

CITY OF JOONDALUP

STANDING ORDERS LOCAL LAW 2000

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SCHEDULE

PART 1 - PRELIMINARY

Title

- 1 *This local law may be referred to as the City of Joondalup Standing Orders Local Law 2000.*

Commencement

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

Content and intent

- 3 (1) *The purpose of this local law is to provide a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.*
- (2) *This local law is intended to result in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.*

Repeal

- 4 *The former City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette on 30 October 1997, is repealed on the day this local law comes into operation.*

Definitions

5 In this local law, unless the context requires otherwise:

“Act” means the Local Government Act 1995

“Admin. Reg.” means the Local Government (Administration) Regulations 1996

“CEO” means the Chief Executive Officer

“Chairman” means any person presiding at a meeting. The Mayor presides at Council meetings and the committee Chairman presides at committee meetings.

“City” means the City of Joondalup

“Council” means the Council of the City of Joondalup

“Meeting” means a meeting of the Council or a committee

“Member” means the Mayor or a Councillor or in the case of a committee, a member of the committee.

PART 2 - MEETINGS OF COUNCIL AND COMMITTEE

Calling of meetings

Footnote 1: The calling of Council meetings is dealt with at Section 5.4 of the Act.

- 6 (1) Ordinary meetings of the Council and committees shall be held at the time determined by the Council.
- (2) The Council shall resolve the days and times of Ordinary Council and committee meetings at the first Council meeting held after an ordinary election.

Notice of meeting and notice of adjournment

Footnote 2: a) The giving of notice of Council meetings is dealt with at Section 5.5 of the Act and the giving of public notice of meetings at Admin. Reg. 12.

b) How documents can be given to a person is dealt with at Sections 9.50 and 9.54 of the Local Government Act 1995 and sections 75 and 76 of the Interpretation Act 1984.

- 7 (1) Notice of a meeting can be given by phone, facsimile, letter or electronic mail and any written notice shall be signed by the CEO.
- (2) Failure to receive a notice on the part of any member shall not affect the validity of any ordinary or special meeting so long as all reasonable steps have been taken to serve the notice.

- (3) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting shall, if time permits, be sent to each member specifying the nature of the business to be transacted.
- (4) Where practicable the CEO will give local public notice of the day and hour for resumption of an adjourned meeting.

Public access to agendas and supporting information

Footnote3: Public access to agendas and supporting documentation is dealt with at Admin. Reg. 14.

- 8 (1) Members of the public are welcome to attend all Council meetings and any committee meetings open to the public. Copies of the Council and committee agendas (except those committees determined by Council) are available where practicable, for inspection in all Council libraries, at the Administration Centre, prior to the meetings and as soon as practicable on Council's website.
- (2) Certain matters/documents listed in the agenda may be marked CONFIDENTIAL - NOT FOR PUBLICATION. These matters will be discussed behind closed doors for confidential reasons and members of the public will:
 - (a) not have access to documents marked CONFIDENTIAL – NOT FOR PUBLICATION; and
 - (b) be required to leave the room during discussion on these matters.
- (3) Copies of documentation marked CONFIDENTIAL – NOT FOR PUBLICATION, may be made available to the public once a decision has been made on the confidential matter and a resolution of the Council has been made to make those documents available.

Public access to unconfirmed minutes of Council and committee meetings

Footnote 4: Public access to unconfirmed minutes of Council and committee meetings is dealt with at Admin. Reg. 13.

- 9 *Unconfirmed minutes of each Council and committee meeting will be available on Council's website as soon as practicable after the meeting.*

Quorum for meetings

- 10 *Footnote 5: The requirements for a quorum for a meeting are dealt with at Sections 5.19 and 5.7 of the Act.*

Procedure if quorum not present

- 11 *Footnote 6: The procedures where a quorum for a meeting is not present are dealt with at Admin. Reg. 8.*

Lapse of quorum

- 12 (1) If at any time during any meeting a quorum is not present, the Chairman upon becoming aware of the fact, is to suspend the proceedings of the meeting for a period of 15 minutes.
- (2) If a quorum is not present at the expiration of the 15 minutes suspension period the Chairman is to adjourn the meeting to a future time and date. A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment and be recorded in the minutes of the meeting.
- (3) Where the debate on any motion is interrupted at a Council or committee meeting, which is adjourned due to lack of a quorum, that debate is to be resumed at the resumption of the meeting at the point where it was interrupted. The members who have spoken on the motion at the adjourned meeting, shall not be entitled to speak again on resumption of that meeting, except the mover who retains the right of reply.
- (4) At any meeting where a quorum of members is not present or there is an adjournment due to the lack of a quorum the names of the members then present are to be recorded in the minute book.

Voting

Footnote 7: Voting at meetings is dealt with at Section 5.21 of the Act and Admin. Reg. 9.

- 13 (1) In taking the vote on any motion or amendment, the Chairman shall put the question first in the affirmative and then in the negative and may do so as often as is necessary, to form and declare an opinion as to whether the affirmative or the negative has the majority.

PART 3 - BUSINESS AT MEETINGS

Order of business

- 14 (1) *The order of business at an ordinary meeting of the Council shall, unless otherwise resolved by Council, be as near as is practicable, to the following:*

*Declaration of Opening /Announcement of Visitors.
Apologies/Leave of Absence (Previously Approved)
Public Question Time
Applications for Leave of Absence
Confirmation of Minutes
Announcements by the Chairman without discussion
Declarations of Financial and Non Financial Interest
Petitions, Deputations and Presentations
Reports
Motions of Which Previous Notice has been Given
Closure*

- (2) The order of business at an ordinary meeting of a committee shall be as near as practicable to the following:

Declaration of Opening
Apologies and Leave of Absence (Previously Approved)
Declarations of Financial and Non Financial Interest
Public Question Time
Applications for Leave of Absence
Confirmation of Minutes
Petitions, Deputations and Presentations
Reports
Requests for Reports for Future Consideration
Closure

- (3) The order of business at any special meeting of the Council or a committee will be in the order in which it appears in the agenda.
- (4) At the resumption of an adjourned meeting the only business to be transacted will be that which remains outstanding on the agenda of the adjourned meeting.

Public question time

Footnote 9: Public question time at meetings is dealt with at Section 5.24 of the Act and Admin. Regs.5 - 7.

- 15 (1) Members of the public are encouraged to ask questions and are requested to submit their questions in writing prior to the meeting, to allow time for research and the provision of a detailed answer.
- (2) The Chairman is responsible for the conduct of public question time.
- (3) The Chairman will endeavour to have every question answered at the meeting at which it is asked but where this is not possible, the question will be taken on notice and where practicable, a written response will be provided to the person who asked the question.
- (4) A member of the public wanting to ask a question during public question time will first state their name and address.
- (5) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.

Application for leave of absence from Council meeting

Footnote 8: The requirements for members to obtain leave of absence from Council meetings are dealt with at Section 2.25 of the Act.

- 16 (1) Members wishing to apply for leave of absence are to deliver in advance to the CEO, a written notice stating the period of leave sought.
- (2) A request by a member for leave of absence requires the approval of the Council.

Confirmation of minutes

Footnote 10: The requirements for keeping minutes of meetings and the content of minutes are dealt with at Section 5.22 of the Act and Admin. Reg. 11.

- 17 When considering the minutes of a previous meeting, the only discussion permitted is that relating to the accuracy of the minutes.

Announcements by Chairman without discussion

- 18 *At any meeting of the Council or committee the Chairman may announce or raise any matter of interest or relevance to the business of the Council or committee and there shall be no discussion permitted on such matters.*

Disclosure of financial interest

- 19 *Footnote 11: The requirements for disclosure of financial interest are dealt with at Sections 5.65-5.70 of the Act.*

Disclosure of non-financial interest

Footnote 12: The requirements for disclosure of non-financial interest is dealt with at Admin. Reg. 34C and the City of Joondalup Code of Conduct.

- 20 (1) *A member or an employee in attendance at or advising a Council or committee meeting in person or through a report:*
- (a) who has a non-financial interest in the matter before a meeting; or*
 - (b) where they believe that the public may have a perception that their impartiality may come into question,*
- is to give written notice of the interest to the CEO before the meeting. The CEO will bring the notice to the attention of the Chairman, who will inform the meeting.*
- (2) *If it is not possible for a member or employee who has a non-financial interest, to give written notice to the CEO before the meeting, then the member or employee is to make a disclosure to the meeting, immediately before the matter is discussed or the advice is given.*
- (3) *Disclosure of a non-financial interest does not affect the ability of a member or employee to discuss or vote on the matter.*

On-going disclosure required

- 21 *A member or an employee having an interest in a matter before a meeting has an obligation to declare that interest at each meeting where the matter arises.*

Petitions

- 22 (1) A petition received by a member or the CEO shall be presented to the next ordinary Council meeting.
- (2) Any petition to the Council shall:
- (a) as far as practicable be prepared in the form prescribed in the Schedule,

- (b) be addressed to the Council and forwarded to a member or the CEO, and
 - (c) state the name and address of the person to whom correspondence in respect of the petition may be served. Where no name and address is given, all correspondence will be forwarded to the person whose name appears first on the petition.
- (3) Once a petition is presented to the Council, a motion may be made to receive the petition and refer it to the relevant section of the administration for action.

Deputations

- 23 (1) Any person or persons wishing to be received as a deputation by Council or a committee, shall, in the first instance, send a request to the CEO, setting out in concise terms the matter to be raised by the deputation.
- (2) When the CEO receives a request for a deputation to the Council or a committee, it shall be brought to the attention of the Mayor or Chairman of the committee respectively, for acceptance or refusal. Where the Chairman refuses a request for a deputation to a committee, that request shall be referred to the Mayor for determination.
- (3) A deputation shall not exceed 5 persons in number and only 3 of those persons may address the meeting, but all may reply to questions from members of the Council or committee.
- (4) Members of a deputation shall collectively have a maximum of 15 minutes to address the meeting, unless an extension of time is granted.
- (5) Any matter that is subject of a deputation to a meeting is not to be decided on by the meeting until the deputation has completed its presentation.

Reports

Footnote 13: The requirements for the CEO to advise the Council and implement decisions are dealt with at Section 5.41 of the Act.

- 24 (1) *The CEO may prepare such reports that in his/her opinion require consideration by the Council including those reports of a late and urgent nature.*
- (2) *Reports submitted to Council for consideration in accordance with sub clause (1), must be thoroughly researched and properly structured to include information on background, details, professional advice and comment on the matter and provide a recommendation(s).*

Motions of which previous notice has been given

- 25 (1) A member may raise at a meeting any business that member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under sub clause (1) is to be given to the CEO at the previous meeting or at least 14 clear days before the meeting at which it is to be moved.

- (3) Where a notice of motion proposes that Council revokes an earlier resolution, the CEO shall comply with clause 63 (Implementing decisions).
- (4) A notice of motion of which the subject matter is beyond the jurisdiction of the Council, may be ruled out of order by the Chairman.
- (5) A motion of which notice has been given will lapse unless:
 - (a) the member who gave the notice or some other member authorised by him/her in writing, moves the motion when called on; or
 - (b) the Council resolves to defer consideration of the motion to a later time or date.

Meeting closure

- 26 *At the conclusion of all business or when otherwise determined by the meeting, the Chairman shall declare the meeting closed and state the closing time.*

PART 4 - CONDUCT OF MEETINGS

Official titles to be used

- 27 Members, when referring to others, shall designate them by their titles of Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

Members seating

- 28 (1) *At the first meeting following each ordinary election, the CEO will allocate a seat in the Council chamber to each member*
- (2) *The seat to the right of the Mayor shall remain available for seating of special guests, at the invitation of the Mayor.*
- (3) *The Deputy Mayor shall be allocated a seat on the floor of the Council Chamber next to their fellow ward representative.*
- (4) *Each member shall occupy their allocated position when present at meetings of the Council until there is a request supported by a majority of the members for a re-allocation of positions.*

Distinguished visitor seating

- 29 *If a distinguished visitor is present at a meeting of the Council or a committee, the Chairman may invite that person to sit beside the Chairman or at the meeting table.*

Media attendance and seating

- 30 *Media representatives are permitted to attend meetings of the Council and be seated in that part of the Council Chambers 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.*

Recording of meetings

- 31 (1) *Subject to sub section (3), no person is to use any electronic visual or sound recording device to record the proceedings of a Council or committee meeting unless the Chairman has given permission to do so.*
- (2) *If the Chairman gives permission under sub clause (1), the Chairman is to advise the meeting immediately before the recording is commenced, that permission has been given and details of the part of the meeting that is to be recorded.*
- (3) *The CEO is to arrange the electronic recording of council meetings in keeping with Council policy.*

Order of speakers

- 32 When two or more members indicate their desire to speak at the same time the chairman shall decide who is entitled to priority.

Members not to interrupt

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

No member to cross floor

- 34 When the Chairman is putting any motion, no member shall cross the floor, or whilst any other member is speaking, pass between the speaker and the Chair or pass behind the Chair.

Members entering, leaving or withdrawing from Council meeting

- 35 After a meeting of the Council has commenced, a member shall not enter, leave or withdraw from that meeting, without first paying due respect by deferring to the Mayor.

Chairman may participate in discussion

Footnote 14: The requirements for voting by a Chairman at a meeting are dealt with at Section 5.21 of the Act. (See clause 13.)

- 36 The Chairman may participate in the discussion of any motion before the meeting provided the Chairman addresses the meeting before the right of reply is exercised.

Chairman to be heard without interruption

- 37 Whenever the Chairman signifies a desire to speak during a debate, any member speaking or offering to speak is to be silent, so that the Chairman may be heard without interruption.

No adverse reflection

38 (1) A member shall not reflect adversely on:

- (a) a resolution of the Council or a committee, except on a motion that the resolution be revoked;
- (b) the character or actions of another member, Council employee or any other person, or use offensive or objectionable expressions in reference to any member, Council employee or any other person;

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

(2) A member of the Council or a committee may request that any words used by a member, be recorded in the minutes, immediately after their use and the person taking the minutes is to take down the words used and read them to the meeting for verification.

Withdrawal of offensive language

39 (1) A member who, in the opinion of the Chairman, uses an expression which:

- (a) in the absence of a resolution under clause 38(1):
 - (i) reflects adversely on the character or actions of a member, officer or other person; or
 - (ii) imputes any motive to any member or officer; or
- (b) is offensive or insulting,

is to, when directed by the Chairman, unreservedly withdraw the expression and make a satisfactory apology.

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

Relevance to debate

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

Chairman to draw attention of meeting to unbecoming behaviour

41 The Chairman may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language or any breach of order, or decorum on the part of a member, and may direct the member, if speaking, to discontinue speaking, and the member shall immediately cease speaking and be seated.

Breach of rules of debate

- 42 Any member who fails to comply with the provisions of the rules of debate, or who fails to comply with a direction of the Chairman commits a breach of this local law.

Persistent breach

- 43 Where a member persists in a breach of this local law, the Chairman may direct the member to refrain from taking any further part in the meeting, other than by voting and the member shall comply with that direction.

Personal explanation and correction of fact

- 44 (1) A member or an employee may at any time request permission of the Chairman to make a personal explanation or advise the meeting of the correct facts.
- (2) *Where a member or an employee seeks to make a personal explanation or correct any statement of fact made in discussion on a matter before the meeting, the Chairman may with the consent of the member then speaking, approve of the request for the explanation or information to be given. Where the member then speaking declines to consent, the explanation or correction of facts is to be offered at the conclusion of that speech.*
- (3) *A member or an employee making a personal explanation or advising the correct facts, shall confine comments to clarification of the matter under debate.*

Point of order

- 45 (1) A member may direct the Chairman's attention to a breach of this local law by any other member and shall specify the grounds of the breach.
- (2) A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.
- (3) The Chairman shall decide all questions of order or practice and such decisions shall be final and be accepted by the meeting without argument or comment, unless in any particular case, the meeting then resolves that a different ruling is to be substituted for the ruling given by the Chairman.
- (4) A motion, amendment or other business deemed out of order is to be no longer discussed and requires no resolution.
- (5) Where anything said or done by a member is deemed out of order, the Chairman may require the member to make an explanation, retraction or apology as the case may be.

Preservation of order – Council members

- 46 (1) The Chairman is to preserve order at all times and, when putting a motion may call any member to order whenever in the Chairman's opinion, there is cause to do so.
- (2) Any member who acts in breach of this clause may be deemed by the Chairman to be out of order.

- (3) Where a member persists in any conduct which the Chairman deems is out of order, or refuses to make any explanation, retraction or apology required by the Chairman, then the Chairman may direct the member to refrain from taking any further part in that meeting, other than by recording the member's vote and the member shall comply with that direction.
- (4) Any member who fails to comply with a direction given by the Chairman commits a breach of this local law.

Preservation of order – members of the public

- 47 (1) *Members of the public are not permitted to interrupt or enter into any debate by the Council.*
- (2) *Members of the public addressing Council or a committee with the consent of the Chairman are to cease that address immediately after being directed to do so by the Chairman;*
- (3) *Where a member of the public fails to comply with a direction of the Chairman under this clause, the Chairman may order the removal of the offending person from the meeting room.*

Serious disorder

- 48 (1) If the Chairman is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the Chairman may adjourn the meeting for a period of 15 minutes. On resumption of the meeting, it shall be immediately decided whether business is to proceed and that question shall be decided without debate.
- (2) If, having once adjourned the meeting, the Chairman is again of the opinion that the business of the meeting cannot effectively be continued, the meeting may be closed or adjourned to another date.

PART 5 – MOTIONS AND AMENDMENTS

Recommendations in reports

- 49 (1) A recommendation made by or contained in a report may be:
 - (a) adopted by the Council without amendment or modification;
 - (b) rejected by the Council in its entirety;
 - (c) amended or modified and adopted with those amendments or modifications;
 - (d) referred back for further consideration.
- (2) Where in the opinion of the Chairman, an amendment or modification of a recommendation alters the substance or effect of the recommendation, a new motion is to be put forward prefaced by the words, "I move that the recommendation be rejected and that....".

- (3) Where a recommendation made by or contained in a report is rejected, amended or modified by the Council, an explanatory note outlining the reasons for the rejection, amendment or modification, shall be included in the minutes of the meeting.

Motions

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

No opposition to motions

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

Motions to be seconded

- 52 (1) Subject to sub clause (2) a motion or amendment shall not 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 may reserve the right to speak on the motion later in the debate.
- (4) The mover of a primary motion cannot amend that motion without the consent of the seconder.

Withdrawing motions

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

One motion at a time

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

Limitation on members speaking

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

- (a) *shall speak to that motion or amendment first, after it has been seconded;*
- (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) No member shall speak on any motion after the mover has replied.
- (4) A member may only speak on a motion or reply for a period of 5 minutes, unless an extension of time is granted by the meeting without debate.
- (5) Council may by resolution suspend the operation of this clause during debate on a motion.

Mover or seconder to be deemed to have spoken

- 56 (1) A member moving or seconding a motion or amendment shall be deemed to have spoken on the motion.
- (2) A member seconding a motion is to be deemed to have spoken on the motion unless at the time of seconding it, the member reserves the right to speak on the motion later in the debate.

Amendments

- 57 (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 Chairman to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) Every amendment shall be relevant and not negate the motion in respect of which it is moved.
- (3) An amendment to a motion shall only take one of the following forms:
- (a) that certain words be omitted;
 - (b) that certain words be omitted and others substituted or added;
 - (c) that certain words be added.
- (4) Every amendment shall be read or stated before being moved by the mover.
- (5) (a) 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.
- (b) Where an amendment is carried, one further amendment to the primary motion, as amended, and no more, may be moved.

- (6) Where an amendment is carried, the primary motion as amended shall, for all purposes of subsequent debate and subject only to sub clause (5), be treated as a primary motion.

PART 6 – REVOCATION MOTIONS

Revocation motions

58 *A notice of motion to revoke a previous decision, regardless of when that previous decision was made, shall:*

- (a) be in writing;*
- (b) be signed by the required number of members, in accordance with the Act;*
- (c) clearly identify the decision to be revoked or changed;*
- (d) clearly state the reason for seeking the revocation or change;*
- (e) include an alternative motion;*
- (f) be delivered to the CEO at least 14 clear days prior to the meeting at which it is proposed to move the motion, unless the notice of motion is received by the CEO, before the end of the same meeting where the motion to be revoked was carried.*

Limitation on power to revoke or change decisions

59 *Council should not vote on a motion to revoke or change a decision of the Council whether the motion of revocation or change is moved with or without notice, if at the time the motions moved or notice is given:*

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

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

Support for revocation or change

60 *Footnote 15: The requirements for the support of a motion for revocation or change of a Council decision are dealt with at Section 5.25(e) of the Act and Admin. Reg. 10.*

Revocation motion at the same meeting

61 (1) *Subject to clauses 58, 59 and 60, a decision made at a meeting may be revoked or changed at the same meeting.*

- (2) *Where the CEO receives a notice of motion to revoke a decision made at a meeting before the close of that meeting, the CEO shall immediately advise the Chairman of the notice of motion;*
- (3) *Where the Chairman is advised of a notice of motion under sub clause (2), the Chairman shall, at the first available opportunity and before the end of the meeting:*
 - (a) *place the notice before the meeting;*
 - (b) *determine whether there is sufficient support for the motion in accordance with the Act; and*
 - (c) *if there is sufficient support, deal with the motion.*

Notice of revocation motion

- 62 *Where a notice of motion which complies with the requirements of clause 58 is received by the CEO following the meeting at which the resolution to be revoked was carried, the CEO shall include the notice of motion in the agenda:*
 - (a) *of a special meeting if convened for consideration of the notice of motion, or*
 - (b) *of the next Council or committee meeting at which the motion is to be considered.*

Implementing decisions

- 63 (1) *Where a notice of motion to change or revoke a decision of Council or a committee, which complies with the requirements of clause 58, is received before any action has been taken to implement that decision, then no action is to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with.*
- (2) *Implementation of a decision is only to be withheld under sub clause (1) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.*
- (3) *Where a notice of motion to change or revoke a decision of Council is defeated, the CEO shall, as soon as practicable put into effect the original resolution of the Council.*

PART 7 - PROCEDURAL MOTIONS

Permissible procedural motions

- 64 (1) *During the course of any motion a member may move a procedural motion that, provided it is seconded, shall be dealt with immediately.*
- (2) *Permissible procedural motions that may be moved in accordance with sub clause (1) are that:*
 - (a) *the meeting do now adjourn;*

- (b) the debate be adjourned;
- (c) *the motion be deferred;*
- (d) the motion be now put;
- (e) the motion lie on the table;
- (f) the meeting proceed to the next business;
- (g) the meeting sit behind closed doors; or
- (h) the meeting be now closed.

The meeting do now adjourn

- 65 (1) A member may, at the conclusion of the speech of any other member or on the conclusion of any business, move without notice, that the meeting do now adjourn and that motion shall include the time and date for resumption of that meeting.
- (2) A member who has spoken on any motion then before the meeting shall not move or second a motion for the adjournment of the meeting.
- (3) On a motion to adjourn the meeting, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second the motion and the mover of the motion, (if any) which was then under debate, may speak for not more than 5 minutes. No other debate shall be allowed.
- (4) At the same meeting a member may not move or second more than 1 motion for the adjournment of a meeting.
- (5) On a motion for the adjournment of a meeting being carried, a record shall be taken of all members who have spoken on the matter then under debate (if any) and they shall not be permitted to speak on any subsequent consideration of the same motion. This local law does not deprive the mover of the primary motion, the right of reply.
- (6) On a motion to adjourn a meeting being carried, the Chairman shall adjourn the meeting to the time and date specified in the motion.
- (7) If on any motion for adjournment of a meeting being put and lost, the motion then under consideration or the next on the notice paper, or any other that may be allowed precedence, shall be considered and put to the vote before any subsequent motion for adjournment can be considered.
- (8) On a motion for the adjournment of the meeting being carried, the debate on the motion (if any) under debate when the motion was moved shall be continued immediately on resumption of the meeting.

The debate be adjourned

- 66 (1) A member may, at the conclusion of the speech of another member, move without previous notice that the debate be adjourned to a later time in the same meeting or to a subsequent meeting. The member moving that motion may speak for not more than 5 minutes.
- (2) A member who has spoken on the motion then before the meeting shall not move or second a motion for the adjournment of the debate.
- (3) No discussion shall be allowed on a motion for the adjournment of a debate.
- (4) At the same meeting, a member shall not move or second more than one motion for adjournment of the same debate.
- (5) On a motion for the adjournment of a debate being carried, a record shall be taken of all members who have spoken on the matter then under debate and they shall not be permitted to speak on any resumption of the debate on that matter. This local law does not deprive the mover of the primary motion, the right of reply.
- (6) On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

The motion be deferred

- 67 (1) *A member may, at the conclusion of the speech of any other member move, without notice, that the motion be deferred and that motion shall include the time and date of the meeting at which consideration of the motion is to resume.*
- (2) *A member who has spoken on the motion then before the meeting shall not move or second a motion, that the motion be deferred.*
- (3) *On a motion that the motion be deferred, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second the motion and no other debate shall be allowed.*
- (4) *If a motion that the motion be deferred is carried, debate on that motion shall not be resumed until the time and date specified in the motion.*

The motion be now put

- 68 (1) A member may, at the conclusion of the speech of any other member move without comment, that the motion be now put.
- (2) A member who has spoken on the motion then before the meeting shall not move or second a motion that the motion be now put.
- (3) No discussion shall be allowed on a motion that the motion be now put.
- (4) At the same meeting a member may not move or second more than 1 motion that the motion be now put in relation to the same motion.

- (5) When it is resolved by the meeting that the motion under consideration be now put, the mover of the motion under consideration may speak in reply for not more than 5 minutes provided that at least 1 member has spoken in opposition to the motion.
- (6) A motion that the motion be now put shall relate only to the motion or amendment then before the meeting, and if carried in respect of an amendment, shall not affect the debate on the substantive motion.
- (7) When a motion that the motion be now put is carried, the motion to be put includes any amendment already carried by the meeting.
- (8) The Chairman may refuse to accept a motion that the motion be now put where it would have the effect of unfairly limiting debate before the principal arguments for and against the motion have been presented.

The motion lie on the table

- 69 (1) A member may, at the conclusion of the speech of any other member move, without notice, that the motion lie on the table.
- (2) A member who has spoken on the motion then before the meeting shall not move a motion, that the motion lie on the table.
- (3) On a motion that the motion lie on the table, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second the motion and no other debate shall be allowed.
- (4) A member shall not, at the same meeting, move or second more than 1 motion that the motion lie on the table.
- (5) If a motion that the motion lie on the table is carried, debate on that motion shall not be resumed until a motion has been passed to take the motion from the table.
- (6) On a motion that the motion lie on the table being carried, a record shall be taken of all members who have spoken on the motion under debate and they shall not be permitted to speak on any resumption of the debate on that motion. This local law does not deprive the mover of the motion, the right of reply.
- (7) Any motion that was subject to a resolution that the motion lie on the table and not dealt with subsequently at the same meeting, shall be included in the agenda for the next ordinary meeting.
- (8) A member moving the taking of the motion from the table shall be entitled to speak first on the resumption of the debate on that motion.

The meeting proceed to the next business

- 70 (1) A member may, at the conclusion of the speech of any other member move, without notice, that the meeting proceed to the next business.
- (2) A member who has spoken on the motion then before the meeting shall not move or second a motion that the meeting proceed to the next business.

- (3) On a motion that the meeting proceed to the next business, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second the motion and no other debate shall be allowed.
- (4) During the course of the same motion, a second motion that the meeting do proceed with the next business, shall not be made within 1 hour after a similar motion has been lost.
- (5) When a motion is carried that the meeting proceed to the next business, the motion under discussion shall be considered as lapsed, but if that motion was an amendment to a substantive motion, the substantive motion shall then become the next item of business.

The meeting sit behind closed doors

Footnote 16: The requirements for meetings to be open to the public and the reasons that meetings may be closed to the public are dealt with at Section 5.23 of the Act.

- 71 (1) A member may move at any time, notwithstanding that another member may be speaking to a question then under debate, that the meeting sit behind closed doors. (i.e. to close the meeting to the public)
- (2) Any member may move a motion that the meeting sit behind closed doors whether or not that member has already spoken to the question then under debate.
- (3) On a motion that the meeting sit behind closed doors, the mover may speak for not more than 5 minutes, the seconder shall not speak other than formally to second the motion and no other debate shall be allowed.
- (4) A member shall not, in respect of the same item of business, move or second more than 1 motion that the meeting sit behind closed doors.
- (5) On a resolution that the meeting sit behind closed doors being carried, the Chairman shall direct all persons, other than members and employees that the meeting permits to remain, to leave the meeting room and every person shall immediately comply with that direction.
- (6) Any person who fails to comply with a direction made to leave the meeting room commits an offence and may by order of the Chairman be removed from the meeting room.
- (7) On a resolution that the meeting sit behind closed doors being carried, the meeting shall proceed behind closed doors until the Council by resolution decides to proceed with open doors.
- (8) Upon resuming the meeting with open doors the Chairman shall, *if approved by the meeting*, read out the resolutions passed by the Council whilst it was meeting behind closed doors, and details of any voting recorded.

The meeting be now closed

- 72 (1) A member may, after the debate and voting on any motion has been concluded, move, without notice, that the meeting be now closed.

- (2) The mover, seconder and any other member wishing to speak on a motion that the meeting be now closed, may speak for not more than 5 minutes.
- (3) A member who has moved a motion that the meeting be now closed, shall not move the same motion within 1 hour of the earlier motion being lost.
- (4) On a motion that the meeting be now closed being carried, the Chairman shall immediately close the meeting, and no further business may be transacted. Any business outstanding on the agenda for that meeting shall be carried forward to the agenda for the next ordinary meeting of the Council.

PART 8 - COMMITTEES

Appointment, types and membership of committees

Footnote 17: The appointment of, types and membership of committees is dealt with at Sections 5.8 – 5.11 of the Act.

- 73 (1) Committee members shall be appointed by absolute majority resolution at the time of appointing the committee and thereafter at the first meeting of the Council held after the ordinary election.
- (2) Where more than one member is nominated to a position on a committee, the incumbent shall be elected by ballot.

Election of Committee Chairman and Deputy Chairman

74 *Footnote 18: The election of Committee Chairman and Deputy Chairman is dealt with at Sections 5.12 – 5.15 of the Act.*

Delegation of some powers and duties to committees

Footnote 19: The delegation of some powers and duties to committees is dealt with at Sections 5.16 - 5.18 of the Act.

- 75 The powers and duties of any committee shall be as determined by the Council on appointment of the committee and thereafter, at the first Council meeting after the ordinary election or as otherwise considered necessary.

Committee meetings

- 76 (1) The CEO shall call a meeting of a committee when requested by the Mayor, Chairman of the committee, or any two members of the committee.
- (2) The decisions of a committee shall be decided by a simple majority of the votes of those members present and shall be expressed as recommendations.
- (3) The minutes of the committee shall be circulated to members within 5 business days of the meeting.

Member only committees

- 77 (1) The Chairman of a member only committee shall allow any member who is not a member of that committee to address the committee and to participate in the discussion of any item as requested by that member.
- (2) Every member only committee shall report to the Council on decisions made and recommendations that require Council consideration.

Member attending committee as observer

- 78 (1) A member may attend at meetings of a committee as an observer, notwithstanding that the member is not a member of that committee.
- (2) A member attending a committee meeting as an observer, may speak with the approval of the committee, but is not to vote on any motion before the committee, unless the member is a deputy of a member excluded from a meeting due to a financial interest or absent for other reasons.
- (3) *Subject to the sub clause (2) a member attending a committee as an observer is to sit in the area set aside for observers separated from the committee members.*

Disclosure by members who are observers at committee meetings

- 79 *All members present at committee meetings including those members attending as observers, have an obligation to declare their interest in any matter being considered by the meeting.*

Limit standing orders apply at committees

- 80 *Unless otherwise provided in this local law, standing orders shall generally apply to proceedings at committees with the exception of Clause 55(1) in relation to the number of times a member may speak.*

PART 9 - MISCELLANEOUS

Representation on public bodies

- 81 Where a member is to be appointed to a public body to represent Council, written notice of the vacancy or need for the appointment is to be given to all members and the Council shall either by resolution or ballot, (if more members are nominated than the number of representatives required) appoint such representatives.

Confidentiality

- 82 (1) Every matter dealt with by, or brought before a meeting sitting behind closed doors, shall:
- (a) be treated as strictly confidential, and

- (b) not without the authority of the Council, be disclosed to any person other than the Mayor, members or the officers or employees of the City (and in the case of officers and employees, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.
- (2) Nothing in this local law shall prevent the CEO from recording the business conducted at the meeting in the minute book.
- (3) All documents of the local government, that are marked 'CONFIDENTIAL' or 'NOT FOR PUBLICATION' are confidential to the Council, and shall not be published, copied, or reproduced, in whole or in part, in any manner whatsoever without the express permission of the Council or the CEO.

Meetings of electors

Footnote 20: The requirements for electors meetings are dealt with at Sections 5.26 - 5.33 of the Act and Admin. Regs. 15 - 18.

- 83 (1) This local law shall so far as is practicable, apply to all meetings of Electors held in accordance with the Act.
- (2) A person who is not an elector of the City may not participate in any discussion at a meeting of electors, unless the meeting, by a motion otherwise permits, but that person is not entitled to vote.

PART 10 - INTERPRETATION AND ENFORCEMENT OF STANDING ORDERS

Suspension of standing orders

- 84 (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or all clauses of the Standing Orders.
- (2) The mover of a motion to suspend temporarily one or more of the Standing Orders is to state the clause or clauses to be suspended and the purpose of the suspension.
- (3) If a member objects to a motion to suspend a Standing Order, the motion must be carried by an absolute majority vote.

Interpretation

- 85 (1) Where there is no provision or insufficient provision is made in this local law, the Chairman shall determine the procedure to be observed and may use, as a guide, the procedure of the Western Australian Parliament.
- (2) If there is an inconsistency between any provision of this local law and the Act, then the provision of the Act shall prevail.

Enforcement

Footnote 21: Creating offences and prescribing penalties applicable under local laws is dealt with at Section 3.10 of the Act.

- 86 (1) The Chairman is responsible for the enforcement of this local law and may prosecute for any breach of it.
- (2) A person who breaches any provision of this local law commits an offence and is on conviction, liable to a penalty not exceeding \$5,000 and to an additional daily penalty of \$500 each day or part of a day, where the offence is ongoing.

16/3/00

SCHEDULE

PETITION OF ELECTORS OF THE CITY OF JOONDALUP

To the Mayor and Councillors of the City of Joondalup

We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council:

(Here set out a concise statement of facts and the action sought)

Correspondence in respect of this petition should be addressed to:

The names and addresses of your petitioners are as follows

DATE	FULL NAME	ADDRESS	AGREE/DISAGREE/ NO OPINION	SIGNATURE
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NOTE: Petitioners may contact Council on telephone number 9400 4000 if they wish to withdraw from this petition or change their comment.

16/3/00