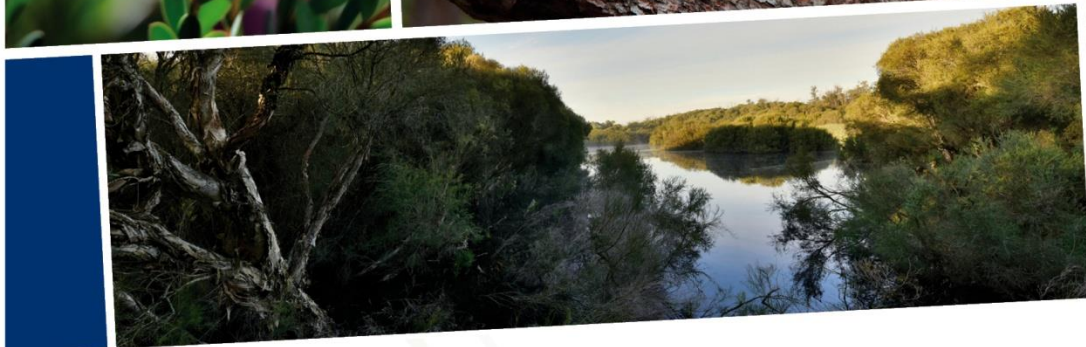
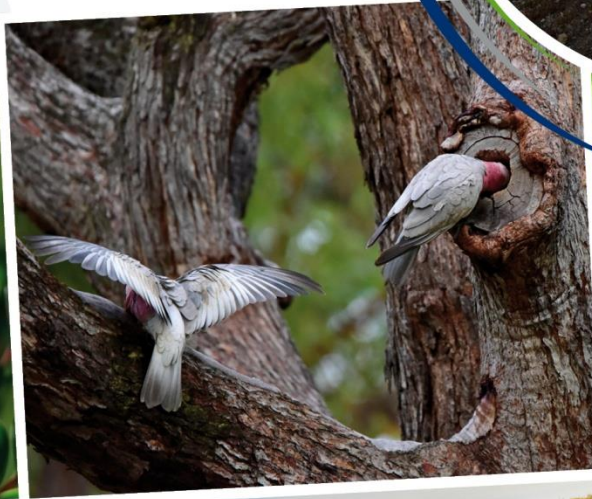


# City of Kwinana

## Proposed Standing Orders Local Law

2019



## Local Government Act 1995

### City of Kwinana

# PROPOSED STANDING ORDERS LOCAL LAW 2019

Under the powers conferred on it by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kwinana resolved on [insert date] to make the following local law.

## PART 1—PRELIMINARY

### 1.1 Citation

This Local Law may be cited as the *City of Kwinana Standing Orders Local Law 2019*.

### 1.2 Definitions

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

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

**Absolute majority** has the same meaning as in the *Local Government Act 1995*;

**CEO** for the purposes of this local law, means the Chief Executive Officer of the local government, or an officer of the local government who may be required by circumstance to carry out one or more functions of the CEO under this local law;

**committee** means any committee appointed in accordance with the Act;

**committee member** means an elected member or any other person serving on a committee;

**controlled weapon** has the same meaning as in the *Weapons Act 1999*;

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

**district** means the district of the local government;

**elected member** means a person who holds the office of councillor on the Council;

**firearm** has the same meaning as in the *Firearms Act 1973*;

**local government** means the City of Kwinana;

**meeting room** means the room in which a Council or committee meeting is being conducted;

**member** where the text permits, means an elected member or member of a committee as applicable;

**officer** means an employed staff member of the City of Kwinana;

**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;

**quorum** is as defined in the *Local Government Act 1995*;

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

**resolution** means a decision of Council made by the appropriate majority;

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

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

**withdraw** where the text permits, means to leave the room in which a meeting of Council or a committee is being conducted.

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

### **1.3 Repeal**

The *City of Kwinana Standing Orders Local Law 1998* published in the *Government Gazette* on 10 January 2000 and as amended and published on 29 February 2008 and on 28 September 2010, is repealed.

### **1.4 Application**

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

### **1.5 Commencement**

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

### **1.6 Intent**

This local law is intended to result in —

- (a) better decision making by the Council;
- (b) orderly conduct of meetings dealing with Council business;
- (c) behaviour in the conduct of meetings that reflect community standards;
- (d) community understanding of the process of conducting meetings dealing with Council business; and
- (e) more efficient and effective use of time at meetings.

### **1.7 Local Government (Rules of Conduct) Regulations 2007**

To the extent that this local law is inconsistent with the *Local Government (Rules of Conduct) Regulations 2007*, the *Local Government (Rules of Conduct) Regulations 2007* prevail to the extent of that inconsistency.

## **1.8 Reference to time**

Any reference to time in this local law means western standard time or western daylight time if western daylight time is enforced on that day in the State of Western Australia.

## **PART 2—CALLING MEETINGS**

### **2.1 Calling ordinary meetings of Council**

An ordinary or a special meeting of the Council is to be held if called in accordance with section 5.4 of the Act. A notice of an ordinary meeting of Council is to be in accordance with section 5.5 of the Act.

### **2.2 Notice of special council meetings**

- (1) Subject to subclause 2.2(2), the CEO is to convene a special meeting of the Council by giving each elected member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (2) Where there is a need to meet urgently in the opinion of the Mayor or the CEO, a lesser period of notice of a special meeting than mentioned in subclause 2.2(1) is permitted.

### **2.3 Calling committee meetings**

A meeting of a Committee is to be held —

- (a) if called for in a written request to the CEO by the presiding member of the Committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the committee members in a written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the committee or the Council.

### **2.4 Notice of ordinary and special committee meetings**

- (1) The CEO is to convene an ordinary meeting of a committee pursuant to clause 2.1 by giving each committee member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a committee by giving each committee member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses 2.4(1) and 2.4(2) to every elected member.

## **PART 3—BUSINESS OF THE MEETING**

### **3.1 Business to be specified on notice paper**

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the 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 as to the purpose of the meeting.

(3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting.

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

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

### **3.2 Order of business**

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

(a) Opening and announcement of visitors;

(b) Acknowledgement of country;

(c) Dedication;

(d) Attendance, apologies, leave of absence;

(e) Public question time;

(f) Receiving of petitions, presentations and deputations;

(i) petitions;

(ii) presentations; and

(iii) deputations;

(g) Confirmation of minutes;

(h) Declarations of interest (financial, proximity, impartiality — both real and perceived);

(i) requests for leave of absence;

(j) Items brought forward for the convenience of those in the public gallery;

(k) Any business left over from previous meeting;

(l) Recommendations of committees;

(m) Enbloc reports;

(n) Reports;

(o) Notice of motions of which previous notice has been given;

(p) Notice of motions for consideration at the following meeting if given during the meeting;

(q) Late and urgent business;

- (r) Reports of elected members;
- (s) Answers to questions which were taken on notice;
- (t) Mayoral announcements;
- (u) Confidential items; and
- (v) Close of meeting

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

### **3.3 Confirmation of minutes**

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if an elected member is dissatisfied with the accuracy of the minutes, then he or she is to —

- (a) state the item or items with which he or she is dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

### **3.4 Public question time**

(1) In this clause —

- (a) a question includes part of a question (so that a question in three parts is to be treated as three questions);
- (b) in relation to a question, “vexatious” means a question asked to harass, annoy or cause detriment to any other person.

(2) A member of the public who wishes to ask a question at a meeting must —

- (a) before the commencement of the meeting, submit their question in writing, on the form provided by the local government, to the CEO or his or her representative; and
- (b) either;
  - (i) be present at the meeting to ask the question;
  - (ii) when the question is to be asked, seek approval from the presiding member for their nominated representative to ask the question on their behalf; or
  - (iii) have requested from the presiding member prior to the meeting that their nominated representative be at the meeting on their behalf.

(3) A completed question time form must include —

- (a) the name and residential or contact address of the person who wishes to ask the question; and
- (b) the question in a succinct and legible form.

- (4) In cases of disability or other extenuating circumstances —
  - (a) an officer of the local government, if requested to do so, may assist the person to complete a question time form;
  - (b) in the absence of that assistance, the presiding member may permit a person to ask a question that was not included on a question time form.
- (5)
  - (a) If more than two questions are submitted in writing by any one person, the presiding member shall allow that person, in the first instance, to ask a maximum of two questions.
  - (b) If after all other members of the public have asked their questions, and where time permits, the presiding member will allow members of the public who wish to ask more than two questions to sequentially ask one further question. This process will continue until the allotted time has expired.
  - (c) Where only one person wishes to ask more questions and where time permits, the presiding member may, at their discretion, invite that person to ask their additional questions.
- (6) The presiding member may decide that a question is inappropriate, including a question taken on notice, and is not to be recorded or responded to —
  - (a) if it is not in the form of a question, having regard to its content and length, is essentially a statement of expression of opinion rather than a question, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (b) if the question uses an offensive or objectionable expression or is defamatory or vexatious; or
  - (c) which, in the CEO's opinion, would likely divert a substantial and unreasonable portion of the local government's resources away from its other functions.
- (7) The presiding member or Council cannot determine that a question is vexatious if the question relates to whether there has been a breach of legislation by the local government, a member or a local government employee and that hasn't been answered previously by the local government.
- (8) The presiding member may determine that any question requiring research or investigation be taken on notice and answered in writing as soon as practicable.
- (9) The presiding member may determine that the form of the question being asked by the member of the public is a statement, rather than a question and may allow it to be received as such within this public question time.
- (10) Where the necessary information is available at the time the question is posed, a response will be provided by either the presiding member, the CEO, relevant member or employee nominated by the presiding member.
- (11) If the 15 minute period set aside for question time for the public is reached, Council, by resolution, may resolve question time be extended for an additional 15 minutes to allow further questions to be asked.

(12) No more than two, 15 minute extensions to question time for the public will be permitted.

### **3.5 Petitions**

(1) A petition, other than a petition regarding a matter of which legislation may require the petition to be made in a certain form, is to —

- (a) be addressed to the Mayor;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain at least five names, addresses and signatures of electors making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
- (g) be respectful and temperate in its language and not contain language disrespectful to Council.

(2) The presentation of the petition shall be confined to the reading of the petition which may be read by the presiding member or an elected member approved to do so by the presiding member.

(3) In response to a petition presented to it, the Council must resolve —

- (a) that the petition be received;
- (b) that the petition be rejected; or
- (c) that the petition be received and a report prepared for Council;

(4) Discussion is not permitted on any motion referred to in subclause (3).

(5) At the same meeting that a matter is presented to Council in a petition, Council is not to vote on the matter in the petition unless the matter is the subject of a report included in the agenda.

### **3.6 Presentations**

(1) In this clause, a presentation means the acceptance of a gift, grant or an award by the Council on behalf of the local government or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the presiding member.

(3) Any person or group wishing to make a presentation to the Council shall advise the CEO in writing before 12 noon on the day of the meeting.

(4) Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council committee who shall determine whether the presentation should be received.

(5) A presentation approved to attend a Council meeting is not to address the Council for a period exceeding fifteen minutes without the agreement of the Council.



### **3.7 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council or a committee shall send to the CEO an application in writing before 12 noon on the day of the meeting —
  - (a) setting out the agenda item to which the deputation relates;
  - (b) whether the deputation is supporting or opposing the officer's or committee's recommendation; and
  - (c) include sufficient detail to enable a general understanding of the purpose of the deputation.
- (2) Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council or appropriate committee which shall determine whether the deputation should be received.
- (3) A deputation approved to attend a Council or committee meeting is not to address the Council or committee for a period exceeding fifteen minutes without the agreement of the Council or the committee as the case requires.
- (4)
  - (a) deputations are to be presented in the order of which the item they relate to sits on the agenda.
  - (b) where there are deputations both for and against an agenda item the person wishing to make a deputation against the matter is to present first, followed by a deputation in favour.
  - (c) deputations will then continue in alternating order until there are no persons wishing to speak to the opposite view of the last preceding speaker.
- (5) Members of a committee, or other elected members at a Council meeting to which the deputation is presented, may ask a question or questions of persons of the deputation group and any person of the deputation group may respond to such questions.
- (6) Deputations —
  - (a) shall not involve any language considered offensive by the presiding member; and
  - (b) shall not contain any statement knowingly incorrect, knowingly misleading or reflecting adversely on the integrity of any member, officer or other party.
- (7) The presiding member may determine to meet behind closed doors if the matter to be discussed is of a confidential nature in respect of which the meeting may be closed to members of the public under the Act.

### **3.8 Items brought forward for the convenience of those in the public gallery**

The presiding member may determine that any items on the agenda which are either the subject of a question or statement by members of the public, or requested by others in attendance be brought forward to item (1(j)) in the order of business at clause 3.2 and dealt with in the order in which they appear on the agenda.

### **3.9 Mayoral announcements**

At any meeting of the Council the presiding member may announce or direct attention to any matter of relevance to the business of the Council, however no discussion on the matter shall take place.

### **3.10 Reports of elected members**

At any meeting of Council —

- (1) an elected member appointed by the Council to a committee or external organisation may provide a brief verbal report on the progress of that committee or organisation;
- (2) an elected member that has attended a function on behalf of the City may provide a brief verbal report on that function; and
- (3) the Mayor may provide his or her report as part of Mayoral announcements in clause 3.9;

however no discussion on the report shall take place.

### **3.11 Notices of motion of which previous notice has been given**

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given to the CEO at least eight clear business days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO —
  - (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
  - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
  - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless —
  - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(a) or is defeated, 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 or defeat.
- (7) Motions are to be dealt with in the order they are received.

### **3.12 Distribution of reports to the members**

- (1) Subject to clause 3.14, the CEO is to provide each member of the Council or committee as the case may be with a copy of any report, which is to be presented to any meetings of Council or committees.
- (2) Reports for ordinary meetings of Council or committees are to be provided to each member at least 72 hours before the commencement of the meeting.
- (3) If copies of reports are not able to be provided to each member of Council or the committee in accordance with sub-clause (2), then the provisions of clause 3.14 are applicable.
- (4) Reports for special meetings of Council or committees are to be provided as soon as practicable prior to the meeting or at the meeting if impracticable to do otherwise.
- (5) Reports will be provided electronically unless otherwise requested.

### **3.13 Late reports**

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding member, be read or otherwise given to members at the meeting or provided to each member at the earliest opportunity prior to the meeting.

### **3.14 Urgent business approved by the presiding member or by decision**

In cases of urgency or other special circumstances, matters may, with the consent of the presiding member, or by decision of the members present, be raised without notice and decided by the meeting.

### **3.15 Reports or advice by the CEO**

- (1) The CEO may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.
- (2) The CEO may advise the Council or committee on any matter which he or she considers appropriate.

## **PART 4—PUBLIC ACCESS TO AGENDA MATERIAL**

### **4.1 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 behind closed doors”;
  - (b) marked “CONFIDENTIAL” in the agenda; and
  - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member or an employee who has—
  - (a) confidential information under subclause (1); or

- (b) information that is provided or disclosed for the purposes of or during a meeting or part of a meeting that is closed to the public,

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.

- (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 decides;
  - (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.

## **PART 5—DISCLOSURE OF INTERESTS**

### **5.1 Disclosure of interests**

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

### **5.2 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 6—QUORUM**

### **6.1 Quorum to be present**

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

### **6.2 Loss of quorum during a meeting**

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present —
  - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either —
    - (i) a quorum is present to decide the matter; or

- (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under the Act; or
  - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of 10 minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) —
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (b) in the case of a Council meeting —
    - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (ii) the provisions of clause 8.5 apply when the debate is resumed.

## **PART 7—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS**

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

Elected members are to speak of each other in the Council or committee by their respective titles of Mayor or councillor. Members, in speaking of or addressing officers, are to designate them by their respective official titles.

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

When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or committee meeting.

### **7.3 Advice of entry or departure from meetings**

During the course of a meeting of the Council or a committee, no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

### **7.4 Crossing Council chambers**

- (1) When the presiding member is putting any motion or amendment to the vote, a member shall not leave or cross the Council chamber.
- (2) Whilst another member is speaking, a member shall not pass between the speaker and the presiding member.

### **7.5 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 amended.



- (2) No member is to —
- (a) reflect adversely on the character or actions of another member or any other person; or
  - (b) impute any motive to another member or any other person;
- unless the Council resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) No member is to use offensive or objectionable expressions in reference to any member, officer or any other person.
- (4) A member shall at all times be factual when dealing with matters before Council and not knowingly make false or misleading statements.

### **7.6 Withdrawal of offensive language**

- (1) A member who, in the opinion of the presiding member, uses an expression which —
- (a) in the absence of a resolution under clause 7.5(2) —
    - (i) reflects adversely on the character or actions of another member; or
    - (ii) imputes any motive to a member; or
  - (b) is offensive or insulting,
- must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

### **7.7 Disturbance by members**

While another person is addressing the Council or a committee, a member is not to interrupt by —

- (a) making any noise or disturbance; or
  - (b) conversing aloud;
- except to raise a point of order.

### **7.8 Continued irrelevance**

- (1) A member is to 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 —
    - (i) any irrelevant, repetitious, offensive or insulting language by a member; or
    - (ii) any breach of order by a member; and
  - (b) direct that member, if speaking, to discontinue his or her speech.

(3) A member is to comply with a direction of the presiding member under subclause (1) by immediately ceasing to speak and resuming his or her seat.

### **7.9 Consumption of alcohol during meetings**

The consumption of alcoholic beverages in any Council or committee meeting is prohibited.

### **7.10 Smoking prohibited**

Smoking, either naturally or by using a vapour or other mechanical device in any Council or committee meeting is prohibited.

### **7.11 Firearms and controlled weapons**

(1) Except as provided in section 10 of the *Weapons Act 1999*, any person who, without a lawful excuse, carries or possesses a controlled weapon on the premises at which a meeting of Council or a committee is scheduled to take place, commits an offence.

(2) Except as provided in section 10a of the *Firearms Act 1973*, any person who, without a lawful excuse, carries or possesses a firearm on the premises at which a meeting of Council or a committee is scheduled to take place, commits an offence.

### **7.12 Recording of proceedings**

(1) A person must not use any electronic, visual or audio recording device or instrument to record or transmit the proceedings of the Council without the permission of the Council.

(2) If the Council gives permission under subclause (1), the presiding member must advise the meeting, immediately before the recording or transmission is commenced, that such permission has been given and the nature and extent of that permission.

### **7.13 Prevention of disturbance**

(1) A reference in this clause to a person is to a person other than a member.

(2) Any member of the public addressing the Council or a committee 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 member whenever called upon to do so.

(3) A person shall ensure that his or her mobile telephone, pager or other audible device is not switched on or used during any meeting of the Council. No electronic or other device shall be used in a manner that creates a disturbance or leads to a disturbance at the meeting.

(4) Members of the public are admitted to Council and committee meetings upon the understanding that no expression of dissent or approval, conversational or interruption to the proceedings shall take place —

- (a) For the purpose of this clause any expression of dissent or interruption to proceedings shall include a person who interrupts the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means —
  - (i) enters or remains in any part of the room where the meeting is taking place reserved for members and officers;
  - (ii) misconducts himself or herself;
  - (iii) fails to withdraw when members of the public are directed to withdraw;

- (iv) obstructs the approaches to the room where the meeting is taking place; or
  - (v) creates a disturbance within the precincts of the room where the meeting is taking place.
- (b) In the event of any such interruption, the presiding member may exercise his or her discretion and require those interrupting to withdraw. The presiding member ruling in this regard is final and cannot be challenged by moving dissent with the ruling or otherwise.
- (c) Any person who does not withdraw when called upon by the presiding member to do so may by order of the presiding officer be removed from the room.
- (5) If an elected member or the CEO specifically requests, immediately after their use, that any particular words used by a person be recorded, the presiding member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes of the meeting.
- (6) If a person or persons have been ordered by the presiding member to desist from such behaviour, but fails to do so, the presiding member may immediately adjourn the meeting in accordance with clause 14.8.
- (7) The CEO, shall advise such person or persons during the period that the meeting is adjourned to behave in an appropriate manner or to immediately leave the premises.
- (8) Where a person or persons have been required to leave the room where the meeting is taking place and have been advised in accordance with subclause 7.13(4)(b) but continues to remain in the room where the meeting is taking place, the CEO may cause an infringement notice to be issued to such person or persons, or instigate legal action against such person or persons.
- (9) If a person, ordered by the CEO or an officer directed by the CEO, to withdraw or leave the premises, cannot be removed without the application of physical force, then a person licensed as a security officer, security bodyguard or crowd controller under the *Security and Related Activities (Control) Act 1996*, or members of the police force as may be considered appropriate, may be called to the room where the meeting is taking place to effect the removal of the person and the meeting may be adjourned until the person has been removed.

#### **7.14 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may make special arrangements for the seating of the person, acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

## **PART 8—CONDUCT OF MEMBERS DURING DEBATE**

### **8.1 Speaking at Council or committee meetings**

- (1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or committee.
- (2) When a member or officer has been chosen to speak by the presiding member the member or officer must address the Council or committee through the presiding member.
- (3) Any member moving a motion or amendment, or taking part in the discussion thereon, shall address the presiding member and shall stand whilst speaking, except when prevented from doing so by sickness or physical disability.
- (4) When invited by the presiding member to speak, such member or officer shall stand whilst speaking, unless the presiding member rises, upon which such member or officer will cease speaking immediately so the presiding member can be heard.

### **8.2 Priority**

- (1) In the event of two or more members wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion, dissent or point of order.

### **8.3 The presiding member may take part in debates**

Unless otherwise prohibited by the Act, and 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 Council or committee as the case may be.

### **8.4 Relevance**

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

### **8.5 Limitation of number of speeches**

- (1) A member is not to address the Council 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, makes a request or responds to a request under clause 9.8 has not addressed the meeting for the purpose of this clause.

### **8.6 Limitation of duration of speeches**

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

### **8.7 Questions during debate or points of clarification**

(1) With the approval of the presiding member a member may ask a question or seek clarification of any matter relevant to a motion at any time during the debate on the motion before it is put, but no discussion thereon is permitted.

(2) Where possible, the CEO, or the CEO's nominee, is to answer each question to the best of his or her knowledge and ability but, if the information is unavailable or requires research or investigation, the CEO or the CEO's nominee may ask that —

- (a) the question be placed on notice for the next meeting of Council or as soon as practicable; or
- (b) the answer to the question be given within 7 days to all members.

### **8.8 Members not to speak after conclusion of debate**

A member is not to speak on any motion or amendment —

- (a) after the mover has replied; or
- (b) after the motion or amendment has been put to the vote.

### **8.9 Members not to interrupt**

A member must —

- (a) not make any noise or disturbance or converse in a loud manner whilst another member is speaking;
- (b) not cause any interruption or speak out of turn during a meeting, other than to raise a point of order, call attention to the absence of a quorum, make a personal explanation under clause 9.17 or move a procedural motion.

### **8.10 No re-opening discussion on decisions**

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

## **PART 9—GENERAL CONDUCT OF DEBATE**

### **9.1 Motions to be stated**

Any member of the Council or committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

### **9.2 Motions to be supported**

(1) No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or amend the decision made at a Council or a committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

(2) Subject to clause 9.8 the seconder cannot subsequently withdraw his or her seconding of the motion.



### **9.3 Enbloc motions**

- (1) The presiding member may order a number of motions to be put to the vote in the same motion if it is convenient to do so.
- (2) If the presiding member orders a number of motions to be voted on enbloc, the following must prevail;
  - (a) Items identified to be voted on enbloc must be identified by number as they are presented in the agenda;
  - (b) the presiding member is to ask the meeting if any members require debate on any item identified to be voted on enbloc;
  - (c) if any member indicates their desire to debate an item, then any enbloc motion shall not contain that motion;
- (3) For recording of minutes purposes, each item voted on within the enbloc motion must show:
  - (a) the same mover and seconder; and
  - (b) the number as they are presented in the agenda.

### **9.4 Only one substantive motion considered**

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

### **9.5 Breaking down of complex motions**

The presiding member may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

### **9.6 Order of call in debate**

Unless dealt with in accordance with clause 9.3, the presiding member is to call speakers to a substantive motion in the following order —

- (a) The mover to state the motion in accordance with clause 9.1;
- (b) A seconder to the motion in accordance with clause 9.2;
- (c) A speaker against the motion;
- (d) A speaker for the motion;
- (e) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker; and
- (f) The mover has the right of reply which closes debate.

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

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

### **9.8 Consent of seconder required to accept alteration of wording**

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

## **9.9 Order of amendments**

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

## **9.10 Who can move amendment to a motion**

Any member, except the mover and seconder of the substantive motion and a member who has spoken on the substantive motion, may propose an amendment to the motion.

## **9.11 Form of an amendment**

Every amendment is to be—

- (a) relevant to the motion to which it is moved; and
- (b) worded to indicate precisely which words need to be deleted, added or altered.

## **9.12 Effect of an amendment**

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

## **9.13 Amendments must not negate original motion**

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

## **9.14 Withdrawal of motion and amendments**

- (1) The Council may by resolution, without debate, grant leave for a motion or amendment to be withdrawn or altered by the mover, with the consent of the seconder, provided there is no objection by any member.
- (2) If a member objects, discussion on either the motion or amendment shall continue and no alteration shall occur.

## **9.15 Limitation of withdrawal**

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

## **9.16 Foreshadowed motion**

- (1) In speaking upon a motion, a member —
  - (a) may give notice to the meeting of the member's intention to move a different motion on the same subject matter, being a motion which cannot practically be moved by an amendment to the motion under consideration; and
  - (b) shall provide to the presiding member the terms of the foreshadowed motion.
- (2) If two or more members pursuant to subclause (1) foreshadow motions on the same subject, then the presiding member shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.
- (3) If the motion under consideration is lost, then the foreshadowed motions may be brought forward forthwith.

(4) The foreshadowed motions shall be considered by the Council in succession, until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

#### **9.17 Personal explanation**

(1) No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation.

(2) A member wishing to make a personal explanation may do so at the conclusion of that speech.

(3) Any member or an officer who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(4) When a member or an officer proceeds to explain, no reference is to be made to matters unnecessary for that purpose.

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

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

#### **9.19 Right of reply**

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the motion.

(2) The right of reply is to be confined to matters raised by previous speakers and no new matter is to be introduced or expansion on the substantive motion is to take place.

#### **9.20 Right of reply provisions**

(1) The right of reply is governed by the following provisions —

(a) If no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) If an amendment is moved to the substantive motion the mover of the substantive motion may reply at the conclusion of the discussion on the motion;

(c) The mover of any amendment does not have a right of reply; and

(d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

#### **9.21 Motions supported become decisions**

Where the Council adopts a motion either with or without amendment, the motion so adopted is deemed to be the decision of Council.

#### **9.22 Motions lost**

These are not recorded as a decision of Council, however they must be recorded as a lost motion within the minutes and voting recorded.

## **PART 10—PROCEDURAL MOTIONS**

### **10.1 Permissible procedural motions**

- (1) In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member (at any time) to move the following procedural motions —
- (a) the Council (or committee) meeting now adjourn;
  - (b) the motion be adjourned;
  - (c) the motion now be put;
  - (d) the motion not now be put;
  - (e) that the member be no longer heard;
  - (f) the meeting proceed to the next item of business;
  - (g) that the ruling of the presiding member be disagreed with (motion of dissent);  
or
  - (h) the Council (or committee) meet behind closed doors as the matter to be discussed is of a confidential nature in respect of which the meeting may be closed to members of the public under the Act.
- (2) A member may request that the names of some or all of those who voted in the affirmative or negative be recorded in the minutes.

### **10.2 No debate on procedural motions**

- (1) The mover of a motion stated in each of paragraphs (a), (b), (f), (g) and (h) of clause 10.1(1) may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion stated in each of paragraphs (c) (d) or (e) of clause 10.1(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 Procedural motions — closing debate — who may move**

No person who has moved, seconded, or spoken for or against the substantive motion, or made any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

### **10.4 Procedural motions — right of reply on substantive motion**

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

## **PART 11—EFFECT OF MOTIONS**

### **11.1 Council (or committee) meeting to now adjourn — effect of motion**

- (1) The motion “that the Council (or committee) now adjourn”, if carried, shall result in the meeting being adjourned until it is re-opened at which time the meeting will continue from

the point at which it was adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) —
  - (a) The debate is to be resumed at the next meeting at the point where it was so interrupted; and
  - (b) In the case of the Council meeting —
    - (i) The names of elected members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
    - (ii) The provisions of clause 8.5 apply when the debate is resumed.

### **11.2 The motion be adjourned—effect of motion**

- (1) The motion “that the motion be adjourned”, if carried, shall result in all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council —
  - (a) the names of elected members who have spoken on the matter are to be recorded in the minutes; and
  - (b) the provisions of clause 8.5 apply when the debate is resumed.

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

- (1) The motion “that the motion now be put”, if carried during discussion of a substantive motion without amendment, shall result in the presiding member offering the right of reply to the mover of the motion and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, shall result in the presiding member putting the amendment to the vote without further debate.
- (3) This motion, if lost, shall result in the continuation of the debate.

### **11.4 Ruling of the presiding member disagreed with — effect of motion**

- (1) If a 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.
- (2) Where the presiding member has adjourned the meeting in accordance with clause 14.5, the motion, “that the presiding member be disagreed with”, may not be moved.

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

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

### **11.6 The meeting proceed to the next item of business — effect of motion**

The motion “that the Council (or committee) proceed to the next item of business”, if carried, shall cause the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the motion being adjourned and the motion must be raised once all reports are decided or at the next ordinary meeting of Council.



### **11.7 The Council (or committee) to meet behind closed doors — effect of motion**

- (1) Subject to any decision of the Council or committee, this motion, if carried, shall result in the general public and any officer the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force, the operation of clause 8.5 limiting the number of speeches continues to apply unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the presiding member, unless the Council or committee decides otherwise, is to cause the resolution of the Council or committee whilst it was proceeding behind closed doors to be read out including the number of votes for and against the motion.

## **PART 12 — VOTING**

### **12.1 Motion — when put**

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

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

### **12.2 Dividing motions for voting**

Where a report to Council contains more than one motion, the presiding member may put the motions individually, in groups or as one.

### **12.3 Motion — method of putting**

If a decision of the Council or a committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

## **PART 13—IMPLEMENTING DECISIONS**

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

- (1) If the CEO receives a notice of motion, which complies with the requirements of this local law, to revoke a decision made at a meeting before the close of that meeting, then the CEO is immediately to advise the presiding member of the notice of motion.
- (2) Where the presiding member is advised of a notice of motion under subclause (1), he or she at the first available opportunity and before the end of the meeting is to —
  - (a) advise the meeting of the notice;
  - (b) bring on the revocation motion;
  - (c) determine whether there is sufficient support (under Regulation 10) for the motion; and
  - (d) deal with the motion, if there is sufficient support.

### **13.2 Implementation of a decision**

(1) The CEO, an officer or an elected member can take any step to implement or otherwise give effect to a resolution after the close of the meeting at which the resolution was passed.

(2) If a notice of motion to revoke or change a decision of the Council or a committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that —

- (a) If a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and
- (b) If a notice of motion to revoke or change a decision of the Council or committee is received after the closure of the meeting at which the decision was made implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under the Regulations.

(3) Implementation of a decision is only to be withheld under subclause (2) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(4) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—

- (a) action has been taken to implement the decision; or
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put in to effect by the Council in writing to the applicant or the applicant's agent by an officer of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

### **13.3 Method of submitting motions to revoke or change**

A notice of motion to revoke or change a decision shall —

- (a) be submitted in writing to the CEO at least 7 working days prior to the scheduled meeting at which it is proposed to be moved;
- (b) be signed by at least one third of the number of offices of members (whether vacant or not) of the Council or committee;
- (c) clearly identify the resolution to be revoked or changed; and
- (d) clearly state the reason or reasons for seeking the revocation or change.

### **13.4 Absence of mover or seconder**

- (1) A motion to revoke or change a prior decision of the Council must be moved and seconded by the required number of offices of members of the Council, as required by the Regulations before it can be debated.
- (2) If a motion to revoke or change a decision is not supported in accordance with sub-clause (1) it —
  - (a) lapses and can not be dealt with later on that agenda; and
  - (b) is considered to have been lost.

### **13.5 Repeated revocations for the same motion prohibited**

If the Council, on a motion moved by any member, resolved not to revoke or change a resolution, then the Council shall not entertain a motion to revoke or change the same resolution at a subsequent meeting unless the notice of motion referred to in clause 13.3 is signed by an absolute majority of the Council.

## **PART 14—PRESERVING ORDER**

### **14.1 The presiding member to preserve order**

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking is to cease immediately and to sit down if standing. Every member present is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

### **14.2 Demand for withdrawal**

A member may be required by the presiding member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an officer, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

### **14.3 Points of order — when to raise — procedure**

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker.
- (2) A person who is addressing the presiding member or Council is not to be interrupted except on a point of order.
- (3) A person interrupted on a point of order is to resume his or her seat until —
  - (a) the member raising the point of order has been heard;
  - (b) the presiding member has ruled on the point of order; andif permitted, the person who has been interrupted may then proceed.

#### **14.4 Points of order — when valid**

Expressing a difference of opinion or the contradiction of a speaker shall not be recognised as a valid point of order.

The following will be recognised as the only valid points of order —

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, the relevant provisions of this local law or policy of the Council, provided that the member making the point of order states the written law or policy believed to be breached; and
- (d) that insinuations have been made as to the character, morality, honesty or motives of a member or an officer.

#### **14.5 Points of order — ruling by 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 is to be final unless the majority of members then present and voting on a motion moved immediately before the ruling, dissent from the ruling.
- (3) In the event a motion of dissent under subclause (2) fails, 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 person is out of order, the presiding member may require the person to make an explanation, retraction or apology.

#### **14.6 Points of order take precedence**

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

#### **14.7 Right of the presiding member to adjourn without explanation to regain order**

- (1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned.

If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

- (2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—
  - (a) the names of elected members who have spoken in the matter prior to the adjournment are to be recorded; and
  - (b) the provisions of clause 8.5 apply when the debate is resumed.

## **14.8 Continued breach of order**

If a person—

- (a) persists in any conduct that the presiding member has ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 14.5(3)(b);
  - (i) in the case of a member, the presiding member may direct the member to refrain from taking any further part in the debate of the item before the meeting, other than by voting, and the member is to comply with that direction, and
  - (ii) in the case of any other person, the presiding member may direct that person to leave the chamber.

## **PART 15—ADJOURNMENT OF MEETING**

### **15.1 Meeting may be adjourned**

- (1) On a motion for the adjournment of a meeting being carried, a record shall be taken of those who have spoken on the subject under consideration at the time of adjournment.
- (2) All business not dealt with on the agenda of a meeting adjourned under clause 11.2 is to be resumed at the meeting determined under that clause at the point at which it was adjourned, immediately following Item (1)(p) in the order of business as listed in clause 3.2, or as determined by an absolute majority resolution of Council.
- (3) Those members to which subclause (1) applies shall not be permitted to speak on any subsequent consideration of the same subject at the reconvened meeting in accordance with clause 8.5.
- (4) Subclause (3) does not deprive the mover of the motion of the right of reply.
- (5) No member is to move or second more than one motion of adjournment during the same sitting of the Council or committee.

### **15.2 Unopposed business — motion for adjournment**

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

### **15.3 Withdrawal of motion for adjournment**

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

### **15.4 Time to which adjourned**

The time to which a meeting is adjourned for want of a quorum, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

## **PART 16—COMMITTEES OF THE COUNCIL**

### **16.1 Establishment and appointment of committees**

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

- (a) the terms of reference of the committee;
- (b) the number of elected members, officers and other persons to be appointed to the committee;
- (c) the names or titles of the elected members and officers and other persons to be appointed to the committee;
- (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments;
- (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

### **16.2 Appointment of deputy committee members**

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a committee member whenever that committee member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

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

(3) If a deputy has commenced to act in place of a committee member at a committee meeting and the committee member attends the meeting, the committee member will not assume the seat and the deputy will continue to act as the committee member for the duration of that motion under debate.

(4) Once a committee meeting has commenced a deputy member cannot assume the seat of a committee member who leaves the meeting not to return, until the vote has been cast on the motion under debate.

(5) A deputy who is one of two or more deputies of a committee is not entitled to attend a meeting of the committee in place of that committee member if the meeting is attended by another deputy of that committee member who has precedence over that deputy in the order of seniority determined under subclause (1).

(6) A person who is a committee member is not eligible to be appointed a deputy for another committee member.

### **16.3 Presentation of committee reports**

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be moved by —

- (a) the presiding member of the committee if the presiding member is an elected member and is in attendance; or

- (b) an elected member who is a member of the committee, if the presiding member of the committee is not an elected member, is absent; or is the presiding member of Council; or
- (c) otherwise, by an elected member who is not a committee member.

#### **16.4 Reports of committees — questions**

When a recommendation of any committee is submitted for adoption by the Council, any elected member may direct questions specifically relating to the recommendation through the presiding member to the presiding member of the committee, any committee member, or the CEO.

#### **16.5 Permissible motions on recommendation from committee**

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) lost by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

#### **16.6 Standing orders apply to committees**

Where not otherwise specifically provided, this local law applies generally to the proceedings of committees.

#### **16.7 Observers at committee meetings**

- (1) For the purposes of this part an observer is an elected member attending a committee meeting of which they are not a member and choosing to sit in their allocated seat in the meeting room.
- (2) Observers may occupy their allocated seat in the meeting room. Should an observer choose to sit in their allocated seat in the meeting room they are subject to the obligations on all elected members under the *Local Government Act 1995* and all associated regulations including the *Local Government (Rules of Conduct) Regulations 2007*.
- (3) Observers choosing to sit in their allocated seat in the meeting room may not participate in debate, ask questions or vote.

#### **16.8 Order of business of committees**

- (1) Unless otherwise decided by the committee, the order of business at any meeting of a committee is to be as follows —
  - (a) Opening and announcement of visitors;
  - (b) Acknowledgement to country;
  - (c) Attendance, apologies, leave of absence;
  - (d) Public question time;
  - (e) Receiving of petitions, presentations and deputations;
    - (i) petitions;
    - (ii) presentations; and



- (iii) deputations;
- (f) Declarations of interest (financial, proximity, impartiality — both real and perceived);
- (g) Confirmation of minutes;
- (h) Reports;
- (i) Late and urgent business;
- (j) Confidential items;
- (k) Answers to questions which were taken on notice; and
- (l) Close of meeting

(2) With regards to subclause (1), questions raised during public question time in meetings of committees will only be accepted if they relate to an item of business on the committee agenda.

## **PART 17—GENERAL ADMINISTRATIVE MATTERS**

### **17.1 Suspension of standing orders**

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more clauses of this local law.
- (2) The mover of a motion to suspend temporarily any one or more clauses of this local law shall either —
- (a) state the specific clause or clauses of this local law to be suspended; or
  - (b) state clearly and concisely the reason for or purpose of the proposed suspension in a motion prefaced by the words “I move that the relevant clauses of the City of Kwinana Standing Orders be suspended to allow...”.
- (3) Only the operation of the clauses so nominated or otherwise affected by any resolution to suspend this local law shall be suspended.

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

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the presiding member in these cases is final, except where a motion referred to in clause 14.5 is moved and carried.

### **17.3 Absence of the CEO from a meeting or a portion of a meeting**

- (1) If circumstances require that the CEO be absent from a meeting or a portion of a meeting to which he or she would otherwise be in attendance, an officer may be temporarily appointed by the presiding member to perform the functions of the CEO for the duration of the absence. Circumstances may include:
- (a) a short term, temporary leave of absence for which no Acting CEO has been appointed;

- (b) withdrawing from a portion of a meeting due to a conflict of interest requirement;
  - (c) to deal with a private or otherwise urgent matter.
- (2) The criteria for the appointment of the officer is to be consistent with the local government's requirements for appointment of an acting CEO.

## **PART 18—MEETINGS OF ELECTORS**

### **18.1 Procedure for electors' meetings**

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 the Act, Regulations and this local law.

### **18.2 Participation of non-electors**

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so but is not permitted to vote.

### **18.3 Annual electors meeting minutes**

- (1) If not done so at a special meeting called, the minutes of the Electors' General Meeting are to be received at 1(n) of clause 3.2. A report is not required to be raised for this purpose.
- (2) The manner of dealing with decisions made at electors meetings is dealt with in the Act.

## **PART 19 — COMMON SEAL**

### **19.1 The Council's common seal**

- (1) The CEO is to have charge of the common seal of the Council, and is responsible for the safe custody and proper use of it.
- (2) The common seal of the Council may only be used on the authority of the Council given either:
- (a) when Council have delegated the power to the CEO; or
  - (b) specifically;
- and every document to which the seal is affixed must be signed by the Mayor and the CEO.
- (3) The common seal of the Council is to be affixed to any local law which is made by the Council.
- (4) The CEO is to record in a register each date on which the common seal of the Council was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Council or a replica thereof without authority commits an offence.

## **PART 20 — ENFORCEMENT**

### **20.1 Enforcement**

(1) The provisions of this local law shall be enforced by the presiding member of any Council or committee but only following the specific direction of the Council or committee by resolution by a simple majority.

(2) A breach of a provision of this local law by an elected member is dealt with in the Act and *Local Government (Rules of Conduct) Regulations 2007*.

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

## **PART 21 — OFFENCES**

### **21.1 Offences and penalties**

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of not less than \$500 and not exceeding \$5,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of not less than \$500 and not exceeding \$5,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

### **21.2 Prescribed offences**

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.

(3) For the purposes of guidance only, before issuing an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that:

- (a) the commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

### **21.3 Form of notices**

For the purposes of this local law-

(1) an infringement notice issued under this local law referred to in section 9.17 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time;

(2) a notice referred to in section 9.20 of the *Local Government Act 1995* is to be in a form prescribed by the local government, as amended from time to time.

**Schedule 1**  
**Offences and modified penalties**

[clause 21.2]

<b>Item No</b>	<b>Clause No.</b>	<b>Nature of offence</b>	<b>Modified penalties</b>
1.	4.1(2)	Disclose any information marked as Confidential in accordance with clause 4.1(1), to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.	\$500
2.	7.5(2)(a)	Reflect adversely on the character or actions of another member or employee.	\$500
3.	7.5(2)(b)	Impute any motive to a member or employee, unless the Council resolved, without debate, that the question then before the meeting could not otherwise be adequately considered.	\$500
4.	7.5(3)	Use offensive or objectionable expressions in reference to any other member, employee or other person.	\$500
5.	7.5(4)	Knowingly make false or misleading statements.	\$500
6.	7.6(1)	Refuse to withdraw the expression and make a satisfactory apology when directed to do so by the presiding member.	\$500
7.	7.11(1)	Without a lawful excuse, carry or possesses a controlled weapon on the premises at which a meeting of Council or a committee is scheduled to take place.	\$500
8.	7.11(2)	Without a lawful excuse, carry or possesses a firearm on the premises at which a meeting of Council or a committee is scheduled to take place.	\$500
9.	7.12(1)	Use any electronic, visual or audio recording device or instrument to record or transmit the proceedings of the Council without the permission of the Council.	\$500
10.	7.13(2)	Fail to extend due courtesy and respect to the Council or committee and the processes under which it operates and to comply with any direction by the presiding member.	\$500
11.	7.13(4)(a)	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.	\$500
12.	7.13(8)	Fail to withdraw, or leave the premises when ordered to.	\$500

13.	14.1(2)	Fail to immediately sit down and preserve strict silence so that the presiding member may be heard without interruption when the presiding member rises or speaks during a debate.	\$500
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Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

The Common Seal of the )  
City of Kwinana was hereunto )  
affixed in the presence of : )

\_\_\_\_\_  
Carol Adams  
Mayor

\_\_\_\_\_  
Joanne Abbiss  
Chief Executive Officer