING ORDERS LOCAL LAW 2013

CONTENTS

PART 1—PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Application and intent
- 1.4 Definitions
- 1.5 Repeal

PART 2—MEETINGS

- 2.1 Ordinary and Special Council meetings
- 2.2 Calling Council meetings
- 2.3 Convening Council meetings
- 2.4 Calling committee meetings
- 2.5 Public notice of meetings

PART 3—PRESIDING MEMBER AND QUORUM

- 3.1 Who presides
- 3.2 When the Deputy Mayor can act
- 3.3 Who acts if no Mayor
- 3.4 Election of presiding members of committees
- 3.5 Election of deputy presiding members of committees
- 3.6 Functions of deputy presiding members
- 3.7 Who acts if no presiding member
- 3.8 Functions of presiding member
- 3.9 Quorum for meetings
- 3.10 Reduction of quorum for Council meetings
- 3.11 Reduction of quorum for committee meetings
- 3.12 Procedure where no quorum to begin a meeting
- 3.13 Procedure where quorum not present during a meeting
- 3.14 Names to be recorded

PART 4—BUSINESS OF A MEETING

- 4.1 Business to be specified
- 4.2 Order of business
- 4.3 Grant of leave of absence
- 4.4 Mayor's report
- 4.5 Motions of which previous notice has been given
- 4.6 Urgent business
- 4.7 Adoption by exception resolution

PART 5—PUBLIC PARTICIPATION

- 5.1 Meetings generally open to the public
- 5.2 Meetings not open to the public
- 5.3 Question time for the public
- 5.4 Minimum question time for the public
- 5.5 Procedures for question time for the public
- 5.6 Other procedures for question time for the public
- 5.7 Distinguished visitor
- 5.8 Deputations to a committee

- 5.9 Petitions
- 5.10 Participation at committee meetings
- 5.11 Public inspection of agenda materials
- 5.12 Confidentiality of information withheld
- 5.13 Prevention of disturbance
- 5.14 Proceedings not to be recorded

PART 6—QUESTIONS BY MEMBERS

- 6.1 Questions during debate
- 6.2 Restrictions on questions and answers

PART 7—CONDUCT OF MEMBERS

- 7.1 Members to occupy own seats
- 7.2 Official titles to be used
- 7.3 Entering or leaving a meeting
- 7.4 Members who wish to speak
- 7.5 Priority of speaking
- 7.6 The presiding member may take part in debates
- 7.7 Relevance
- 7.8 Speaking twice
- 7.9 Duration of speeches
- 7.10 No speaking after conclusion of debate
- 7.11 No interruption
- 7.12 No reopening of discussion
- 7.13 Offensive language
- 7.14 Withdrawal of offensive language
- 7.15 Personal explanation

PART 8—PRESERVING ORDER

- 8.1 Presiding member to preserve order
- 8.2 Point of order
- 8.3 Procedures on a point of order
- 8.4 Ruling by the presiding member
- 8.5 Continued breach of order
- 8.6 Presiding member may adjourn meeting

PART 9—DEBATE OF SUBSTANTIVE MOTIONS

- 9.1 Motions to be stated and in writing
- 9.2 Motions to be supported
- 9.3 Unopposed business
- 9.4 Only one substantive motion at a time
- 9.5 Complex motions
- 9.6 Order of call in debate
- 9.7 Limit of debate
- 9.8 Member may require motion to be read
- 9.9 Order of amendments
- 9.10 Amendments must not negate original motion
- 9.11 Relevance of amendments
- 9.12 Mover of motion may speak on an amendment
- 9.13 Effect of an amendment
- 9.14 Withdrawal of motion and amendments
- 9.15 Right of reply

PART 10—PROCEDURAL MOTIONS

- 10.1 Permissible procedural motions
- 10.2 No debate
- 10.3 Who may move
- 10.4 Right of reply on substantive motion
- 10.5 Meeting to proceed to the next business
- 10.6 Item to be referred or adjourned
- 10.7 Meeting now adjourn
- 10.8 Motion to be put
- 10.9 Member to be no longer heard
- 10.10 Ruling of the presiding member be disagreed with

PART 11—DISCLOSURE OF INTERESTS

- 11.1 Disclosure of interests
- 11.2 Separation of committee recommendations

PART 12—VOTING

- 12.1 Motion—when put
- 12.2 Voting
- 12.3 Majorities required for decisions
- 12.4 Question—method of taking vote
- 12.5 Recording of votes

PART 13—KEEPING OF MINUTES

- 13.1 Keeping of minutes
- 13.2 Content of minutes
- 13.3 Public inspection of unconfirmed minutes
- 13.4 Confirmation of minutes

PART 14—IMPLEMENTING DECISIONS

- 14.1 Requirements to revoke or change decisions
- 14.2 Meaning of terms
- 14.3 Limitations on powers to revoke or change decisions
- 14.4 Implementing a decision

PART 15—SUSPENSION AND NON-APPLICATION OF STANDING ORDERS

- 15.1 Suspension of Standing Orders
- 15.2 Where Standing Orders do not apply

PART 16—COMMITTEES

- 16.1 Establishment and appointment of committees
- 16.2 Types of committees
- 16.3 Delegation of some powers and duties to certain committees
- 16.4 Limits on delegation of powers and duties to certain committees
- 16.5 Appointment of committee members
- 16.6 Tenure of committee membership
- 16.7 Appointment of deputies
- 16.8 Resignation of committee members
- 16.9 Register of delegations to committees
- 16.10 Standing Orders to apply
- 16.11 Committee to report
- 16.12 Reports of committees—questions
- 16.13 Permissible motions on committee recommendations

PART 17—MEETING OF ELECTORS

- 17.1 Electors' general meetings
- 17.2 Matters for discussion at general electors' meeting
- 17.3 Electors' special meetings
- 17.4 Requests for electors' special meetings
- 17.5 Convening electors' meetings
- 17.6 Who presides at electors' meetings
- 17.7 Procedure for electors' meetings
- 17.8 Participation of non-electors
- 17.9 Voting at electors' meetings
- 17.10 Minutes of electors' meetings
- 17.11 Decisions made at electors' meetings

PART 18—ENFORCEMENT

- 18.1 Penalty for breach
- 18.2 Who can prosecute

PART 19—COMMON SEAL

- 19.1 Custody of the Common Seal
- 19.2 Use of Common Seal

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

STANDING ORDERS LOCAL LAW 2013

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the City of Bayswater resolved on 23 April 2013 to make this local law.

PART 1—PRELIMINARY**1.1 Title**

- (1) This local law is the *City of Bayswater Standing Orders Local Law 2013*.
- (2) In the clauses that follow, this local law is referred to as “this local law”.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application and intent

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

1.4 Definitions

In this local law—

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;

City means the City of Bayswater;

clause means a clause of this local law;

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

Council means the Council of the local government;

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

Deputy Mayor means the deputy mayor of the local government;

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

Mayor means the mayor of the local government;

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

member has the same meaning as given to it in the Act;

Minister means the Minister responsible for administering the Act;

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

petition includes a letter or other correspondence in the nature of a petition;

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;

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

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

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

special majority has the same meaning as is given to it in the Act;

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

1.5 Repeal

The *City of Bayswater Standing Orders Local Law 2000*, published in the *Government Gazette* on 11 January 2001, is repealed.

PART 2—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 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.

(3) Where, in the opinion of the Mayor or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

2.4 Calling committee meetings

A meeting of a committee is to be held—

(a) if called for in a verbal or written request to the CEO by the Mayor or the presiding member of the committee, advising the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) in accordance with a decision of the Council or the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 3—PRESIDING MEMBER AND QUORUM

Division 1—Who presides

3.1 Who presides

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

3.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

3.3 Who acts if no Mayor

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

3.4 Election of presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

3.8 Functions of presiding member

The presiding member of a meeting—

(a) is to ensure that the meeting is conducted in accordance with the objectives of this local law, as set out in clause 1.3(2) and (3); and

(b) is to decide questions of order and procedure in accordance with, and subject to, this local law.

*Division 2—Quorum***3.9 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

3.10 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.11 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.12 Procedure where no quorum to begin a meeting

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

3.13 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present—

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

3.14 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned for want of a quorum,

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

PART 4—BUSINESS OF A MEETING**4.1 Business to be specified**

- (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 presiding member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice of the meeting as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with before item 9 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that—
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

4.2 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. Official opening.
 2. Record of attendance, apologies and leave of absence.
 3. Public question time.
 4. Applications for leave of absence.
 5. Confirmation of minutes.
 6. Disclosures of interests.
 7. Urgent business.
 8. Petitions.
 9. Motions of which previous notice has been given.
 10. Notices of motion for consideration at the following meeting if given during the meeting.
 11. Reports and recommendations of committees.
 12. Mayor's report.
 13. Matters for which a meeting is to be closed to the public.
 14. 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 notice of, or agenda for, the meeting.

(3) Despite subclauses (1) and (2), 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.

4.3 Grant of leave of absence

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

4.4 Mayor's report

The Mayor's report, under item 12 of clause 4.2(1), is—

- (a) to inform the Council of official duties performed, or functions attended, by the Mayor, or of other matters of importance to the Council, of which the Council has not previously been informed;
- (b) to be brief and concise;
- (c) to be completed within 10 minutes; and
- (d) not to be the subject of any discussion.

4.5 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 of the local government as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the Chief Executive Officer.

(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.

(3) A notice of motion must relate to a matter for which the Council is responsible.

(4) The CEO—

- (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion that he or she considers to be out of order (under clause 8.2(1)), such as a breach of clause 7.7 and 7.13 of this local law; and
- (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.

(5) A notice of motion is not out of order because the policy involved is considered to be objectionable.

(6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.

(7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.

(8) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice of it, or some other 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.

(9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8)(a), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.

(10) An amendment, other than a minor amendment, to a motion of which notice has been given under this clause, is not to be considered at a meeting unless written notice of the amendment is received by the CEO no later than 12:00pm on the last working date preceding the day of the meeting at which the relevant motion is to be considered.

(11) The presiding member—

- (a) is to determine whether an amendment is a minor amendment for the purposes of subclause (10); and
- (b) is to make that determination on the basis that a minor amendment is one which, in his or her opinion, does not alter the basic intent of the primary motion.

4.6 Urgent business

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), **cases of extreme urgency or other special circumstances** means matters—

- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting; and
- (b) that, if not dealt with at the meeting, are likely to—
 - (i) have a significant adverse effect (financially or otherwise) on the local government; or
 - (ii) result in a contravention of a written law; and
- (c) that Council agrees to represent urgent business.

(3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting—

- (a) the presiding member is to ask the CEO to give; and
- (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.

(4) The minutes of the meeting are to include—

- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
- (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.7 Adoption by exception resolution

(1) In this clause **adoption by exception resolution** means—

- (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
- (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.

(2) If a proposed adoption by exception resolution is proposed to adopt a recommendation in a specifically identified report that requires an absolute majority or a special majority, the adoption by exception resolution must be passed by an absolute majority or a special majority, as the case may be.

(3) Subject to subclause (4), the Council or a committee may pass an adoption by exception resolution.

(4) An adoption by exception resolution may not be used for a matter—

- (a) in which an interest has been disclosed;
- (b) that is a matter on which a member wishes to make a statement; or
- (c) that is a matter on which a member wishes to move a motion that is different to the recommendation.

PART 5—PUBLIC PARTICIPATION

5.1 Meetings generally open to the public

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

5.2 Meetings not open 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 (other than any person specified in a resolution).

(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 to members of the public 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;
 - (iii) any employee of the local government unless specified in a resolution; and
 - (iv) any other person specified in a resolution; 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 the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that—

- (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
- (b) the vote of a member or members is recorded in the minutes.

5.3 Question time for the public

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

5.4 Minimum question time for the public

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

5.5 Procedures for question time for the public

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

5.6 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time must—

- (a) first state his or her name and address;
- (b) direct the question to the presiding member;

- (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that—
- (a) a written response is given to the person who asked the question within 10 working days; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) A response to a question—
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (9) 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.
- (10) The presiding member may decide that a question is not to be responded to where—
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which would be in breach of this local law or any other law.
- (11) The Council or committee, by resolution, may agree to extend public question time.

5.7 Distinguished visitor

- (1) The presiding member is to determine if a distinguished visitor is present at a meeting of the Council or a committee.
- (2) If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member—
- (a) may invite the distinguished visitor to sit beside the presiding member or at the Council table;
 - (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
 - (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.8 Deputations to a committee

- (1) A deputation may be made to a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by a committee must—
- (a) apply orally or in writing to the CEO for approval; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer to the presiding member a copy or summary of the application.
- (4) Unless the committee resolves otherwise—
- (a) a deputation that complies with subclause (2) may address the committee for up to 5 minutes; and
 - (b) the presiding member may allow that period of 5 minutes to be shared between 2 or 3 members of the deputation and, in the absence of agreement by members of the deputation, the presiding member is to determine which members of the deputation are to address the committee and for how long (within the total period of 5 minutes).
- (5) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (6) Any matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.

5.9 Petitions

- (1) A petition must—
 - (a) contain a summary of the request and of the reasons for the request;
 - (b) contain the names, addresses and signatures of the petitioners;
 - (c) contain the name and address of the person to whom notice to the petitioners can be given; and
 - (d) be respectful and temperate in its language.
- (2) On the presentation of a petition—
 - (a) the Councillor presenting it is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (3) The Council or a committee is not to vote on any matter that is the subject of a petition presented to the meeting unless—
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

5.10 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who—
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A member may attend, as an observer, any meeting of a committee of which he or she is not a member or the deputy of a member.
- (3) Without the consent of the presiding member, no person is to address a committee meeting.
- (4) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

5.11 Public inspection of agenda materials

The right of a member of the public to inspect the documents relating to a Council or committee meeting is dealt with in the Regulations.

5.12 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2), of the Regulations is to be—
 - (a) identified in the agenda of a Council or committee meeting under the item "Matters for which the meeting is to be closed to the public"; and
 - (b) marked "Confidential" in the agenda.
- (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,must not 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.

Penalty \$5,000.

- (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.

5.13 Prevention of disturbance

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council or a committee.
- (3) 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 by the presiding member.

Penalty \$1,000.

(4) A person present at, or observing, a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000.

(5) The presiding member may warn a person who fails to comply with this clause.

(6) If—

(a) after being warned, the person again acts contrary to this clause, or to this local law; 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.

(7) 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.

5.14 Proceedings not to be recorded

Unless with the written authorisation of the presiding member, a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

PART 6—QUESTIONS BY MEMBERS

6.1 Questions during debate

At any time during the debate on a motion before the motion is put, a member may ask a question and, with the consent of the presiding member, may ask one or more further questions.

6.2 Restrictions on questions and answers

(1) Questions asked by a member, and responses given by a member or an employee—

(a) are to be brief and concise; and

(b) are not to be accompanied by—

(i) expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question or answer; or

(ii) any discussion or further question, except with the consent of the presiding member.

(2) In answering any question, a member or an employee may qualify his or her answer and may at a later time in the meeting or at a later meeting alter, correct, add to or otherwise amend his or her original answer.

PART 7—CONDUCT OF MEMBERS

7.1 Members to occupy own seats

(1) At the first meeting of the Council held after each ordinary election day, the CEO is to allot by random draw a position at the Council table to each Councillor.

(2) Each Councillor, when present at meetings of the Council, is to occupy the position allotted under subclause (1) until—

(a) the next ordinary election day; or

(b) the Council decides on a re-allotment of positions,

whichever occurs first.

7.2 Official titles to be used

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

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

(1) A member who wishes to speak at a Council meeting—

(a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and

(b) when invited by the presiding member to speak, and unless otherwise determined by the Council, must stand and address the meeting through the presiding member.

(2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

7.5 Priority of speaking

(1) At a Council meeting, where 2 or more members of the Council indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) At a committee meeting, the presiding member is first to invite committee members to speak followed, at the discretion of the presiding member, by other members and attendees.

(3) A decision of the presiding member under this clause is not open to discussion or dissent.

7.6 The presiding member may take part in debates

Subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the meeting.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may—
 - (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Speaking twice

- (1) A member must not address the Council or a committee more than once on any motion or amendment except—
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member must not speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without discussion.

7.10 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the question has been put.

7.11 No interruption

A member must not interrupt another member who is 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 clause 7.15; or
- (d) to move a procedural motion that the member be no longer heard.

7.12 No reopening of discussion

A member must not reopen a discussion on any Council or committee decision, except to move that the decision be revoked or changed.

7.13 Offensive language

(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;
- (b) impute any motive to a member or employee; or
- (c) use an expression that is offensive or objectionable,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

Penalty \$1,000.

(3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

Penalty \$1,000.

(4) 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.

7.14 Withdrawal of offensive language

A member who, in the opinion of the presiding member and in the absence of a resolution under clause 7.13(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.

7.15 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.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech in which he or she may have been misunderstood.

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 to order.
- (2) When the presiding member rises or speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.
Penalty \$500.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 7.6, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of—
 - (a) any of this local law; or
 - (b) any other written law.
- (2) Examples of valid points of order are—
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated; and
 - (b) a speaker's use of offensive or objectionable expressions.
- (3) Despite anything in this local law to the contrary, a point of order—
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until—
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order,and, if permitted, the member who has been interrupted may then proceed.

8.4 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order—
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 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 (such as a direction under clause 7.7(2)(b), 7.14 or 8.4(3)(b)),

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member must comply with that direction.

8.6 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.

PART 9—DEBATE OF SUBSTANTIVE MOTIONS

9.1 Motions to be stated and in writing

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive 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) he or she is otherwise required to do so by the presiding member.

(2) Where a motion or amendment is to be in writing under subclause (1)(b), 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.

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive 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 a committee meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

9.3 Unopposed business

- (1) Immediately after a substantive 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.
- (5) This clause does not apply to a motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

9.4 Only one substantive motion at a time

The Council or 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.

9.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive 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.

9.6 Order of call in debate

The presiding member 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 speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.7 Limit of debate

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

9.8 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.

9.9 Order of amendments

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

9.10 Amendments must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.11 Relevance of amendments

An amendment must be relevant to the motion in respect of which it is moved.

9.12 Mover of motion may speak on an amendment

Any member may speak during debate on an amendment.

9.13 Effect of an amendment

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

(1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if—

- (a) it has the approval of the seconder; and
- (b) there is no voice expressed to the contrary by any member,

in which case there is to be no further discussion on the motion or amendment.

(2) Unless subclause (1) applies, the discussion on the motion or amendment is to continue.

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

9.15 Right of reply

(1) The mover of a substantive motion has the right of reply.

(2) The right of the reply may be exercised only—

- (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
- (b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(3) After the mover of the substantive motion has commenced the reply—

- (a) no other member is to speak on the question; and
- (b) there is to be no further discussion on, or any further amendment to, the motion.

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

(5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

PART 10—PROCEDURAL MOTIONS**10.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 9); a member may move any of the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned to a Council or committee meeting;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the presiding member be disagreed with; and
- (g) that the meeting be closed to members of the public.

10.2 No debate

(1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 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 paragraph (d) or (e) of clause 10.1 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.

10.3 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 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.

10.5 Meeting to proceed to the next business

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.

10.6 Item to be referred or adjourned

(1) A motion “that the item be referred”—

- (a) is to state the person or body to which the item is to be referred; and
- (b) in the case of an item to be referred to a meeting of a committee or other body, is to identify the date, or proposed date of the meeting.

(2) A motion “that the item be adjourned” is to state the date (or, if the same date, the time) to which the debate is to be adjourned.

10.7 Meeting now adjourn

(1) A member is not to move or second more than one motion of adjournment during the same meeting.

(2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be subject of an adoption by exception resolution.

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

10.8 Motion to be put

(1) If the motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, 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 the amendment, the presiding member is to put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

10.9 Member to be no longer heard

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

10.10 Ruling of the presiding member be disagreed with

If the motion “that the ruling of the presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 11—DISCLOSURE OF INTERESTS**11.1 Disclosure of interests**

The requirements for members and employees to disclose financial and other interests, the nature of the interests that shall be disclosed, and related matters are dealt with in the Act, the Regulations, the Rules of Conduct Regulations and the Code of Conduct.

11.2 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

PART 12—VOTING**12.1 Motion—when put**

(1) 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.

(2) A member must not leave the meeting when the presiding member is putting any motion.

12.2 Voting

Voting is dealt with in the Act and the Regulations.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

12.4 Question—method of taking vote

In taking the vote on any motion, the presiding member—

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

12.5 Recording of votes

The number of votes for and against a motion at a meeting is to be recorded in the minutes of that meeting.

PART 13—KEEPING OF MINUTES

13.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a meeting are to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is otherwise withheld or cancelled, the reasons for the decision.

13.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes

- (1) The CEO is to give to each member—
 - (a) the unconfirmed minutes of each Council meeting—within 10 business days after the meeting; and
 - (b) the unconfirmed minutes of a committee meeting—within 5 business days after the meeting.
- (2) A member who is dissatisfied with the accuracy of the draft minutes may, at the time for confirmation of the minutes—
 - (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.

PART 14—IMPLEMENTING DECISIONS

14.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

14.2 Meaning of terms

In this Part—

“**authorisation**” means a licence, permit, approval or other means of authorising a person to do anything;

“**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 any other action to give effect to the decision; and

“**valid notice of revocation motion**” means a notice of a motion to revoke or change a decision that—

- (a) complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be; and
- (b) if carried and implemented, would result in the decision being revoked or being substantially different.

14.3 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—

- (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 14.4 to implement the decision;
- (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the local government to the applicant; or
- (c) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

14.4 Implementing a decision

(1) Subject to subclause (4), and unless a resolution is made under subclause (2), a decision made at a meeting is not to be implemented by the CEO or any other person until after 12 noon of the first business day after the commencement of the meeting at which the decision was made.

(2) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, request the CEO to take immediate action to implement the decision.

(3) A decision made at a meeting is not to be implemented by the CEO or any other person—

- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(4) The CEO is to ensure that members of the public attending a meeting are informed, by an appropriate notice, that a decision to grant an authorisation—

- (a) is to take effect only in accordance with this clause; and
- (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 15—SUSPENSION AND NON-APPLICATION OF STANDING ORDERS

15.1 Suspension of Standing Orders

(1) A member may, at any time, move that the operation of one or more of the clauses of this local law be suspended.

(2) A member moving a motion under subclause (1) is to identify the clause or clauses to be suspended, and state the reasons for the motion, but no other discussion is to take place.

(3) 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.

15.2 Where Standing Orders do not apply

(1) In situations where—

- (a) this local law has 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 10.10.

PART 16—COMMITTEES

16.1 Establishment and appointment of committees

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

- (a) the terms of reference or functions of the committee;
- (b) either—
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
- (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

16.2 Types of committees

The types of committees are dealt with in the Act.

16.3 Delegation of some powers and duties to certain committees

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

16.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

16.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

16.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

16.7 Appointment of deputies

The appointment of a person to be a deputy of a member of committee is dealt with in the Act.

16.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

16.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

16.10 Standing Orders to apply

This local law applies generally to committees, except for clause 7.4, in respect of the requirement to stand when speaking.

16.11 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.

16.12 Reports of committees—questions

Where a recommendation of a committee is submitted for adoption by the Council, any Council member may direct questions directly relating to the recommendation, through the presiding member, to the presiding member of the committee or to any member of the committee in attendance.

16.13 Permissible motions on committee recommendations

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) amended, and adopted as amended, by the Council; or
- (d) referred back to the committee for further consideration.

PART 17—MEETING OF ELECTORS**17.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

17.2 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

17.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

17.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

17.7 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

17.8 Participation of non-electors

A person who is not an elector of the local government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

17.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

17.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

17.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 18—ENFORCEMENT**18.1 Penalty for breach**

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

Penalty: \$5,000, and a daily penalty of \$500.

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 19—COMMON SEAL**19.1 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.

19.2 Use of Common Seal

The use of the common seal is dealt with in the Act.

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

FRANCESCA LEFANTE, Chief Executive Officer.
TERENCE KENYON, Mayor.
