



City of Wanneroo

GG 226 – 27 October 2000 Powerdocs 308553

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

STANDING ORDERS LOCAL LAW 2000

It is hereby notified that the City of Wanneroo has, on the twenty sixth September 2000, repealed its Standing Orders Local Law as gazetted on 30 October 1997 (No. 188) and adopted a new Local Law relating to Standing Orders as follows.

STANDING ORDERS LOCAL LAW

The proceedings of all Council meetings are to be governed by this Standing Order Local Law.

1. CALLING AND CONVENING MEETINGS

1.1 Ordinary Meetings

Ordinary meetings are held at 7.00pm on the second and fourth Tuesday of the month except if determined otherwise by Council. If the meeting has not commenced within 30 minutes of the nominated time, the Chairperson is to adjourn the meeting to another time to be determined.

1.2 Special Council Meetings

These may be called by the Mayor or at least one third of the Councillors.

1.3 Convening an Ordinary or Special Meeting

Council can decide to hold a meeting by resolution.

The Mayor, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

2. NOTICE OF ORDINARY MEETINGS

2.1 Public Notice

At least once a year the dates, times and place of ordinary meetings for the next 12 months are to be advertised in a local newspaper, and exhibited on the Administration Centre and library notice boards. If there is a change to the date, time or place of an advertised ordinary meeting the change must be advertised in the same way, giving at least 7 days' notice of the change before the meeting.

2.2 Members' Notice

Members are to be given at least 72 hours notice of the date, time, place and agenda of an ordinary meeting. Unless there is a change to the date of an ordinary meeting this requirement will be complied with by an agenda for the meeting being delivered to the nominated address of each member 72 hours immediately prior to the meeting.

2.3 Agendas

Agendas for ordinary meetings will be delivered to the nominated address of each council member and be made available to the public from the Administration Centre 72 hours prior to the meeting at the time that they are delivered to members. They will also be delivered to all Council libraries and Administration Centres as soon as practicable after this, unless the CEO considers that Council will resolve to close the meeting while a matter is discussed, in which case documents pertaining to that matter will not be made available to the public.

3. NOTICE OF SPECIAL MEETINGS

3.1 Public Notice

The date, time, place and purpose of a special meeting will be advertised in the same way that a change in an ordinary meeting is advertised when this is considered practicable by the CEO. If it is not considered practicable the CEO will advertise the meeting to the extent considered practicable in the circumstances.

3.2 Members' Notice

Members are to be given as much notice of the date, time and purpose of a special meeting as the CEO considers practicable. If possible, the meeting agenda will be delivered to the nominated address of each member at least 24 hours prior to the meeting.

However, if in the opinion of the CEO the circumstances warrant it, notice can also be given in person, by phone, fax or electronic mail.

4. ADJOURNED MEETINGS

If a meeting is adjourned to a meeting time other than the next ordinary meeting, the notice provisions applicable to a special meeting will apply.

5. BUSINESS AT MEETINGS

5.1 Public and Confidential Matters

All council meetings are open to the public unless it is resolved to close the meeting while a confidential matter is discussed. If such a decision is made, the decision and the reason for it must be recorded in the minutes.

For a matter to be termed confidential it must deal with one of the following—

- A matter affecting an employee;
- The personal affairs of any person;
- A contract which has been, or might be entered into by Council;
- Legal advice to Council on a matter before the meeting;
- A matter, that if disclosed, could reveal a trade secret, information that has a commercial value, or information about the business affairs of any person other than Council;
- A matter that if disclosed could impair the effectiveness of law enforcement activities, or endanger the security of Council property, or prejudice measures for protecting public safety; or
- Information which is subject to a direction regarding confidentiality from the State Ombudsman.

5.2 Presiding at Council Meetings

The Mayor will preside at all Council meetings at which he/she is present and able to preside.

If the Mayor is not present or is unable to preside, the Deputy-Mayor will automatically take the chair.

If he/she is also not present or unable to preside, the Councillors will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

5.3 Quorum

- No business can be transacted unless a quorum is present.
- The quorum for Council meetings is 8 members.
- A member who has declared an interest in a matter is not counted for quorum purposes while that matter is dealt with.
- If a quorum is not established within 30 minutes of the fixed meeting time the meeting will be adjourned.
- If at any point during the meeting the quorum should lapse, the person presiding is to suspend the meeting for 5 minutes. If at the end of 5 minutes a quorum is still not present the meeting is to be adjourned.
- A quorum for a committee is half the members of the committee plus one.

5.4 Processing Business

5.4.1 Order of Business

Agendas for special meetings will follow the same format as ordinary meetings to the extent that the headings are relevant to the business to be transacted.

Order of business at ordinary Council meetings shall adhere to the following order as far as is practicable and unless the Council resolves otherwise—

- Apologies and leave of absence
- Public Question and Statement time
- Confirmation of minutes
- Announcements by the Mayor (Chair) without discussion
- Questions from Elected Members
- Petitions
- Reports by officers of Council and/or Committees
- Motions on notice
- Urgent Business
- Date and location of Next Meeting
- Closure

5.4.2 Ordinary Meetings

Only business shown on the agenda will be discussed.

5.4.3 Special Meetings

Only business specified in the notice of the purpose of the meeting will be discussed.

6. THE BUSINESS TO BE CONDUCTED

6.1 Apologies and Leave of Absence

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive meetings without obtaining leave is disqualified as a member.

6.2 Public Question and Statement Time

During the meeting, no member of the public may interrupt the meeting's proceedings or enter into conversation. Each person seeking to ask questions during public question time may address the council for a maximum of 3 minutes each.

Public Question and Statement Time provides the public with an opportunity to put questions and statements to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion, while statements should only relate to matters on the agenda under consideration.

6.2.1 Duration

A minimum of fifteen minutes will be allocated to questions and statements from the public. If there are not sufficient questions or statements to fill the allocated time the person presiding will move on to the next item. If there are more questions and statements than can be dealt with within the fifteen minutes allotted, the person presiding will determine whether to extend public question time.

6.2.2 In Writing

Whenever possible, questions should be submitted in writing at least 30 hours prior to the start of the meeting.

6.2.3 Relevance

Only questions relating to matters affecting Council will be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting will be answered. Questions may be taken on notice and responded to after the meeting.

6.2.4 Control and Fairness

The person presiding will control public question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. A person wishing

to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated.

6.2.5 Declaration of Interest

If a question is directed to a member or an employee who has an interest in the subject matter of the question, the member or employee is to declare the interest, and allow another member or employee to respond to the question.

If there is no other person present who can respond to the question, it will be taken on notice.

6.2.6 Statements of Opinion

A person asking a question is to refrain from incorporating statements of opinion into the question.

6.2.7 Public Statements

In order to enable members of the public to present a point of view on a particular matter, which is under consideration at that meeting, a person may make a statement regarding a particular item. The statement is to be relevant and to confine itself to the matter under consideration and to conclude within the 3 minute period allocated.

6.2.8 Order of Questions

The order in which questions are generally asked will be as follows—

- (i) Questions provided in writing at least 30 hours in advance, relevant to a specific item on the agenda under consideration;
- (ii) Statements relevant to an item on the agenda under consideration;
- (iii) Other questions provided in writing at least 30 hours in advance;
- (iv) Questions provided in writing relevant to a specific item on the agenda under consideration and handed to the Chief Executive Officer prior to the meeting's commencement;
- (v) Other questions provided in writing and handed to the Chief Executive Officer prior to the meeting's commencement;
- (vi) Questions to be asked verbally relevant to a specific item on the agenda under consideration;
- (vii) Other questions to be asked verbally relevant to the good government of the City.

6.3 Confirmation of Minutes

Minutes of all Council meetings are to be submitted to the next ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The Chairperson must sign and date the minutes to certify confirmation.

6.4 Announcements by the Mayor (Chair) without Discussion

The person presiding may make any announcements on any matters that he/she considers of interest or concern to Council. No discussion will take place.

6.5 Questions from Elected Members

Councillor Question Time provides elected members with an opportunity to raise questions with the mayor and Council. Questions should only relate to the business of the council. Each member seeking to ask questions may address the council for a maximum of 3 minutes.

6.5.1 Duration

A minimum of fifteen minutes will be allocated to questions from elected members. If there are not sufficient questions to fill the allocated time the person presiding will move on to the next item.

6.5.2 In Writing

Whenever possible, questions should be submitted in writing at least 30 hours prior to the start of the meeting. Questions provided in writing will be dealt with first.

6.5.3 Relevance

Only questions relating to matters affecting Council will be answered at an ordinary meeting and at a special meeting only questions that relate to the purpose of the meeting will be answered. Questions may be taken on notice and responded to after the meeting.

6.5.4 Control and Fairness

The person presiding will control members' question time and ensure that each member wishing to ask a question is given a fair and equal opportunity to do so.

6.5.5 Declaration of Interest

If a question is directed to a member or an employee who has an interest in the subject matter of the question, the member or employee is to declare the interest and allow another member or employee to respond to the question.

6.6 Petitions

A member can present a petition from electors of the district to Council. The member shall acquaint himself/herself with the nature of the petition prior to presenting it and will limit comment at the time of presentation to a statement of the nature of the petition, its origin, and the number of signatures on it. The petition will be referred to the appropriate committees or officer and/or discussed with the relevant portfolio holders, and a report on the subject matter of the petition will be presented to the earliest ordinary meeting of Council that is practicable.

6.7 Reports by Officers of Council

The CEO will ensure that reports are prepared on all matters being dealt with by administration which require a decision by Council. Such reports will contain an explanation of the matter in question and a recommendation to Council.

Any report on a matter that the CEO considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

If a staff member preparing a report, or contributing to the preparation of a report, has an interest in a matter the subject of the report, the staff member will disclose the nature of the interest. If a report contains or refers to advice from a person under a contract for services with the City, and that person has an interest in a matter the subject of the report, the nature of that person's interest will be disclosed in the report.

6.8 Motions on Notice

A member may raise any matter, which relates to the good government of the district, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice will be given at least 7 days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting.

6.9 Urgent Business

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

6.10 Closure

If the business of an ordinary or special meeting of Council is not completed by 11pm the person presiding may seek the leave of Council to proceed to the transaction of

unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

7. DISCLOSURE OF INTEREST

7.1 How to Disclose

A member who has a financial or proximity interest in any matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be—

- in a written notice to the CEO before the meeting; or
- at the meeting immediately before the matter is discussed.

7.2 Announce Disclosure before Discussion

If a member has given written notice of an interest to the CEO before the meeting, the CEO must forward this notice to the person presiding at the meeting. The person presiding is to bring the notice and its contents to the attention of the meeting before the matter is discussed.

The names of members, who have made or have announced their intention to make interest disclosures, and the details of interest will be recorded.

7.3 Participation of Disclosing Member

A member who makes such a disclosure must not—

- preside at the part of the meeting relating to the matter; or
- participate in, or be present during any discussion or decision making procedure relating to the matter;

unless—

- the members present, and entitled to vote on the matter, allow a disclosing member to be present or to preside; or
- the Minister does under s5.69 or s5.69A of the Act.

If the member seeks leave of the Council to be present and/or participate in discussion on the matter. The member must leave the room while the Council determines whether it will allow the Member to be present and/or participate in discussion on this matter.

7.4 Other Members Allowing Participation (under certain circumstances)

The members entitled to vote can only allow a disclosing member to be present, to participate or to preside in accordance with the above if the members decide that the interest is—

- (i) so trivial or insignificant as to be unlikely to influence the disclosing members' conduct in relation to the matter; or
- (ii) common to approximately one third of the total number of electors.

Such a decision will be recorded in the minutes of the meeting. The record will include the extent of any participation allowed.

7.5 Leaving the Room

Unless the members present and entitled to vote, or the Minister, allow a disclosing member to be present during any discussion or decision making procedure relating to a matter that is the subject of a disclosure, the member must leave the room while the matter is dealt with.

7.6 Employees and Interest

An employee of Council who has an interest in any matter in respect of which the employee is providing advice or a report directly to Council must disclose the nature of the interest when giving the advice or report. If Council requires, an employee must also disclose the extent of the interest.

An employee in this context includes any person who, under a contract for services with the City, provides advice or a report on a matter. Disclosing the extent of an interest includes disclosing the value and amount of the interest.

7.7 Conflict of Interest under Code of Conduct

Council's Code of Conduct provides that a member or an employee must disclose an interest in any matter which—

- is to be discussed at a Council or Committee meeting attended by him/her; and
- could lead to a reasonable belief that the impartiality of a member or the employee could be adversely affected.

Disclosures must be made before the matter is discussed and are to be recorded in the minutes.

8. PROCESSING BUSINESS AT A MEETING

8.1 Bringing Matters Forward for Debate

All matters requiring the resolution of Council will be brought forward as a—

- motion moved by a Council member; and
- seconded by another member, unless the Act requires additional support to be demonstrated prior to debate.

8.2 Recommended Motions

The recommendations in reports by Committees/officers will be drafted as motions recommended for adoption.

8.3 Moving Recommendations

The person presiding will then invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members—

- (i) will indicate the report recommendation they are moving by quoting the report number;
- (ii) may move recommendations individually; or
- (iii) may move a number of recommendations in numerical sequence up to any recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate.

8.4 Recommendations Identified for Interest Disclosure

Before the recommendation of a report that has been identified as subject to an interest disclosure is moved—

- (i) the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- (ii) any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- (iii) any member who has disclosed an interest will leave the room while the matter is dealt with unless the members present decide (or the Minister has decided) otherwise, in accordance with these Standing Orders.

8.5 Clarification of Reports

Members may request that—

- (i) Officers or committee members explain or clarify reports prior to, or during, any discussion of a recommended motion;
- (ii) staff members disclose the extent of any interest that has been disclosed in a report.

8.6 Seconding the Motion

Once a recommendation, or a group of recommendations, has been moved the person presiding will call for a member to second the motion.

8.7 No Opposition

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

8.8 Opposition to the Motion

If there is opposition to a motion the person presiding will (in the following order)—

- (i) invite the mover of the motion to speak to the motion;
- (ii) invite the seconder of the motion to speak to it;
- (iii) invite any member opposing the motion to speak to it;
- (iv) allow other members who wish to speak for or against the motion to speak.

8.9 Members to Only Speak Once

Members may speak once on a motion, except for the person moving the motion as he/she has the right of reply to any matters raised during the debate.

8.10 Person Presiding to Control Debate

8.10.1 Fair and reasonable

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

8.10.2 General rule

The general rule will be—

- (i) each member permitted to speak will have three minutes to present his/her case;
- (ii) the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- (iii) all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- (iv) the decision of the majority of members present will be final; and
- (v) the person presiding will follow the meeting's ruling.

8.11 Amending a Motion

8.11.1 Amendments to a motion

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be seconded; and
- must be provided in writing by the mover.

8.11.2 Seconding the Amendment

An amendment must be seconded. Once seconded, the amendment becomes the motion before the meeting and the person presiding will follow the same process used when dealing with a motion; except if the mover of the substantive motion speaks on the amendment, in which case he/she then loses the right of reply on the motion.

8.12 Amendment not Adopted

If an amendment is proposed and not adopted the debate returns to the substantive motion.

8.13 Amendment Adopted

If an amendment is adopted—

- the amended motion is the motion before the meeting;
- the person presiding will follow the same process used when dealing with a motion.

8.14 Reasons for Decision

If an amended motion is adopted instead of a committee or officer recommendation and the change from the recommendation is significant, the person presiding will—

- summarise the meeting's reasons for coming to that decision;
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

8.15 Right of Reply

When the person presiding believes there has been sufficient debate on a motion—

- he/she will invite the mover of the motion to exercise his/her right of reply;
- the mover can respond to any matter raised in debate but cannot introduce any new arguments.

8.16 Putting to the Vote

Once the mover of the motion has exercised or chosen not to exercise the right of reply, the person presiding will put the motion to the vote.

8.17 All Members must Vote

All members present must vote unless they cannot participate because of an interest disclosure.

8.18 Determining the Vote

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute or 75% majority.

8.19 Kinds of Majority

8.19.1 Simple

A simple majority is more than 50% of the members present and able to vote.

8.19.2 Absolute

An absolute majority is more than 50% of the number of elected members of Council whether or not—

- those offices are vacant; and
- all members are present and able to vote (ie 8 members).

8.19.3 75% majority

A 75% majority is at least 75% of the number of elected members of Council whether or not—

- there are vacancies; and
- all members are present and able to vote (ie 12 members).

8.20 Other Options

A recommended motion may be—

- adopted;
- referred back to a committee or the administration for further report;
- amended;
- not adopted;
- replaced by an alternative motion.

8.21 Referring Back

Before a motion to refer a recommendation back to a committee or the administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter.

8.22 Not Adopted

If a motion is not adopted it is negated. If a committee or officer recommendation is negated the person presiding will—

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the minutes.

8.23 Proposing an Alternative Motion

If a recommendation is not adopted an alternative motion may be moved.

9. MOTIONS ON NOTICE

Motions on notice will be dealt with in the same way as a committee or officer report. They must be provided in writing 7 days prior to the meeting.

10. URGENT BUSINESS

10.1 Person Presiding Consents

If a matter of urgent business is raised—

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and
- will deal with the motion in the same way as a committee or officer recommendation.

10.2 Meeting consents

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business—

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as a committee or officer recommendation.

11. RULES OF DEBATE

11.1 Official Title to be Used

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

11.2 Order of Speakers

When two or more members indicate they wish to speak at the same time, the Chairperson will decide who may speak first.

11.3 Members Not to Interrupt

- A member must not make any noise or disturbance or converse in a loud manner while any other member is addressing a meeting.
- A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

11.4 No Member to Cross the Floor

When the Chairperson is putting any motion, no member shall cross the room nor shall any member, whilst any other member is speaking, pass between the speaker and the Chair.

11.5 Members Entering, Leaving or Withdrawing from Council Meeting

Once the Council Meeting has been officially opened and the business has commenced, any member entering, leaving or withdrawing must pay due respect to the Chair by deferring to the Mayor.

11.6 Chairperson May Participate in Discussion

The Chairperson may discuss any motion before the meeting, provided that he/she addresses the meeting before the right of reply is exercised. The Chairperson must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

11.7 Chairperson to be Heard without Interruption

If the Chairperson wishes to speak during a debate, all other members must be silent so that the Chairperson may be heard without interruption.

11.8 Members not to Reflect Adversely on Resolution of Council

A member shall not reflect adversely upon the resolution of the Council or a committee except on a motion that the resolution be rescinded.

11.9 Members not to Reflect Adversely on other Members or Officers

A member shall not reflect adversely upon the character or actions of another member or an officer of the City nor impute any motive to a member or an officer unless the Council resolves, without debate, that the motion then before the Council cannot otherwise be adequately considered.

11.10 Members to Apologise if Adversely Reflect

Any member who, in the opinion of the Chairperson, uses offensive language or expressions may be requested by the Chairperson to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the Chairperson may refuse to hear any further comments from the member on the business currently being discussed. The Chairperson may then call upon the next speaker.

11.11 Relevance to Debate

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

11.12 Chairperson to Draw Attention of Meeting to Unbecoming Behaviour

The Chairperson may draw the meeting's attention to matters of continued irrelevance, tedious repetition, unbecoming language and breaches of order or decorum on the part of a member, and may direct the member, if speaking, to stop speaking.

11.13 Breach of Rules of Debate

If a member fails to comply with the rules of debate or the directions of the Chairperson given under the rules of debate he/she will have breached this Local Law.

11.14 Persistent Breach

If a member continues to breach the Local Law, the Chairperson may direct the member not to take part in the proceedings of the meeting other than to vote. The member must comply with this direction.

12. ORDER

12.1 Point Of Order

12.1.1 A member may bring to the Chairperson's attention, any breach of the Local Law by stating the grounds for the breach and the name of the offending member.

12.1.2 A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognized as raising a point of order.

12.1.3 The Chairperson shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

12.1.4 A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

12.1.5 Where anything said or done by a member is deemed out of order, the Chairperson may require the member to make an explanation, retraction or apology.

12.2 Preservation of Order

The Chairperson's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

12.2.1 Order of members

If a member persists in any conduct which the Chairperson decides is out of order, or the member refuses to explain, retract or apologise as requested by the Chairperson the Chairperson may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction. Any member who fails to comply with the direction given by the Chairperson shall be considered to have committed a breach of this Local Law.

12.2.2 Order of the Public

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

No person observing a meeting is to create a disturbance at a meeting by interrupting, or interfering with the proceedings, whether by expressing approval or dissent, conversing with members or other observers or by any other means.

Any member of the public who fails to comply with the direction given by the Chairperson shall be considered to have committed a breach of this Local Law.

(Standing Orders Local Law 2000 was amended at the 12 June 2001 Council meeting – Gazetted on 27 August 2001 Gazette No: 176)

Insert after Clause 12.2.2 new clauses 12.3 and 12.5 as follows and renumber the subsequent clauses:-

12.3 Personal Explanations

No Member is to speak at any meeting of the Council, except upon the matter before the council, unless it is to make a personal explanation. Any member of the Council 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. When a Member of the Council is invited to speak, no reference is to be made to matters unnecessary for that purpose.

12.4 Personal Explanations - When Heard

A Member of the Council wishing to make a personal explanation of matters referred to by any Member of the Council then speaking, is entitled to be heard immediately, if the Member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

12.5 Ruling On Questions Of Personal Explanation

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

12.3 12.6 Serious Disorder

The Chairperson may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the Chairperson again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the Chairperson.

12.4 12.7 Interpretation

Where a situation arises where no provision or insufficient provision is made in this Local Law, the Chairperson shall determine the procedure to be observed. He/she may use the procedure of the Western Australian Parliament as a guide.

12.5 12.8 Enforcement

The Chairperson shall be responsible for the enforcement of these Local Laws and may prosecute for any breach.

Any person who fails to do anything required by these Local Laws or who does something contrary to the provisions of the Local Law will have committed a breach of the Local Laws. The penalty for breach is up to \$5000.

13. MINUTES

13.1 Contents of Minutes

The minutes of all Council meetings will contain—

- (i) The name of the person presiding;
- (ii) The time the meeting was opened;
- (iii) The names of all elected members and officers present;
- (iv) The name of any elected member who enters or leaves the meeting during its course, and the time and point during the meeting that this occurred;
- (v) A record of any apologies, members on leave of absence, and the granting of leave of absence;
- (vi) A record of any questions asked at public question time and the response given;
- (vii) A record of the confirmation of any minutes confirmed at the meeting and details of any alternations to be made;

- (viii) A record of any announcements by the person presiding;
- (ix) Any interest disclosures including the extent—
 - of any interest when that has also been disclosed; and
 - of any participation in the meeting that a person with an interest was permitted;
- (x) A record of all reports presented to Council;
- (xi) Details of motions—
 - (a) each motion moved;
 - (b) the names of the members who moved and seconded it;
 - (c) the name of each member and how they voted, unless the vote is unanimous;
 - (d) the kind of majority a vote was carried by, if it was required to be carried by an absolute or 75% majority;
 - (e) the reasons for any decision made that is significantly different from any recommendation made by a committee or an officer;
 - (f) the way in which a member, or all members voted on a motion, if a member requested this;
 - (g) a record of any decision to close a meeting while a confidential matter was discussed, and the reason for that decision;
- (xii) If a meeting was adjourned;
- (xiii) The time of the adjournment;
- (xiv) The names of the members present when it was adjourned;
- (xv) The reason for the adjournment;
- (xvi) The names of any members who had spoken on a motion under debate at the time of adjournment; and
- (xvii) The time of the closure of a meeting.

14. PROCEDURAL MOTIONS

14.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (i) that the debate be adjourned;
- (ii) that the Council now adjourn;
- (iii) that the motion be put;
- (iv) that the Council meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act;
- (v) that the matter be referred back to Committee/Officers;
- (vi) that the ruling of the presiding person be disagreed with;
- (vii) that Standing Orders (or specific clause of Standing Orders) be suspended;
- (viii) that Standing Orders (or the specific clause previously suspended) be resumed.

14.2 No Debate On Procedural Motions

Once moved and seconded, there shall be no debate on procedural motions except that the mover of a motion to refer a matter back to a Committee or officer may speak for up to three (3) minutes detailing the reasons for the proposed motion. The Presiding person shall put the motion to the Council immediately.

14.3 Procedural Motions—Closing Debate—Who May Move

During the course of any motion a member may move a procedural motion, which, provided it is seconded, shall be dealt with immediately.

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

14.4 Procedural Motions and Right of Reply

The mover of the substantive motion or amendment under discussion where a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment occurs retains the right of reply and is the only member who may speak after a decision has been made to close that debate. The general rules of right of reply remain.

15. EFFECT OF PROCEDURAL MOTIONS

15.1 The Debate be Adjourned—Effect Of Motion

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

15.1.2 If the motion is carried at a meeting of the Council—

- (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (b) the provisions of Clause 8.9 apply when the debate is resumed.

15.2 Council to Now Adjourn—Effect of Motion

The motion “that the Council now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the person presiding or a simple majority of members upon vote, determine otherwise.

Where debate is to be resumed at the next meeting at the point where it was so interrupted—

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
- (b) the provisions of Clause 8.9 apply when the debate is resumed.

15.3 Motion Be Put—Effect of Motion

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

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

15.4 Council to Meet Behind Closed Doors—Effect of Motion

Subject to any decision under Clause 5.1 or other decision of the Council, this motion, if carried, causes all members of the public to leave the room pursuant to Clause 5.1.

While a decision made under this clause is in force the operation of Clause 8.9 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.

Upon the public again being admitted to the meeting the person presiding, unless the Council decides otherwise, is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

A person who is a Council member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

15.5 That The Matter Be Referred Back To Committee/Officers—Effect Of Motion

A member may at the conclusion of the speech of any other member, on a matter before Council, move without notice that the question be referred back to Committee or Officers.

On any such motion being moved and seconded, the mover shall speak for no more than three (3) minutes detailing the reasons for seeking to refer the question back to Committee or Officers.

15.6 That The Ruling Of The Presiding Member Be Disagreed With—Effect of Motion

This motion, having been carried, will cause the ruling of the person presiding, to be reversed and for the meeting to proceed accordingly.

Where the presiding person has given a ruling in strict accordance with the Act, this motion may not be moved.

Where the person presiding has adjourned the meeting in accordance with clause 15.2 of these Standing Orders, this motion may not be moved.

15.7 That Standing Orders be suspended

This motion, having been carried, temporarily suspends a specific clause or clauses of the Standing Orders and should be accompanied by the purpose of the suspension. Any Standing Order clause will remain suspended until decided otherwise by the Council.

15.8 That Standing Orders be resumed

This motion, having been carried, will reinstate the Standing Order or Orders, which were temporarily suspended by a previous procedural motion.

16. REVOKING OR CHANGING A DECISION

16.1 Motion to revoke or change

Any motion to revoke or change a decision already made must be supported by at least one third of the number of members (5) except if there has been a failed attempt to revoke or change the decision within the previous 3 months, in which case it must be supported by the majority of members (8).

16.2 Decision to revoke or change

Any decision to revoke or change a decision already made must be made by an absolute majority except if the decision was required to be made by a 75% majority, in which case it must be made by a majority of 12 members.

17. ADJOURNED MEETINGS

17.1 When a Meeting will be Adjourned

A meeting will be adjourned if—

- (a) there is a failure to establish a quorum within 30 minutes of the fixed time of the meeting;

- (b) the quorum has lapsed during a meeting and is still not present after a 5 minute suspension of the meeting;
- (c) the meeting agrees to an adjournment.

17.2 Resumption

The meeting can be adjourned to the next ordinary meeting or to another time. If it is adjourned to another time the notice provisions for a special meeting will apply.

An adjourned meeting will resume at the point it was adjourned.

18. ROLE OF THE CEO

18.1 Local Law

The CEO may interrupt the person presiding at any stage to draw attention to a breach of this Local Law.

18.2 Motions Contrary to Other Legislation

The CEO may draw the Council's attention to any matter before Council or proposed motion which, in the view of the CEO, may be contrary to other legislation.

KATH WHITE, Chief Executive Officer.