

CITY OF JOONDALUP

MINUTES OF THE STANDING ORDERS REVIEW COMMITTEE HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 13 AUGUST 2001

ATTENDANCE AND APOLOGIES

Committee Members:

Cr C Baker - Chairman
Mayor J Bombak *to 1807 hrs*
Cr M O'Brien

Officers:

Chief Executive Officer:	L DELAHAUNTY
Manager, Council Support Services:	M SMITH
Senior Projects Officer:	P DUNN
Committee Clerk:	J AUSTIN

In Attendance:

Cr J Hollywood *from 1756 hrs*

The Chief Executive Officer declared the meeting open at 1730 hrs.

APOLOGIES

Cr A Patterson

ELECTION OF CHAIRMAN

Section 5.12 of the Local Government Act 1995 requires a committee appointed by a local government, to appoint a presiding member as the first item of business at its first meeting. Nominations for the position of chairperson are to be given to the Chief Executive Officer in writing prior to the commencement of the meeting, with the vote to be conducted by secret ballot.

A written nomination for the position of Chairman was received from Cr Chris Baker. There being no further nomination received, the Chief Executive Officer declared Cr Chris Baker elected unopposed. Cr Baker assumed the Chair at this point.

ELECTED OF DEPUTY CHAIRMAN

No nomination was received for the position of Deputy Chairman.

DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST

Nil

REVIEW OF STANDING ORDERS LOCAL LAW - [01369 05885]

WARD – All

SUMMARY

The Council since mid to late 1999 has been reviewing its Standing Orders Local Law. The review of the Standing Orders will complete the review of the former City of Wanneroo Local laws to ensure the City of Joondalup has a complete and updated set of enforceable local laws.

This report covers the first of two parts of the process to be followed in adopting the proposed new Standing Orders Local Law 2000. The process is in accordance with section 3.12 of the Local Government Act 1995. (The Act) The first part involves:

- *reading aloud the purpose and intent of the proposed local law, at the meeting*
- the giving of statewide and local public notice that the local government proposes to make a local law. Matters to be included in that notice:
 - (i) the purpose and effect of the local law;
 - (ii) advice that copies of the proposed local law can be obtained from the local government; and
 - (iii) inviting submissions for six weeks after giving the notice.

This process is outlined in greater detail in the background section of this report.

The report outlines the objectives applied to the review of the Standing Orders Local Law, which provides a set of enforceable procedures to assist in the good conduct of Council, committee and electors meetings.

The report also recommends that the proposed adoption of the local law be advertised to seek public comment, in order to progress making of the local law.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup and Shire of Wanneroo on creation of the two new local governments on 1 July, 1998. The Local Government Act 1995 required that local governments review their local laws. The review of the City's Standing Orders Local Law will complete this requirement.

The proposed Standing Orders Local Law has been developed in consultation with the CEO, Directors, plus Managers and staff responsible for conduct of meetings and recording of meeting proceedings. Recently adopted Standing Orders Local Laws of other local governments have also been researched and bench marked against the City's with the view to include relevant clauses in the City's proposed local law.

The following objectives have been applied to preparation of the Standing Orders Local Law:

- 1 ensure the local law complies with the Local Government Act 1995 and other applicable legislation;
- 2 make the local law easier to read and understand by:
 - using plain English;
 - breaking down lengthy, complicated clauses into a series of appropriate sub clauses;
 - applying a more modern format;
- 3 make the local law more relevant to current needs.

DETAILS

Compliance with Local Government Act 1995

The Local Government Act 1995 and Administrative Regulations made under that Act, detail much of what a local government must comply with in conducting its meetings. It is a requirement under the Act, that no local law is to be inconsistent with the provisions of the Act.

The proposed local law has been further reviewed to identify and remove any clauses or sub clauses that were a duplication of a section of the Act or Administrative Regulations. This action was taken following recent legal advice on the matter and will avoid opportunity for any inconsistency or misinterpretation.

The Department of Local Government has also produced a booklet titled, "The Preparation of Agendas and Minutes – a Guide for WA Local Governments". Each of these documents has been extensively referenced to ensure compliance with the Act and to apply recommended processes that assist in producing a sound local law that meets legislative requirements.

Using Plain English

Many former local laws were couched in legal and complicated terminology that tended to add to their confusion and make their interpretation by the general public more difficult. The modern approach applied to local laws is for them to be expressed in plain English to assist in their comprehension without the need for some legal training. This approach has been applied to make the local law easier to read and understand.

Replace Lengthy Complicated Clauses with Sub Clauses

In the past, it was common to see lengthy clauses covering a number of aspects of one matter in local laws. The use of lengthy clauses frequently complicated these matters as accent was placed on including all aspects in one clause. In many instances the content of these lengthy clauses is still relevant to the requirements of the current Act and proposed local law. Where possible, these clauses have been broken down into sub clauses containing the relevant information. The use of sub clauses will assist in making the local law easier to read and understand.

Apply Modern Format

The format applied to all new local laws is similar to that of an Act of Parliament, and combines with the other initiatives of using plain English and breaking down complicated clauses. The more open format with distinct clause headings, better clause numbering and the general improved set out has resulted in a far less cluttered document. As such, it is easier to read and an improvement on previous local law formats.

Relevance to Current Needs

The majority of the proposed local law consists of rules that facilitate opportunity for thorough and informed decision making on all matters requiring a Council decision. These rules also provide for the professional, logical and orderly progression of Council meetings, structured in a way that meets Council's responsibilities under the Local government Act 1995 and Administration Regulations. It is therefore considered that the proposed local law will effectively meet the current needs of the Council in this respect.

While many improvements have been made when compared with the current local law, there were several areas where it was necessary to concentrate on removing the confusion or opportunity for misinterpretation. Two of these areas relate to the need to disclose any interest in matters being considered at meetings and the revocation of resolutions. Both these matters have received increased attention from the Department of Local Government and are subject of report in the Annual Statutory Compliance Return.

It is likely that an amendment will be made to the Local Government (Administration) Regulations 1996 to strengthen the requirements concerning revocation of resolutions, similar to what has been included in the proposed local law.

Changes in focus

Over the past decade, the focus of all manner of business has been concentrated on improved customer service. This relates as much to local governments as any other business, as our customers increasingly expect an improved quality of service. In addition, the provisions of the Local Government Act 1995 require local governments to be more open and accountable in their dealings and that the public have access to more information.

In an attempt to achieve best practice principles, a modern approach that meets these requirements and effectively provides better customer service, has been adopted by many local governments. The modern approach involves the introduction of Briefing Sessions coupled with two Council meetings each month. The application of such meeting processes, provides the opportunity for all elected members to be equally informed, initially on an

informal basis at the Briefing Session, where matters can be thoroughly discussed before any formal decision is to be made by full Council.

Greater Public Participation

Two Council meetings each month provides Council's customers with increased opportunity to take advantage of a relatively quick decision making process. This decision making process is also seen as a significantly enhanced service in the eyes of Council's customers. In addition, those customers or interested public have the opportunity to attend just one briefing session where matters are informally considered before a formal decision is made by Council. Under the usual committee system operated by some local governments, Council members and its customers would need to attend several meetings in order to obtain the same information that is available at one briefing session.

By having two Council meetings each month, those customers or interested public who attend the meetings have the same opportunity to ask questions of the Council that was previously available by having public questions at the beginning and end of one Council meeting. Two Council meetings each month also increases the opportunity for customers to make deputations or presentations to Council.

Informed decision making

The Order of Business of meetings does not include any heading for late and urgent business. Making decisions at a meeting without the benefit of a thoroughly prepared report is considered to be a highly dangerous practice that must be avoided at all times. It is difficult to identify any matter that could not be held over to the next meeting, particularly as Council meets twice monthly. Alternatively, a special meeting could be held if necessary in order for a report to be provided and any decision being made on an informed basis. This approach is in keeping with responsible government management that is expected by the community.

All matters that are subject of a report to Council should require a decision. All reports must include recommendations outlining the action that the reporting officer considers most appropriate for Council to take. This process enables Council to effectively use the professional advice that is provided by its employees and contractors. Where Council chooses to amend those recommendations, a suitable notation explaining the reason for the amendment must be provided in the minutes of the meeting.

Benefits of the modern approach

The overall effect of having the two informal Briefing Sessions each month and two formal Council meetings is:

- All Council members can be equally informed at Briefing Sessions before having to make decisions at formal Council meetings;
- Council can make decisions for its customers in half the time of a committee and one monthly Council meeting process; and
- The opportunity for public participation in the decision making process is significantly enhanced.

Changes to Standing Orders

In an effort to assist elected members to be able to differentiate between the changes in the draft Standing Orders local law to that of the existing local law, the major changes have been identified below with an explanation.

Clauses 1 (Title); 3 (Content and intent) and 4 (Repeal)

In accordance with the new local law format, each new local law is required to include an 'intent clause'. Clause 4 details the repeal of the existing Standing Orders local law that was adopted by the former City of Wanneroo. This clause is legally required as it is not possible to have two laws covering the same matter.

Clause 10 (Public access to unconfirmed minutes of Council and committee meetings)

This clause reaffirms the requirement of the Local Government (Administration) Regulations 1996 to ensure committee and Council minutes are made available to the public within the prescribed times.

Clause 14 (Order of business)

The order of business has been amended to better reflect the modern approach that the Council has taken with its decision making. The order of business has removed the antiquated 'procedural' motions, such as:

- Questions with due notice
- Questions without due notice
- Reports of Committees
- Reports of the CEO
- Motions of which previous notice has been given
- Question time

An explanation on what each of these clauses provided and why they are no longer required is outlined as follows:

- Questions with Due Notice

This section of the order of business allowed for an elected member to ask a question at a meeting and the member shall give notice of the question to the CEO, at least ten hours before the commencement of the meeting. Both the question and the answer are to be recorded in the minutes. Every question and answer shall be submitted as briefly and as concisely as possible and no discussion shall be allowed.

The use of such a procedure is rare and achieves little as the answer is typically in a yes or no response.

- Questions without Due Notice

This procedure is not defined under the current standing orders local law. It is understood that it is a period allocated on the agenda where members may ask questions at a meeting, however answers may not necessarily be provided. If the question is taken on notice, then a response is to be provided at the next ordinary meeting.

Again, such a procedure is rarely used.

- Reports of Committees and Reports of the CEO

The Council of the day resolved to convene two ordinary meetings of the Council per month and disbanded the structural committees. Therefore there was no need to have a specific section on the agenda to discuss reports of committees and it was agreed that the reports presented be dealt with in the four specific categories. Instead, a single heading of simply "Reports" allows the CEO to prepare and submit such reports as are necessary for consideration of Council (Clause 24).

- Motions for Further Action

This is not defined within the current standing orders; however, it was seen that this item of business was a form of 'general business'. It allowed elected members to near the end of a meeting to address the Council on matters for further action, which could range from a number of issues.

A publication produced by the Department of Local Government stated that 'general business' should not be listed as an agenda item as it allows for agenda items to be raised on the spot without adequate background information. Such requests from elected members can be forwarded to the relevant directorate on a 'Councillor's Request' form or raised at a briefing session.

- Question Time

This allowed for members of the public to ask a second lot of questions of the Council following the decisions of the reports presented to the Council. The Local Government Act 1995, states that the Council shall hold a period of 15 minutes at the commencement of each meeting to allow for members of the public to ask questions.

It is suggested that with two Council meetings per month, deputation periods prior to each Council meeting and the briefing sessions being open to the public, it would be fair to say that the members of the public are now able to be party to the decision making process more now than in the past.

Clause 17, (Part 2) (Confirmation of minutes)

This clause reaffirms the requirement of the Local Government Act 1995 for the person presiding at the meeting to certify the minute book.

Clause 18 (Announcements by the Chairman without discussion)

Even though this part of the agenda is not new, this clause allows the ability for the Chairman to make announcements on the operations of the City without discussion.

Clause 20 (Disclosure of non-financial interest)

The amendment of the Local Government Act 1995 required every local government to include in its Code of Conduct the requirement for elected members and employees to declare interests of a non-financial nature. To ensure open and accountable local government, this clause has been included in the Standing Orders.

Clause 21 (On-going disclosure required)

This clause reaffirms the requirement for those persons who have an interest to declare that interest on an on-going basis, as required by legislation.

Clause 24 (Part 1) and (Part 2) (Reports)

This clause now reflects that reports can be presented to the Council whether they be from a committee or the administration. It was felt that there was no need to distinguish between reports of committees or employees in the order of business as they would fall within the one category 'reports'. This clause allows for the CEO to present reports of a late and urgent nature.

Clause 26 (Meeting closure)

The order of business reflects that the last item of business is to close the meeting. The existing Standing Orders do not specify the procedure.

Clauses 28 (Members seating); 29 (Distinguished visitor seating) and 30 (Media attendance and seating)

Clause 28 determines that the CEO is to allocate each member with a seat within the Chamber following each ordinary election. Clause 29 states that the chair to the right of the Mayor will be reserved for the special guest and that the Deputy Mayor shall occupy a seat on the Chamber floor. This is common practice amongst local governments as the Deputy Mayor is elected by the people of a particular Ward. The Standing Orders now stipulate the rules applicable to the attendance of media at the meeting and that seating will be allocated.

Clause 31 (Recording of meetings)

The current policy of the Council allows for meetings of the Council to be recorded for the purposes of minute taking. This clause stipulates that no other person is to record the proceedings of a Council or committee meeting without the permission of the Chairman.

Clause 44 (Part 2) and (Part 3) (Personal explanation and correction of fact)

This clause now allows for either elected members or employees to seek permission to correct any fact during debate. This will further assist the Council in making better informed decisions.

Clause 47 (Preservation of order – members of the public)

There may be some occasions during a meeting where a member(s) of the public interrupts the proceedings of a Council or committee meeting. This clause now allows the Chairman to take the necessary action to ensure the meeting is not interrupted.

Part 5 (Motions and Amendments)

This Part of the local law has not been substantially amended, merely better structured for the ease of interpretation.

Clause 55 (Limitation on members speaking)

This clause has been amended by the addition of part (a) which clarifies when the mover of a motion or an amendment is to speak to the motion or amendment.

Part 6 (Revocation Motions)

The Local Government Act 1995 introduced a number of changes to the operations of local government, one being the revocation of motions. This Part details the procedures to be followed when there is the requirement to revoke a previous decision of the Council.

Clause 67 (The motion be deferred)

Part 7 of the proposed Standing Orders deals with procedural motions. Clause 66 has been included to reflect that a 'motion be deferred' be a procedural motion. This clause details the procedure to be followed when a deferral motion is moved and amended.

Clause 78 (Member attending committee as observer)

It is practice amongst local governments that elected members attending a meeting of a committee of which they are not a member, to sit in an area separate from committee members. They may sit at the committee table and speak on a matter if invited to do so. This allows for the members of the committee to be clearly recognised by the Chairman and members of the public to ensure proper meeting procedures are followed.

Clause 79 (Disclosure by members who are observers at committee meetings)

This clause has been included to ensure the requirements of the Local Government Act 1995 are adhered to. The requirement to disclose interests for members of a committee that comprises 'other persons only' (being not elected members, employees) is not necessary.

Since the preparation of the original draft of the revised Standing Orders Local Law, the Council has resolved that the committee review some possible amendments.

The following is a list of those items to be reviewed:

NOTICE OF MOTION – CR ANDREW PATTERSON – ex Meeting 24.10.00

“That the Notice of Motion submitted by Cr Patterson relating to the adjournment of any Council meeting or Briefing Session which runs past 10.00 pm, be referred to the Standing Orders Review Committee for consideration.”

Officer’s Comment

The current and proposed Standing Orders Local Law includes a procedural motion that allows for a member to move that the meeting be closed. If the motion is seconded, the motion is duly voted upon. If it is carried, the Chairperson shall immediately close the meeting and no further business is 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.

The only condition placed on this clause is that if the motion is lost, then the mover of the motion to close the meeting shall not move the same motion within one hour of it being lost.

It is suggested that, as the current clause contained within the local law allows the Council to decide if it wishes to close a meeting, no further amendment is necessary to the proposed Standing Orders Local Law.

COUNCIL MEETINGS – ITEMS EN BLOC - ex CJ055-03/01

“3 REQUESTS a further report following the two trial meetings scheduled for 10 and 24 April 2001 be presented to the Council meeting scheduled to be held on 8 May 2001.”

Officer’s Comment:

Following the two trials of the various methods of considering items ‘en bloc’, a report was presented for consideration. The decision to conduct Council meetings by either of the ‘en bloc’ methods is a decision to be made by the Council.

The Department of Local Government, through its publication ‘The Preparation of Agendas and Minutes – a Guide for Western Australian Local Governments’ does not endorse the practice of adopting recommendations ‘en bloc’. Its recommended practice is that each item of business that is put before a Council for deliberation should be considered individually by the Council.

However, in the event of the current Council, or future Councils wanting to use the ‘en bloc’ method, the following clause should be included:

“Definitions

“Adoption en bloc” means the adoption by one resolution, of all or a group of recommendations from a committee or several reports, without amendment or qualification.

Adoption of recommendations en bloc

?? *Council may adopt by one resolution all the recommendations or a group of recommendations from a committee or several reports after having first identified those recommendations if any, that:*

(a) require adoption by absolute or special majority vote;

(b) there is a disclosure of interest;

(c) members have indicated they want to debate, and

each of those recommendations in (a), (b) and (c) is to be considered separately.”

THE ANNUAL GENERAL MEETING OF ELECTORS OF DECEMBER 2000 – ex
CJ075-03/01

(c) REFERS the issue of public question time be referred to the Standing Orders Committee for consideration.”

Officer’s Comment:

The proposed Standing Orders Local Law does not include the provision of a second period of public question time in the order of business. The existing Standing Orders does allow for a second period of question time (it is not included as part of the current ‘order of business’) but it is restricted to asking questions arising from decisions made at the meeting.

It is considered this is more an opportunity for the public to question elected members rather than staff about decisions the Council has made at the meeting. Staff would not be expected to provide an explanation of a Council decision, particularly where that decision is different to the officer’s recommendation.

The decision to include a second period of public question time on the order of business is a decision of the Council. Concerns relating to this could be the misinterpretation of a decision made at the meeting by a member of staff when answering a questions relating to that decision without conferring with the minutes may misinform that member of the public posing the question.

**NOTICE OF MOTION – CR M O'BRIEN – COMPLIANCE WITH LOCAL LAW S5:
STANDING ORDERS (4.1.2 – MEMBERS TO RISE) – EX C50-06/01**

“that the matter pertaining to Compliance with Local Law S5: Standing Orders (4.1.2 – Members to Rise) be REFERRED to the Standing Orders Review Committee for further consideration.”

Officer's Comment:

The requirement for a member to stand when indicating their desire to speak has not been included in the draft Standing Orders Local Law. When the review of the Standing Orders commenced, it was requested by the elected members that this not be included.

It is a decision of the Council it wishes to have this clause included. A simple clause could be drafted along the similar context as contained within the existing Standing Orders Local Law. If this was to be included it is suggested that it be drafted in the 'optional' context rather than the 'mandatory'.

Standing Orders Local Law – Application of Penalties

At a meeting of the Standing Orders Review Committee last year it was decided that the City's Solicitor, Mr John Woodhouse review and comment on those clauses that should be subject to prosecution for breaches and to which penalties should apply. The proposed Standing Orders Local Law retained the provision for prosecution for any breach of the local law as applies with the current Standing Orders. Mr Woodhouse has advised that prosecution for breaches of standing orders should be selectively applied to breaches that would potentially be most harmful to Council.

A review of other standing orders local laws was made with the WAMA model local law identified as having the most relevant clauses selectively treated. Suggested amendments to the City's standing orders were provided to Mr Woodhouse. He has reviewed those suggestions and indicated that the following clauses only should have prosecution and penalties applied. A copy of his correspondence on the matter provides some explanation to support the amendments he has proposed.

The suggested additions are shown in ***bolded italics*** and deletions are underlined. The suggested penalty values are the same as those applied under the WAMA model standing orders.

Preservation of order – Council members

- 47 (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. *under sub clause (3) commits an offence.*

Penalty \$1,000

Preservation of order – members of the public

- 48
- (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
 - (a) the Chairman may order the removal of the offending person from the meeting room; and
 - (b) *the person commits an offence.*

Penalty \$1,000

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.

- (4) Any person who does any act prohibited by sub clause (1) or (3) commits an offence.**

Penalty \$5000

It is also suggested that Clause 86 be deleted as the right to prosecute is covered under Section 9.24 of the ACT and the suggested penalty amount has been applied to each clause where prosecution provision is recommended.

Enforcement

- 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.

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

Local Law Making Procedure

Section 3.12 of the Local Government Act 1995, details the procedure that a local government must follow when making a local law. The details relating to the first stage of making a local law are:

- “3.12 (1)** In making a local law a local government is to follow the procedure described in this section, in the sequence it is described.
- (2) At a Council meeting the person presiding is to read aloud, or cause to be read aloud, a summary of the purpose and effect of the proposed local law.
- (3) The local government is to -
- (a) give statewide and local public notice stating that -
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day not less than 6 weeks after the notice is first given.

- (b) as soon as the notice is given , give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the proposed local law is proposed to be made, to that other Minister, and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law * that is not significantly different from what was proposed.

**Special Majority Required ”*

COMMENT

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the coming into operation of the proposed local law.

The City's solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the Local Government Act 1995.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment.

The review of the Standing Orders Local Law is the last of the consolidation of all the former City of Wanneroo by-laws. The review has taken many months and on two occasions the committee resolved to advertise the local law to have the Council refer the matter back to the committee for further review. If the Council cannot agree to a revised set of meeting procedures it may be beneficial to maintain the status quo and operate under the current set of Standing Orders.

OFFICER'S RECOMMENDATION: That the Standing Orders Review Committee RECOMMENDS that Council, in accordance with Section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed Local Law, "City of Joondalup Standing Orders Local Law 2001", in order to seek public comment, subject to the inclusion of the penalty provisions as detailed in this report.

The Manager Council Support Services outlined background to the review of the Standing Orders Local Law and the progress made at previous meetings of the Standing Orders Review Committee.

Cr O'Brien raised concern that the proposed Local Law was focused on the current meeting structure of two Briefing Sessions and two Council meetings per month, and asked whether an amendment would be required to the Local Law in the event that standing committees were reestablished. The Committee was advised that the wording with the proposed document was generic and did not restrict the ability to establish standing committees; further that the Local Government Act 1995 allows for the formation of committees and the Act took precedence over the Local Law.

MOVED Cr O'Brien SECONDED Cr Baker that it be recommended that Clause 48 (3) be amended as follows:

“48(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.

(4) Any member of the public who fails to comply with a direction given by the Chairman under this clause commits an offence”.

Discussion ensued in relation to the appropriate wording of this clause.

The Motion was Put and

CARRIED

MOVED Cr O'Brien SECONDED Cr Baker that it be recommended that Clause 82(1) be amended to read:

“82(1) Every matter dealt with by, or brought before a meeting sitting behind closed doors:

(a) shall be treated as strictly confidential; and

(b) without the authority of the Council, shall not 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.”

The Motion was Put and

CARRIED

Discussion ensued in relation to:

- ‘Business of Meeting’ – a query was raised regarding the change of terminology relating to non-financial interest.
- ‘Definitions’ – a query was raised as to whether the definition of CEO should also reflect where a person acted in that capacity during the absence of the CEO. No change was required.
- Clause 8(1) – a query was raised as to whether the words “open to the public” should be deleted. No change was required.

Cr Hollywood entered the room at 1756 hrs.

- ‘Order of Business’ – a query was raised as to whether the order of business should include “Motions for Consideration at a Subsequent Meeting’. Following discussion, no change was required.
- ‘Application for Leave of Absence’ – a query was raised as to whether to amend the wording of Clause 16(1) to “CEO *and/or Mayor*”. Following discussion, no change was required.
- ‘Revocation Motions’. No change was required.

Mayor Bombak left the Room at 1807 hrs.

- ‘Questions raised by Elected Members’ – a query was raised as to whether this should be included on the order of business. It was considered that information sought by elected members should be raised at other forums to enable the administration to prepare a report for consideration. No change was required.

MOVED Cr O'Brien SECONDED Cr Baker that the Standing Orders Review Committee RECOMMENDS that Council, in accordance with Section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed Local Law, “City of Joondalup Standing Orders Local Law 2001”, in order to seek public comment, subject to:

- **the inclusion of the penalty provisions as detailed in this report;**
- **the amendment to Clause 48(3) – Preservation of order – members of the public;**
- **the amendment to Clause 82(1) – Confidentiality.**

The Motion was Put and

CARRIED

CLOSURE

There being no further business, the Chairman declared the meeting closed at 1817 hrs.