

STANDING ORDERS LOCAL LAW 2021

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LOCAL GOVERNMENT ACT 1995
CITY OF WANNEROO
STANDING ORDERS LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the City of Wanneroo resolved on 10 May 2022 to make the following local law.

PART 1 – PRELIMINARY

1.1 Title

This local law is the *City of Wanneroo Standing Orders Local Law 2021*.

1.2 Commencement

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

1.3 Application and intent

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

1.4 Repeal

The *City of Wanneroo Standing Orders Local Law 2008* is repealed.

1.5 Definitions

- (1) In this local law, unless the contrary intention appears -
absolute majority has the meaning given to it in the Act;

absolute majority –

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body.

[Section 1.4 of the Act]

Act means the *Local Government Act 1995*;

CEO means the chief executive officer of the City;

City means the City of Wanneroo;

Code of Conduct means the Council Members, Committee Members and Candidates Code of Conduct

Council means the council of the City;

Councillor has the meaning given to it in the Act;

councillor means a person who holds the office of councillor on a council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor).

[See section 1.4 of the Act]

meeting means a meeting of the council;

member has the meaning given to it in the Act;

member, in relation to the council of a local government, means –

- (a) an elector mayor or president of the local government; or
- (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor).

[Section 1.4 of the Act]

presiding person means the person presiding under section 5.6 of the Act.

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

resolution means a decision of council made by the appropriate majority;

schedule means the Schedule to this local law;

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

- (2) Unless otherwise defined, the terms used in this local law has the meaning given to them in the Act and Regulations.

PART 2 - MEETINGS OF COUNCIL

2.1 Ordinary and special council meetings

- (1) Ordinary and special council meetings are dealt with in the Act.

- (1) A council is to hold ordinary meetings and may hold special meetings.
 (2) Ordinary meetings are to be held not more than 3 months apart.
 (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.
- [Section 5.3 of the Act]

- (2) An ordinary meeting of the council held as determined by the council, is for the purpose of considering and dealing with the ordinary business of the council.
- (3) A special meeting of the council is held for the purpose of considering and dealing with council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling council meetings

- (1) The calling of meetings is dealt with in the Act.

- An ordinary or a special meeting of a Council is to be held –
- (a) if called for by either –
- (i) the mayor; or
 (ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the Council.
- [Section 5.4 of the Act]

2.3 Convening council meetings

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

- (1) The CEO is to convene an ordinary meeting by giving each council 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 by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.
- [Section 5.5 of the Act]

Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person.

Under these provisions, notice of a meeting may be given to a member by –

- (a) personally handing the notice to the member;
- (b) sending it by post to the last known address of the member; or
- (c) leaving it for the member at his or her usual or last known place of abode or, if he or she is the principal of a business, at his or her usual or last known place of business.

2.4 Calling committee meetings

A meeting of a committee is to be held -

- (1) if called for in a verbal or written request to the CEO by the Mayor or the presiding person of the committee, advising the date and purpose of the proposed meeting;
- (2) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (3) in accordance with a decision of the Council or the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

- (1) In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - (a) ordinary council meetings;
 - (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in sub-regulation (2) must be published on the local government's official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government's official website as soon as practicable after the decision is made.

[Regulation 12 of the Regulations]

- (1) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

2.6 Public access to agendas and supporting documentation

Public access to agendas and supporting information is dealt with in the Regulations.

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which -
- (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting,
- and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Subregulation (1) does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

[Regulation 14 of the Regulations]

2.7 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of meetings is dealt with in the Regulations.

- (1) The CEO must publish on the local government's official website -
- (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
 - (b) if a council or committee meeting is closed to members of the public – that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.
- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held.

[Regulation 13 of the Regulations]

2.8 Presiding person

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

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
- (a) the office of deputy mayor or deputy president is vacant; or

(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

then, the council is to choose one of the councillors present to preside at the meeting.

[Section 5.6 of the Act]

2.9 Quorum

The quorum for meetings is dealt with in the Act.

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

[Section 5.19 of the Act]

2.10 Reduction of a quorum for council meetings

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

(1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.

(2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.

[Section 5.7 of the Act]

2.11 Reduction of quorum for committee meetings

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

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

*Absolute majority required.

[Section 5.15 of the Act]

2.12 Procedure if quorum not present

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

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;
- (d) if only one member is present, by that member; or

(e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorized by the CEO.	[Regulation 8 of the Regulations]
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2.13 Lapse of quorum

- (1) If at any time during a meeting a quorum is not present –
 - (a) the presiding person is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) a record is to be taken of all those who have spoken on the subject under consideration at the time of the suspension and is to be recorded in the minutes of the meeting;
 - (c) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding person may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
 - (d) if a quorum is not present at the expiry of the extended period of suspension under paragraph (c), the presiding person is to adjourn the meeting to a later time on the same day or to another day.
- (2) If the debate on a motion is interrupted at a meeting, which is suspended due to a quorum not being present –
 - (a) the debate is to be resumed at the resumption of the meeting at the point where it was interrupted; and
 - (b) the members who have spoken on the motion before the suspension must not speak again at the resumption of the meeting - except the mover who retains the right of reply.

2.14 Names to be recorded

At any meeting –

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

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

PART 3 - BUSINESS AT MEETINGS

3.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the council other than that specified in the agenda, without the approval of the presiding person or the council.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.

- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that -
- (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering the officer's reports at that ordinary meeting.

3.2 Order of business

- (1) Unless the council decides otherwise, the order of business at an ordinary meeting of the council is to be as follows -
- (a) Opening
 - (b) Attendances, apologies and leave of absence
 - (c) Public question time
 - (d) Confirmation of minutes
 - (e) Announcements by the presiding person without discussion
 - (f) Questions from members
 - (g) Petitions
 - (h) Declarations of Interest
 - (i) Reports
 - (j) Motions of which previous notice has been given
 - (k) Urgent business
 - (l) Matters for which the meeting may be closed
 - (m) Date and location of the next meeting
 - (n) Closure
- (2) Unless otherwise decided by the council or committee, the items of business for a meeting of the council or committee are to be considered in the sequence that they are listed in the agenda.
- (3) The council or a committee may pass an adoption by exception resolution under clause 5.2.
- (4) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

3.3 Grant of leave of absence

- (1) The grant of leave of absence is dealt with in the Act.

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| <p>(1)</p> <p>(2)</p> <p>(3A)</p> <p>(3)</p> | <p>A council may, by resolution, grant leave of absence, to a member.</p> <p>Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister unless all of the meetings are within a period of 3 months.</p> <p>Leave is not to be granted in respect of —</p> <ul style="list-style-type: none"> (a) a meeting that has concluded; or (b) the part of a meeting before the granting of leave. <p>The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.</p> |
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(4)	A member who is absent, without first obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
(5A)	If the council holds 3 or more ordinary council meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
(5)	The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council – <ul style="list-style-type: none"> (a) if no meeting of the council at which a quorum is present is actually held on that day; or (b) if the non-attendance occurs while – <ul style="list-style-type: none"> (i) the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; (iii) while the member is suspended under 5.117(1)(a)(iv); or (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
(6)	A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

[Section 2.25 of the Act]

- (2) A member who requests a leave of absence need not put the request in writing but must state the period of leave and the reasons for the request.

3.4 Public question time for the public at meetings

Public question time at meetings is dealt with in the Act and Regulations.

(1)	Time is to be allocated for questions to be raised by members of the public and responded to at – <ul style="list-style-type: none"> (a) every ordinary meeting of a council; and (b) such other meetings of councils or committees as may be prescribed.
(2)	Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

[Section 5.24 of the Act]

3.5 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –	
(a)	every special meeting of a council;
(b)	every meeting of a committee to which the local government has delegated a power or duty.

[Regulation 5 of the Regulations]

3.6 Minimum question time for the public

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

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| (1) | The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes. |
| (2) | Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters. |
- [Regulation 6 of the Regulations]

3.7 Procedures for question time for the public

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

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| (1) | Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined – <ul style="list-style-type: none"> (a) by the person presiding at the meeting; or (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2) and (3). |
| (2) | The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be. |
| (3) | Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response. |
| (4) | Nothing in subregulation (3) requires – <ul style="list-style-type: none"> (a) a council to answer a question that does not relate to a matter affecting the local government; (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or (c) a committee to answer a question that does not relate to a function of the committee. |
| (5) | If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to – <ul style="list-style-type: none"> (a) declare that he or she has an interest in the matter; and (b) allow another person to respond to the question. |
- [Regulation 7 of the Regulations]

3.8 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must -
 - (a) first state their name and address;
 - (b) direct the questions to the presiding person;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (2) A question may be taken on notice by the Council or committee for later response.

3.9 Confirmation of minutes

- (1) The requirements for keeping minutes of meetings and the content of minutes are dealt with in the Act and the Regulations.

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| <p>1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.</p> <p>(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.</p> <p>(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.</p> | <p>[Section 5.22 of the Act]</p> |
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| <p>The content of minutes of a meeting of a council or a committee is to include —</p> | |
| <p>(a) the names of the members present at the meeting;</p> <p>(b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;</p> <p>(c) details of each motion moved at the meeting, the mover and the outcome of the motion;</p> <p>(d) details of each decision made at the meeting;</p> <p>(da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);</p> <p>(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and</p> <p>(f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest".</p> <p>(g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public.</p> | <p>[Regulation 11 of the Regulations]</p> |

- (2) When minutes are confirmed, the only discussion permitted is that relating to the accuracy of the minutes as a record of the proceedings.

3.10 Announcements by presiding person without discussion

At any meeting of the council the presiding person may announce or raise any matter of interest or affecting the City and there is not to be any discussion on the matter.

3.11 Questions from members

- (1) (a) The item of business "Questions from Members" is to provide members with an opportunity to raise questions with the Mayor and the council.
- (b) Questions are to relate only to the business of the council.
- (c) A member asking questions may address the council for a maximum of 3 minutes.
- (2) (a) A minimum of 15 minutes is to be allowed to the item "Questions from Members".

- (b) If there are insufficient questions to fill the allocated time then the presiding person is to move on to the next item.
- (3) (a) Whenever possible, questions are to be submitted in writing at least 30 hours prior to the start of the meeting.
- (b) Questions submitted in writing are to be dealt with first.
- (4) (a) At an ordinary meeting, only questions relating to matters affecting the council are to be answered.
- (b) At a special meeting, only questions relating to the purpose of the meeting are to be answered.
- (c) Questions may be taken on notice and responded to after the meeting.
- (5) The presiding person is to control the item "Questions from Members" and is to ensure that any member writing to ask a question is given a fair and equal opportunity to do so.
- (6) If a question is directed to a member or an employee who has an interest in the subject matter of the question then the member or employee is to declare the interest and allow another member or employee to respond to the question.

3.12 Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary council meeting.
- (2) Any petition to the council is -
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the council, a motion may be moved to receive the petition and refer it to the CEO for action.

3.13 Disclosure of financial and proximity interests

The requirements for disclosure of any interest as defined in section 5.60 of the Act are dealt with in Part 5 of the Act.

5.59. Definitions

In this Subdivision, unless the contrary intention appears –
"extent", in relation to an interest, includes the value and amount of the interest;
"interest relating to a gift" means an interest that a relevant person has because of the operation of section 5.60 when read with section 5.62(1)(ea), (eb) or (ec);

“member”, in relation to a council or committee, means a council member or a member of the committee;
“relevant person” means a person who is either a member or a person to whom section 5.70 or 5.71 or 5.71A applies.

5.60. When a person has an “interest”

For the purposes of this Subdivision, a relevant person has an interest in a matter if either -

- (a) the relevant person; or
- (b) a person with whom the relevant person is closely associated, has –
- (c) a direct or indirect financial interest in the matter; or
- (d) a proximity interest in the matter.

5.60A. Financial interest

For the purposes of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

5.60B. Proximity interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land;
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

- (2) In this section, land (**“the proposal land”**) adjoins a person's land if –

- (a) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
- (b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
- (c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

5.61. Indirect financial interests

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

5.62. Closely associated persons

- (1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if –

- (a) the person is in partnership with the relevant person;
- (b) the person is an employer of the relevant person;
- (c) the person is a beneficiary under a trust, or an object of a discretionary trust, of which the relevant person is a trustee;
- (ca) the person belongs to a class of persons that is prescribed;
- (d) the person is a body corporate –
 - (i) of which the relevant person is a director, secretary or executive officer; or
 - (ii) in which the relevant person holds shares having a total value exceeding –
 - (I) the prescribed amount; or
 - (II) the prescribed percentage of the total value of the issued share capital of the company,
 whichever is less;

- (e) the person is the spouse, de facto partner or child of the relevant person and is living with the relevant person;

- (ea) the relevant person is a council member and the person –

- (i) gave an electoral gift to the relevant person in relation to the election at which the relevant person was last elected; or
- (ii) has given an electoral gift to the relevant person since the relevant person was last elected;

- (eb) *the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or*
 - (ec) *the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO;*
or
 - (f) *the person has a relationship specified in any of paragraphs (a) to (d) in respect of the relevant person's spouse or de facto partner if the spouse or de facto partner is living with the relevant person.*
- (1A) *Subsection (1)(eb) and (ec) apply to a gift if —*
- (a) *either —*
 - (i) *the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or*
 - (ii) *the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection; and*
 - (b) *the gift is not an excluded gift under subsection (1B).*
- (2) *In subsection (1) –*

“electoral gift” means a gift about which the relevant person was or is required by regulations under section 4.59(a) to provide information in relation to an election;
“value”, in relation to shares, means the value of the shares calculated in the prescribed manner or using the prescribed method.

5.63. Some interests need not be disclosed

- (1) *Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –*
- (a) *an interest common to a significant number of electors or ratepayers;*
 - (b) *an interest in the imposition of any rate, charge or fee by the local government;*
 - (c) *an interest relating to –*
 - (i) *a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or*
 - (ii) *a gift permitted by section 5.100A; or*
 - (iii) *reimbursement of an expense that is the subject of regulation made under section 5.101A; or*
 - (d) *an interest relating to the pay, terms or conditions of an employee unless –*
 - (i) *the relevant person is the employee; or*
 - (ii) *either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;*
 - [(e) deleted]*
 - (f) *an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;*
 - (g) *an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or*
 - (h) *a prescribed interest.*
- (2) *If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by –*
- (a) *any proposed change to a planning scheme for any area in the district;*
 - (b) *any proposed change to the zoning or use of land in the district; or*
 - (c) *the proposed development of land in the district, then, subject to subsection (3) and (4), the person is not to be treated as having an interest in a matter for the purposes of sections 5.65, 5.70 and 5.71.*
- (3) *If a relevant person has a financial interest because the valuation of land in which the person has an interest may be affected by –*
- (a) *any proposed change to a planning scheme for that land or any land adjacent to that land;*
 - (b) *any proposed change to the zoning or use of that land or any land adjacent to that land; or*
 - (c) *the proposed development of that land or any land adjacent to that land, then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.*

<p>(4) If a relevant person has a financial interest because any land in which the person has any interest other than an interest relating to the valuation of that land or any land adjacent to that land may be affected by –</p> <p>(a) any proposed change to a planning scheme for any area in the district;</p> <p>(b) any proposed change to the zoning or use of land in the district; or</p> <p>(c) the proposed development of land in the district, then nothing in this section prevents sections 5.65, 5.70 and 5.71 from applying to the relevant person.</p> <p>(5) A reference in subsection (2), (3) or (4) to the development of land is a reference to the development, maintenance or management of the land or of services or facilities on the land.</p> <p>5.65. Members' interests in matters to be discussed at meetings to be disclosed</p> <p>(1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the nature of the interest –</p> <p>(a) in a written notice given to the CEO before the meeting; or</p> <p>(b) at the meeting immediately before the matter is discussed.</p> <p>Penalty: \$10 000 or imprisonment for 2 years.</p> <p>(2) It is a defence to a prosecution under this section if the member proves that he or she did not know –</p> <p>(a) that he or she had an interest in the matter; or</p> <p>(b) that the matter in which he or she had an interest would be discussed at the meeting.</p> <p>(3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).</p> <p>5.66. Meeting to be informed of disclosures</p> <p>If a member has disclosed an interest in a written notice given to the CEO before a meeting then –</p> <p>(a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</p> <p>(b) at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matters to which the disclosure relates are discussed.</p> <p>5.67. Disclosing members not to participate in meetings</p> <p>A member who makes a disclosure under section 5.65 must not –</p> <p>(a) preside at the part of the meeting relating to the matter; or</p> <p>(b) participate in, or be present during, any discussion or decision making procedure relating to the matter,</p> <p>unless, and to the extent that, the disclosing member is allowed to do so under section 5.68 or 5.69.</p> <p>Penalty: \$10 000 or imprisonment for 2 years.</p> <p>5.68. Councils and committees may allow members disclosing interests to participate etc. in meetings</p> <p>(1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter –</p> <p>(a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and</p> <p>(b) may allow, to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –</p> <p>(i) the disclosing member also discloses the extent of the interest; and</p> <p>(ii) those members decide that the interest –</p> <p>(I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or</p> <p>(II) is common to a significant number of electors or ratepayers.</p> <p>(1A) Subsection (1) does not apply if –</p> <p>(a) the interest disclosed is an interest relating to a gift; and</p> <p>(b) either –</p> <p>(i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or</p> <p>(ii) the gift is 1 of 2 or more gifts made by 1 person to the disclosing member at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection.</p> <p>(2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.</p>

	(3) This section does not prevent the disclosing member from discussing, or participating in the decision making process on, the question of whether an application should be made to the Minister under section 5.69.
5.69.	Minister may allow members disclosing interests to participate etc. in meetings
	(1) If a member has disclosed, under section 5.65, an interest in a matter, the council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting, and any subsequent meeting, relating to the matter.
	(2) An application made under subsection (1) is to include –
	(a) details of the nature of the interest disclosed and the extent of the interest; and
	(b) any other information required by the Minister for the purposes of the application.
	(3) On an application under this section the Minister may allow, on any condition determined by the Minister, the disclosing member to preside at the meeting, and at any subsequent meeting, (if otherwise qualified to preside) or to participate in discussions or the decision making procedures relating to the matter if –
	(a) there would not otherwise be a sufficient number of members to deal with the matter; or
	(b) the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
	(4) A person must not contravene a condition imposed by the Minister under this section. Penalty: \$10 000 or imprisonment for 2 years.
(4)	A decision under this section must be recorded in the minutes of the meeting relating to the matter.
5.69A.	Minister may exempt committee members from disclosure requirements
	(1) A council or a CEO may apply to the Minister to exempt the members of a committee from some or all of the provisions of this Subdivision relating to the disclosure of interests by committee members.
	(2) An application under subsection (1) is to include –
	(a) the name of the committee, details of the function of the committee and the reasons why the exemption is sought; and
	(b) any other information required by the Minister for the purposes of the application.
	(3) On an application under this section the Minister may grant the exemption, on any conditions determined by the Minister, if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
	(4) A person must not contravene a condition imposed by the Minister under this section. Penalty: \$10 000 or imprisonment for 2 years.
5.70.	Employees to disclose interests relating to advice or reports
	(1) In this section – “employee” includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
	(2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report. Penalty: \$10 000 or imprisonment for 2 years.
	(2A) Subsection (2) applies to a CEO even if the advice or report is provided in accordance with a decision made under section 5.71B(2) or (6).
	(3) An employee who discloses an interest under this section must, if required to do so by the council or committee, as the case may be, disclose the extent of the interest. Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
5.71A.	CEOs to disclose interests relating to gifts in connection with advice or reports
	(1) A CEO who has an interest relating to a gift in a matter in respect of which the CEO proposes to provide advice or a report, directly or indirectly, to the council or a committee must disclose the nature of the interest in a written notice given to the council. Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
	(2) A CEO who makes a disclosure under subsection (1) must not provide the advice or report unless the CEO is allowed to do so under section 5.71B(2) or (6). Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.

- (3) A CEO who has an interest relating to a gift in a matter in respect of which another employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when the advice or report is provided.

Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.

5.71B. Council or Minister may allow CEOs to provide advice or reports

- (1) In this section —
relevant gift means the gift to which the interest disclosed under section 5.71A(1) relates.
- (2) The council may allow the CEO to provide the advice or report to which a disclosure under section 5.71A(1) relates if -
- the amount of the relevant gift does not exceed the amount prescribed for the purposes of this section; and
 - the council decides that the nature of the interest disclosed is unlikely to influence the CEO in the provision of the advice or report.
- (3) A decision of the council under subsection (2) must be recorded in the minutes of the council meeting at which the decision is made.
- (4) The council may apply to the Minister to allow the CEO to provide the advice or report to which a disclosure under section 5.71A(1) relates if the amount of the relevant gift exceeds the amount prescribed for the purposes of this section.
- (5) An application under subsection (4) must include —
- details of the nature of the interest disclosed; and
 - any other information required by the Minister for the purposes of the application.
- (6) On an application under subsection (4), the Minister may allow, on any condition determined by the Minister, the CEO to provide the advice or report if the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.
- (7) A decision of the Minister under subsection (6) must be recorded in the minutes of the council meeting at which the decision is considered.
- (8) For the purposes of subsections (2)(a) and (4), if the relevant gift is 1 of 2 or more gifts made by 1 person to the CEO at any time during a year, the amount of the relevant gift is the sum of the amounts of those 2 or more gifts.

5.72. Defence to prosecution

It is a defense to a prosecution under section 5.70(2), 5.71 or 5.71A(1) or (3) if the person proves that he or she did not know that he or she had an interest in the matter.

5.73. Disclosures to be minuted

A disclosure under section 5.65, 5.70 or 5.71A(3) is to be recorded in the minutes of the meeting relating to the disclosure.

3.14 Disclosure of interest affecting impartiality

The disclosure of interests affecting impartiality is dealt with by the *Local Government (Model Code of Conduct) Regulations 2021*.

- (1) In this clause —
interest —
- means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- in a written notice given to the CEO before the meeting; or
 - at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

Regulation 22

3.15 Reports

- (1) The functions of the CEO including to advise the council and implement decisions are dealt with in the Act.

5.41. Functions of CEO

The CEO's functions are to –

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Section 5.41 of the Act

- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the council, including any report of a late or urgent nature.

3.16 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) Subject to sub clause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.
- (3) A notice of motion must relate to a matter for which the council is responsible.

Note: matters for which the Council is responsible are dealt with in section 2.7 of the Act

- (4) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to:
 - (a) a recommendation made by or contained in a report on the agenda; or
 - (b) a notice of motion that appears on the agenda, and is moved after the motion has been dealt with.
- (5) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered
- (6) Where a notice of motion is given and lapses in circumstances referred to under sub clause (5), 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 the lapse.
- (7) A notice of motion of which the subject matter does not relate to a matter affecting the City, may be ruled out of order by the presiding person.
- (8) Where a notice of motion under subclause (1) contains any word or words which:
 - (a) reflect adversely on the character or actions of a member, officer or other person; or
 - (b) impute any motive to any member or officer; or
 - (c) are offensive or insulting,
 then the CEO:
 - (d) after consultation with the mayor, may reject the motion; or
 - (e) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the offensive or insulting word or words.

- (9) If a notice of motion is rejected under subclause (8), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (10) Where, prior to a meeting, a member has given notice of motion in accordance with this clause or a member has given notice of a revocation motion in accordance with clause 6.1 and
 - (a) the member is present at the meeting, the member must read the motion or revocation motion to the meeting; or
 - (b) the member is not present at the meeting, the CEO must read the motion or revocation motion to the meeting.

3.17 Urgent business

- (1) In a case of extreme urgency or other special circumstances, a matter may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In sub clause (1), a case of extreme urgency or other special circumstance means a matter –
 - (a) that could not reasonably be dealt with at the next ordinary meeting of the council; and
 - (b) it was not reasonable for the notice to be given.

3.18 Meeting closure

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

PART 4 - CONDUCT OF MEETINGS

4.1 Official titles to be used

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

4.2 Seating

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the council chamber to each member.
- (2) Each member must occupy his or her allocated position when present at a meeting of the council.
- (3) The council may, at any time, reallocate a seat in the council chamber to each member.
- (4) The CEO is to sit immediately to the right of the mayor.
- (5) For the avoidance of doubt, a member must not sit in the public gallery during a meeting.

4.3 Distinguished visitor seating

If a distinguished visitor is present at a meeting of the council, the presiding person may invite that person to sit beside the presiding person or at the meeting table.

4.4 Media attendance and seating

Media representatives are permitted to attend meetings of the Council and be seated in that part of the Council Chamber or meeting room that may be set aside for their use, but must leave the meeting during any period when the meeting is closed to the public.

4.5 Members who wish to speak

A member who wishes to speak at a council or committee meeting –

- (1) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the council or committee; and
- (2) when invited by the presiding person to speak, and unless otherwise determined by the council or committee, must address the meeting through the presiding person.

4.6 Order of speakers

- (1) At a council meeting, where 2 or more members of the council indicate, at the same time, their intention to speak, the presiding person is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding person is first to invite committee members to speak followed, at the discretion of the presiding person, by other members and attendees.
- (3) A decision of the presiding person under this clause is not open to discussion or dissent.

4.7 Members not to interrupt

A member must not -

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting;
- (b) interrupt another member who is speaking other than to:-
 - (i) raise a point of order;
 - (ii) to call attention to the absence of a quorum;
 - (iii) to make a personal explanation under clause 4.12; or
 - (iv) to move a procedural motion.

4.8 No reopening of discussion

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

4.9 No member to cross the floor

When the presiding person is putting any motion, a member must not cross the floor, and whilst any other member is speaking, must not pass between the speaker and the presiding person or pass behind the presiding person.

4.10 Presiding person may participate in discussion

The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.

4.11 Relevance to debate

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

4.12 Personal explanation

- (1) A member must not speak at any meeting, except on the matter then before the Council, unless it is to make a personal explanation.
- (2) A member wishing to make a personal explanation of matters referred to by any other member then speaking, is entitled to be heard -
 - (a) immediately if the member then speaking consents at the time; or
 - (b) at the conclusion of the speech if the member then speaking declines to give way.
- (3) A member of the Council permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the former speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his or her former argument by adding new matters or by replying to other members.

4.13 Ruling on questions of personal explanation

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

4.14 Point of order

- (1) A member may direct the presiding person's attention to a breach of this local law by any other member and is to specify the grounds of the breach.
- (2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.

- (3) The presiding person is to decide all points of order and the decision of the presiding person is final unless in any particular case, the council then resolves that a different ruling is to be substituted for the ruling given by the presiding person.
- (4) A motion, amendment or other business ruled to be out of order, is to be no longer discussed and requires no resolution.
- (5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

4.15 Preservation of order – council members

- (1) The presiding person is to preserve order at all times and may call any member to order whenever in the presiding person's opinion, there is cause to do so.
- (2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.
- (3) Where a member persists in any conduct which the presiding person deems is out of order, or refuses to make any explanation, retraction or apology required by the presiding person, then the presiding person may direct the member to refrain from taking any further part in the debate of the item, other than by recording the member's vote and the member must comply with that direction.

4.16 Prevention of Disturbance

A member or an employee -

- (a) must ensure that hand held mobile devices are turned to silent during meetings of council and committees of council;
- (b) must only use hand held mobile devices sparingly and discreetly during meetings; and
- (c) must not, during a confidential session, use hand held mobile devices other than to refer to Council meeting papers.

4.17 Preservation of order – members of the public

- (1) Any member of the public addressing the Council is to extend due courtesy and respect to the Council and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.
- (2) A person observing a meeting, must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) Where a person is considered by the presiding person or the council to be in breach of sub clauses (1) or (2) the presiding person or the council

may direct the offending person to leave the meeting room and the person must immediately comply with that direction.

- (4) A person failing to comply with a direction given under subclauses (1) or (3) may, by order of the presiding person, be removed by the police from the meeting room.

4.18 Serious disorder

- (1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

PART 5 – MOTIONS AND AMENDMENTS

5.1 Recommendations in reports

- (1) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the written reasons are to be recorded in the minutes for that meeting.
- (2) A recommendation made by or contained in a report may, but need not be, moved.
- (3) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

5.2 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means –
 - (a) a resolution of the council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter –
 - (a) that requires an absolute majority;

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

5.3 Motions

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

5.4 No opposition to motions

- (1) On a motion being moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion shall be dealt with according to this local law.

5.5 Motions to be seconded

- (1) Subject to subclause (2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.

5.6 Withdrawing motions

A motion or amendment may be withdrawn by the mover, with the consent of the council, and no member is to speak on it after it has been withdrawn.

5.7 One motion at a time

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

5.8 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment.
- (2) The mover of a motion or an amendment -

- (a) is to speak to that motion or amendment first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right is to confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied.
 - (4) A member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the council by simple majority without debate, but is not to exceed 10 minutes in total.
 - (5) The council may suspend the operation of this clause during debate on a motion.

5.9 Questions during debate

- (1) Subject to clause 5.8 (Limitation on members speaking) a member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.

5.10 Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except -
 - (a) when the mover has been called by the presiding person to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) A member who wishes to move an amendment -
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the amendment in writing; if –
 - (i) in the opinion of the presiding person, the amendment is significantly different to the relevant written recommendation of a committee or an employee (including a person who, under a contract for services with the City, provides advice or a report on the matter); or
 - (ii) he or she is otherwise required to do so by the presiding person.
- (3) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

- (4) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
- (5) An amendment to a motion is to take only one of the following forms -
 - (a) that certain words be omitted;
 - (b) that certain words be omitted and others substituted or added; or
 - (c) that certain words be added.
- (6) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
- (7) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
- (8) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to sub clause (4), to be treated as a primary motion.

PART 6 – REVOCATION MOTIONS

6.1 Revocation motions

- (1) The requirements for support of a motion for revocation or change of a Council decision are dealt with in the Act and Regulations.

10.	<i>Revoking or changing decisions made at council or committee meetings - s. 5.25(1)(e)</i>
(1)	<i>If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported –</i>
(a)	<i>in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or</i>
(b)	<i>in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,</i>
	<i>inclusive of the mover.</i>
(1a)	<i>Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</i>
(2)	<i>If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made by an absolute majority;</i>
(3)	<i>This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.</i>
	Regulation 10

- (2) In this clause:
 - (a) **“relevant meeting”**, where used in relation to a revocation motion, means -

- (i) the ordinary or special meeting specified in the notice of the revocation motion; or
 - (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
 - (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
 - (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting,
- as the case may be;
- (b) **“revocation motion”** means a motion to revoke or change a decision made at a council meeting.
- (3) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.
 - (4) A member wishing to move a revocation motion at a meeting of the council must give to the CEO notice of the revocation motion, which is to -
 - (a) be in writing;
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;
 - (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO;
 - (f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.
 - (5)
 - (a) If, at the relevant meeting, the member who gave the notice of the revocation motion, is present, then the presiding person is to call on that member to move the revocation motion.
 - (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.16 any member of the Council may move the revocation motion.
 - (6) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until -

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
- (b) no member of the council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,

at the relevant meeting.

- (7) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when -

- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
- (b) no member of the council moves the revocation motion;
- (c) the motion is moved but not seconded; or
- (d) the motion is moved and seconded but is not made by the kind of majority required by law,

at the relevant meeting.

- (8) Subclauses (1), (2), (3), (4) and (5) of clause 3.16 do not apply where the motion is a revocation motion.
- (9) For the avoidance of doubt subclauses (6), (7), (8) and (9) of clause 3.16 are to apply where the motion is a revocation motion.
- (10) A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

6.2 Voting

- (1) Voting at meetings is dealt with in the Act and the Regulations.

- | | |
|---|---|
| <ul style="list-style-type: none"> (1) (2) (3) (4) (5) | <p>Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.</p> <p>Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.</p> <p>If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.</p> <p>If a member of a council or a committee specifically requests that there be recorded —</p> <ul style="list-style-type: none"> (a) his or her vote; or (b) the vote of all members present, <p>on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.</p> <p>A person who fails to comply with subsection (2) or (3) commits an offence.</p> |
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[Section 5.21 of the Act]

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

6.3 Method of taking vote

In taking the vote on any motion, the presiding person –

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

PART 7 – PROCEDURAL MOTIONS AND MOTIONS CONCERNING BEHAVIOUR UNDER THE CODE OF CONDUCT

7.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a primary motion, a member may, at the conclusion of a speech of any other member or on the conclusion of any business, move any of the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately -

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the motion be now put;
- (d) that the meeting be now closed;
- (e) that the Council sit behind closed doors;
- (f) that the limitation on members speaking be suspended or that the limitation be resumed;
- (g) that the ruling by the presiding person be disagreed with.

7.2 No debate on procedural motions

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (d) and (f) of clause 7.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

- (2) The mover of a motion referred to in paragraph (c) of clause 7.1 must not speak to the motion, the seconder must not speak other than to formally second the motion, and there is to be no debate on the motion.

7.3 Procedural motions – closing debate – who may move

- (1) No person who has moved, seconded, or spoken for or against the primary motion, or any amendment may move any procedural motion which, if carried, would close the debate on the primary motion or amendment.
- (2) At the same meeting, a member must not move more than one procedural motion, except a motion referred to in paragraph (a), (e) or (f) of clause 7.1.

7.4 Procedural motions – right of reply on primary motion

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

7.5 The motion be deferred – effect of motion

- (1) If a motion “that the motion be deferred” is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A member who moves “that the motion be deferred” must briefly state the reasons for the deferral when moving.
- (3) A motion that the motion be deferred is not to be moved in respect of the election of a presiding person or the mayor.

7.6 The meeting do now adjourn – effect of motion

- (1) If a motion “that the meeting do now adjourn” is carried then the meeting is to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person declares.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) -
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 5.8 apply when the debate is resumed.

7.7 The motion be now put – effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion of a primary motion or amendment then the presiding person is to immediately put the matter under consideration without further debate (subject to clause 7.4).
- (2) If the motion “that the motion be now put” is lost then debate is to continue.

7.8 Meeting be now closed – effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then -
 - (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting of the council.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the council -
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 5.8 apply when the outstanding business is resumed.

7.9 Council sit behind closed doors – effect of motion

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in the Act.

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public –
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal –
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or

<p>(iii)</p> <p>(f)</p> <p>(g)</p> <p>(h)</p> <p>(3)</p>	<p><i>information about the business, professional, commercial or financial affairs of a person,</i></p> <p><i>where the trade secret or information is held by, or is about, a person other than the local government;</i></p> <p><i>a matter that if disclosed, could be reasonably expected to –</i></p> <p><i>(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;</i></p> <p><i>(ii) endanger the security of the local government's property; or</i></p> <p><i>(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and</i></p> <p><i>information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and</i></p> <p><i>such other matters as may be prescribed.</i></p> <p><i>A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.</i></p>
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- (2) The Council, in one or more of the circumstances dealt with in the Act or the Regulations, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under sub clause (2) is carried, the presiding person, in consultation with the CEO, will determine who of the CEO or any employee of the City present at the meeting, is to leave meeting.
- (4) Subject to subclause (3), the meeting is to be closed to the public until the council resolves to open the meeting to members of the public.
- (5) Upon the public again being admitted to the meeting the presiding person is to cause the motions passed by the council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (6) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

7.10 Limitation on members speaking be suspended or be resumed – effect of motion

- (1) If a motion “that the limitation on members speaking be suspended” is carried then the operation of clause 5.8 is suspended.
- (2) If a motion “that the limitation on members speaking be resumed” is carried then the operation of clause 5.8 is no longer suspended.

7.11 Ruling by the presiding person be disagreed with – effect of motion

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

7.12 Motions concerning behaviour under Division 3 of the Code of Conduct

- (1) A motion concerning a complaint about a breach of Division 3 of the Code of Conduct shall –
 - (a) be moved by the member who made the complaint; or
 - (b) if the complaint was made by a person who is not a member, moved by any member.
- (2) If a motion moved under subclause (1) lapses for want of a mover or seconder, the complaint is taken to have been dismissed.
- (3) There is to be no debate on a motion moved and seconded under subclause (1).
- (4) A motion moved and seconded under subclause (1) cannot be amended.
- (5) If a motion under subclause (1) is moved and seconded then lost, the complaint is taken to have been dismissed.
- (6) If the motion moved and seconded under subclause (1) is carried, the person who moved the motion shall then move a motion in relation to whether further action is warranted.
- (7) If a motion moved under subclause (6) lapses for want of a seconder, Council is taken to have determined that no further action is warranted in respect of the breach and no further motion may be moved.
- (8) If a motion moved under subclause (6) is seconded there is to be no debate on the motion.
- (9) A motion moved and seconded under subclause (6) cannot be amended.

PART 8 – CONDUCT OF MEMBERS

8.1 Dealing with Proponents

- (1) In this clause -

“Proponent” means a proponent of a Proposal and includes a person who represents the interests of a Proponent;

“Proposal” means -

 - (a) a proposed subdivision of land;
 - (b) a proposed development of land;
 - (c) a proposal involving the exercise of discretion under a planning scheme or under a planning policy or structure plan adopted under a planning scheme;
 - (d) a proposed change to a planning scheme including a proposed change to the zoning of land; or

- (e) a proposed change to a planning policy or structure plan adopted under a planning scheme.
- (2) This clause applies where a Proposal is, or is likely, to be considered by the council.
- (3) A member must -
 - (a) not make any statements or express any views to a Proponent or a person interested in a Proposal which purports to be on behalf of the council or the City;
 - (b) be alert to the motives and interests of a Proponent;
 - (c) be aware of which person, organisation or company that the Proponent is representing;
 - (d) not give any undertaking to a Proponent or any person interested in the Proposal;
 - (e) not do or say anything which could be viewed as giving a Proponent preferential treatment;
 - (f) ensure that persons interested in a Proposal are treated fairly and consistently;
 - (g) be alert to attempts by Proponents and parties interested in a Proposal to encourage members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration; and
 - (h) be careful in dealings with a Proponent or a person interested in a Proposal who is a former councillor or former employee of the City and make sure that the person is not given or appear to be given favourable or preferential treatment.

8.2 No adverse reflection

- (1) A member must not reflect adversely upon a decision of the council except on a motion that the decision be revoked or changed.
- (2) A member must not use an objectionable expression in reference to any other member.
- (3) A member may request that any words used by a member, be recorded in the minutes immediately after their use.

8.3 Withdrawal of offensive language

- (1) A member who uses an expression which, in the opinion of the presiding person -
 - (a) reflects adversely on the character or actions of another member;
 - or

- (b) imputes any motive to any other member; or
- (c) is offensive or insulting,

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

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

8.4 No participation in public question or public statement time

- (1) A member must not ask a question or make a statement during public question time.
- (2) A member must not sit in the public gallery during a meeting.

PART 9 – MISCELLANEOUS

9.1 Representation on public bodies

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

9.2 Improper use of information

The improper use of information is dealt with in the Act.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law -

- (a) *to gain directly or indirectly an advantage for the person or any other person or*
- (b) *to cause detriment to the local government or any other person.*

Penalty: \$10 000 or imprisonment for 2 years.

Section 5.93 of the Act

9.3 Meetings of electors

The requirements for meetings of the electors are dealt with the Act and the Regulations.

5.26. Definition

In this Subdivision –

“electors” includes ratepayers.

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.28. Electors' special meetings

- (1) *A special meeting of the electors of a district is to be held on the request of not less than –*
 - (a) *100 electors or 5% of the number of electors - whichever is the lesser number; or*
 - (b) *1/3 of the number of council members.*
- (2) *The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.*
- (3) *The request is to be sent to the mayor or president.*
- (4) *A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving –*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,*
of the date, time, place and purpose of the meeting.
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.30. Who presides at electors' meetings

- (1) *The mayor or president is to preside at electors' meetings.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and –*
 - (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,*

then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to –

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*

- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

15. Matters for discussion at general electors' meetings - s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

16. Requests for electors' special meetings - s. 5.28(2)

A request for a special meeting of the electors of a district is to be in the form of Form 1.

17. Voting at electors' meetings - s. 5.31

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

18. Procedures at electors' meetings - s. 5.31

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

Sections 5.26 to 5.33 of the Act and regulations 15 to 18 of the Regulations

9.4 Recording of Proceedings

Unless otherwise decided by the meeting -

- (a) The CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
- (b) Unless with the written authorisation of the presiding member, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

9.5 Giving a document to a member

A person, other than a member or an employee, must not give to a member, during a Council or committee meeting or within 30 minutes before the commencement of the meeting, any correspondence or other document relating to a matter to be considered by the meeting.

9.6 Cases not provided for in the standing orders

Where there is no provision or insufficient provision is made in this local law, the presiding person is to determine the procedure to be observed.

PART 10 - ENFORCEMENT

10.1 Penalty for Breach

A person who breaches a provision of these Standing Orders commits an offence.

Penalty: \$1,000

3.10. Creating offences and prescribing penalties

- (1) *A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.*

Section 3.10 of the Act

10.2 Who can prosecute

Who can prosecute is dealt with in the Act.

9.24. Commencing prosecutions

A prosecution for an offence against a local law may be commenced by -

- (a) *a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or*
- (b) *a person who is authorised to do so by the local government or regional local government that made the local law.*

Section 9.24 of the Act

SCHEDULE**PETITION OF TO THE CITY OF WANNEROO**

To the Mayor and/or CEO of the City of Wanneroo

We, the undersigned, do formally request Council's consideration (*insert details*):

--

Name, address and contact details of the person to which correspondence in respect of this petition should be addressed (*the **Submitter***):

--

The names and addresses of the petitioners are as follows:

	Full Name	Address	Signature	Date
1.				
2.				
3.				
4.				
5.				
6.				

Dated 27 May 2022.

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

B.TREBY, Deputy Mayor.
M.DICKSON, Acting Chief Executive Officer.